

Byron Mallott
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520 465.5400 Fax
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460 269.0263
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Gary Mendivil, Department of Environmental Conservation

FROM: Scott Meriwether, Office of the Lieutenant Governor - 465.4081 

DATE: November 29, 2016

RE: Filed Permanent Regulations: Department of Environmental Conservation
Regulations re: air quality, updated items adopted by reference, and excess emissions (18 AAC 50.030; 18 AAC 50.240(b))

Attorney General File: JU2016200740

Regulation Filed: November 29, 2016

Effective Date: December 29, 2016

Print: 220, January 2017

cc with enclosures: Linda Miller, Department of Law
Dianne Blumer, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The attached one page of regulations, dealing with air quality standards for startup, shutdown and malfunction are hereby adopted and certified to be a correct copy of the regulation changes that the Department of Environmental Conservation adopts under the authority of AS 46.03 and AS 46.14 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Environmental Conservation paid special attention to the cost to private persons of the regulatory action being taken. The Department of Environmental Conservation also gave special attention to alternate practical methods in this regulatory action, as required by AS 46.03.024.

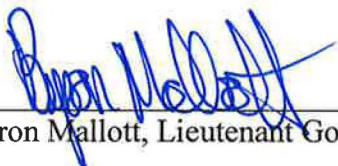
The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor as provided in AS 44.62.180.

DATE: October 20, 2016
Juneau, Alaska


Larry Hartig, Commissioner
Department of Environmental Conservation

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on November 29
2016, at 8:16 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 –
44.62.120.


Byron Mallott, Lieutenant Governor

Effective:

December 29, 2016

Register:

220, January 2017

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
P.O. BOX 111800
JUNEAU, ALASKA 99801-1800

**LIMITED DELEGATION OF AUTHORITY
FOR ADOPTING REGULATIONS**

IN ACCORDANCE WITH AS 44.17.010, THE AUTHORITY AND RESPONSIBILITY FOR ADOPTING REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION UNDER THE ALASKA ADMINISTRATIVE PROCEDURE ACT DURING THE PERIOD SEPTEMBER 27, 2016 THROUGH OCTOBER 20, 2016, ARE DELEGATED TO ALICE L. EDWARDS, DEPUTY COMMISSIONER.

SIGNED:



Larry Hartig, Commissioner

Date

Sept. 26th 2016

Introductory

The ~~lead-in~~ language of 18 AAC 50.030 is amended to read:

NOVEMBER 26, 2016

control

18 AAC 50.030. State air quality plan. Volumes II and III of the *State Air Quality Control Plan* for implementing and enforcing the provisions of AS 46.14 and this chapter, as amended through {effective date of the regulations} [~~DECEMBER 17, 2015~~], are adopted by reference. The plan includes the following documents which are also adopted by reference:

« added / underlined »

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 9/4/98, Register 147; am 1/1/2000, Register 152; am 12/30/2000; Register 156; am 9/21/2001, Register 159; am 1/27/2002, Register 161; am 3/27/2002, Register 161; am 5/3/2002, Register 162; am 2/20/2004, Register 169; am 6/24/2004, Register 170; am 10/1/2004, Register 171; am 12/14/2006, Register 180; am 12/30/2007, Register 184; am 5/17/2008, Register 186; am 7/25/2008, Register 187; am 11/9/2008, Register 188; am 5/6/2009, Register 190; am 11/4/2009, Register 192; am 4/1/2010, Register 193; am 10/29/2010, Register 196; am 4/13/2011, Register 198; am 9/17/2011, Register 199; am 8/1/2012, Register 203; am 5/8/2013, Register 206; 2/5/2015, Register 213; am 4/17/2015, Register 214; am 3/2/2016, Register 217; am 12/29/2016, Register 220)

CRM

am 11/26/2016, Register 220;

Authority: AS 46.03.020 AS 46.14.030 Sec. 30, ch. 74, SLA 1993
AS 46.14.020 AS 46.14.140

18 AAC 50.240(b) is amended to read:

(b) Excess emissions **violations that the department determines** [DETERMINED] to be unavoidable under this section [WILL BE EXCUSED AND] are not subject to penalty **by the department**. This section does not limit the department's power to enjoin the emission or require corrective action.

(Eff. 1/18/97, Register 141; am 10/1/2004, Register 171; am 12/29/2016, Register 220)

Authority: AS 46.03.020 AS 46.14.140 AS 46.14.560
AS 46.14.030

« Publisher: at the end of the editor's note that follows 18 AAC 50.030, please add a new paragraph to read as follows: »

In Register 220 (January 2017), the Department of Environmental Conservation made two updates to the State Air Quality Control Plan, adopted by reference in 18 AAC 50.030: one update dated ^{« dated »} September 7, 2016, that took effect November 26, 2016; and a later update dated October 20, 2016, that took effect ^{date} {effective date of regulations}. The text of 18 AAC 50.030 gives the effective ^{date} of the second update, and thus incorporates the effective date of the prior update. For each update, a separate effective date appears in the history note for 18 AAC 50.030.