

**DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**



18 AAC 50

Air Quality Control

Adoption Draft

May 18, 2016

**Bill Walker
Governor**

**Larry Hartig
Commissioner**

18 AAC 50.010(4) is amended to read:

(4) for ozone: a daily maximum eight-hour average of **.070** [.075] parts per million, with this standard being attained when the three-year average of the annual fourth-highest daily maximum eight-hour average ozone concentration is less than or equal to **.070** [.075] parts per million;

...

18 AAC 50.010(7) is repealed:

(7) repealed __/__/____; and

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 10/1/2004, Register 171; am 4/1/2010, Register 193; am 9/17/2011, Register 199; am 1/4/2013, Register 205; am 4/17/2015, Register 214; am __/__/____, Register __)

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

AS 46.14.010

18 AAC 50.020(a), Table 2 is amended to read:

Table 2. Baseline Areas and Dates

Baseline Area	Air Pollutant	Minor Source Baseline Date
Cook Inlet Intrastate Air Quality Control Region	Nitrogen dioxide	February 8, 1988
	Sulfur dioxide	October 12, 1979
	PM-10	March 20, 1982
	PM-2.5	September 14, 2012
Northern Alaska Intrastate Air Quality Control Region	Nitrogen dioxide	February 8, 1988
	Sulfur dioxide	June 1, 1979
	PM-10	November 13, 1978
	PM-2.5	November 2, 2012
South Central Alaska	Nitrogen dioxide	February 8, 1988

Intrastate Air Quality Control Region	Sulfur dioxide	October 26, 1979
	PM-10	October 26, 1979
	PM-2.5	<u>October 15, 2015</u> [TO BE ESTABLISHED UNDER 40 C.F.R. 52.21(b)(14)(ii), ADOPTED BY REFERENCE IN 18 AAC 50.040(h)]
Southeast Alaska Intra-state Air Quality Control Region	Nitrogen dioxide	February 8, 1988
	Sulfur dioxide	November 10, 1986
	PM-10	To be established under 40 C.F.R. 52.21(b)(14)(ii), adopted by reference in 18 AAC 50.040(h)
	PM-2.5	To be established under 40 C.F.R. 52.21(b)(14)(ii), adopted by reference in 18 AAC 50.040(h)

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 10/1/2004, Register 171; am 7/25/2008, Register 187; am 1/4/2013, Register 205; am 4/17/2015, Register 214; am __/__/__, Register __)

Authority: AS 46.03.020 AS 46.14.010 AS 46.14.030

18 AAC 50.035(a)(3) is amended to read:

(3) the United States Environmental Protection Agency's (EPA) publication AP-42, *Compilation of Air Pollutant Emission Factors, Volume I: Stationary Point and Area Sources*, Fifth Edition with Supplements A – F and annual updates, as updated through **April 2015** [DECEMBER 2007];

...

18 AAC 50.035(a)(7) is amended to read:

(7) AERSCREEN *User's Guide*, **EPA-454/B-15-005, dated July 2015** [EPA-454/B-11-011, DATED MARCH 2011];

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 7/2/2000, Register 154; am 2/2/2002, Register 161; am 5/3/2002, Register 162; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 7/25/2008, Register 187; am 11/9/2008, Register 188; am 4/1/2010, Register 193; am 9/17/2011, Register 199; am 4/8/2012, Register 202; am 9/14/2012, Register 203; am 1/4/2013, Register 205; am 4/17/2015, Register 214; am ___/___/____, Register ___)

Authority: AS 46.03.020 AS 46.14.020 AS 46.14.140

AS 46.14.010 AS 46.14.030 Sec. 30, ch. 74, SLA 1993

18 AAC 50.040(a) is amended to read:

18 AAC 50.040. Federal standards adopted by reference. (a) The following provisions of 40 C.F.R. Part 60 (Standards of Performance for New Stationary Sources), revised

as of **February 1, 2016** [MARCH 19, 2014], are adopted by reference as they apply to a Title V source:

...

18 AAC 50.040(a)(2) is amended by adding new paragraphs to read:

(XX) Subpart TTTT (Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units);

(YY) Subpart UUUU (Emission Guidelines for Greenhouse Gas Emissions and Compliance Times for Electric Utility Generating Units);

...

18 AAC 50.040(b) is amended to read:

(b) The following provisions of 40 C.F.R. Part 61 (National Emission Standards for Hazardous Air Pollutants), revised as of **July 1, 2015** [FEBRUARY 27, 2014], are adopted by reference as they apply to a Title V source:

...

18 AAC 50.040(c) is amended to read:

(c) The following provisions of 40 C.F.R. Part 63 (National Emission Standards for Hazardous Air Pollutants), revised as of **February 1, 2016** [FEBRUARY 27, 2014], are adopted by reference as they apply to a Title V source:

...

18 AAC 50.040(d) is amended to read:

(d) The provisions of 40 C.F.R. Part 82, revised as of **January 1, 2016** [JULY 22, 2013], are adopted by reference to the extent that they apply to a Title V source.

...

18 AAC 50.040(e) is amended to read:

(e) The requirements of 40 C.F.R. 52.70 - 40 C.F.R. 52.98, revised as of **July 1, 2015** [JULY 1, 2014], as they apply to a Title V source and for purposes of a Title V permit, are adopted by reference.

...

18 AAC 50.040(f) is amended to read:

(f) The provisions of 40 C.F.R. Part 51, Appendix W (Guideline on Air Quality Models), revised as of **July 1, 2015** [JULY 1, 2013], are adopted by reference.

...

18 AAC 50.040(g) is amended to read:

(g) The following provisions of 40 C.F.R. Part 62 (Approval and Promulgation of State Plans for Designated Facilities and Pollutants), revised as of **July 1, 2015** [SEPTEMBER 6, 2013], are adopted by reference as they apply to a Title V source:

...

18 AAC 50.040(g)(3) is amended to read:

(3) Subpart HHH (Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed on or Before **December 1, 2008** [JUNE 20, 1996]);

...

18 AAC 50.040(h) is amended to read:

(h) The following provisions of 40 C.F.R. 51.166 (Prevention of Significant Deterioration of Air Quality) and 40 C.F.R. Part 52 (Approval and Promulgation of Implementation Plans), revised as of **December 28, 2015** [DECEMBER 9, 2013], are adopted by reference:

...

18 AAC 50.040(i) is amended to read:

(i) From the following provisions of 40 C.F.R. 51.165 (Permit Requirements), revised as of **July 1, 2015** [JULY 1, 2013], text setting out provisions that a state implementation plan shall or may contain is adopted by reference as follows:

...

18 AAC 50.040(j) is amended to read:

(j) The following provisions of 40 C.F.R. Part 71 (Operating Permits), revised as of **July 1, 2015** [JULY 1, 2013], are adopted by reference as they apply to a Title V source, except as provided in 18 AAC 50.326:

...

18 AAC 50.040(k) is amended to read:

(k) The provisions of 40 C.F.R. Part 64, revised as of **July 1, 2015** [JULY 1, 2013], are adopted by reference to the extent that they apply to a Title V source.

(Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; am 7/2/2000, Register 154; am 6/1/2002, Register 162; am 8/15/2002, Register 163; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 7/25/2008, Register 187; am 12/9/2010, Register 196; am 9/14/2012/ Register 203; am 1/4/2013, Register 205; am 10/6/2013, Register 208; am 11/9/2014, Register 212; am 4/17/2015, Register 214; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.14.020 AS 46.14.030
AS 46.14.010

18 AAC 50.055(a)(2) and (3) are repealed:

(2) repealed __/__/____;

(3) repealed __/__/____;

...

18 AAC 50.055(a)(7) and (8) are repealed:

(7) repealed __/__/____;

(8) repealed __/__/____; and

...

18 AAC 50.055(b)(4) is repealed:

(4) repealed __/__/____;

...

18 AAC 50.055(b)(6) is repealed:

(6) repealed __/__/____.

...

18 AAC 50.055(f) is repealed:

(f) Repealed __/__/____.

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 11/4/99, Register 152; am 5/3/2002, Register 162; am 10/1/2004, Register 171; am 7/25/2008, Register 187; am 12/9/2010, Register 196; am __/__/____, Register __)

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

AS 46.14.010 AS 46.14.030

18 AAC 50.060 is repealed:

18 AAC 50.060. Pulp mills. Repealed.

(Eff. 1/18/97, Register 141; repealed __/__/____, Register __)

18 AAC 50.215(a)(3) is amended to read:

(3) EPA's *Meteorological Monitoring Guidance for Regulatory Modeling*

Applications, adopted by reference in 18 AAC 50.035(a), **EPA's Quality Assurance Handbook**

for Air Pollutant Measurement Systems; Volume IV; Meteorological Measurements Version

2.0, adopted by reference in 18 AAC 50.035(a), and the department's *Quality Assurance*

Project Plan for the State of Alaska Air Monitoring & Quality Assurance Program, adopted by reference in 18 AAC 50.030, for meteorological data; or

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 10/1/2004, Register 171; am 7/25/2008, Register 187; am 4/1/2010, Register 193; am 10/29/2010, Register 196; am 9/17/2011, Register 199; am 9/14/2012, Register 203; am 1/4/2013, Register 205; am 4/17/2015, Register 214; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.14.140 Sec. 30, ch. 74, SLA 1993
AS 46.14.030 AS 46.14.180

18 AAC 50.345(o) is amended to read:

(o) Within 60 days after completing a source test, the permittee shall submit **one certified copy** [TWO COPIES] of the results in the format set out in the *Source Test Report Outline*, adopted by reference in 18 AAC 50.030. The permittee shall certify the results in the manner set out in (j) of this section. If requested in writing by the department, the permittee must provide preliminary results in a shorter period of time specified by the department.

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 5/3/2002, Register 162; am 10/1/2004, Register 171; am 11/9/2008; am 9/14/2012, Register 203; am __/__/____; Register ____)

Authority: AS 46.03.020 AS 46.14.120 AS 46.14.140
AS 46.14.010 AS 46.14.130 AS 46.14.180
AS 46.14.020

18 AAC 50.346(b) is amended to read:

(b) In a Title V permit, the department will use the standard permit conditions listed in this subsection, unless the department determines that emission unit-specific or stationary source-specific conditions more adequately meet the requirements of this chapter or that no comparable condition is appropriate for the Title V source or emission unit. The following standard permit conditions prepared by the department are adopted by reference:

(1) Standard Permit Condition I – Emission Fees, as revised as of **May 4, 2016** [SEPTEMBER 27, 2010];

(2) Standard Permit Condition III – Excess Emissions and Permit Deviation Reports, as revised as of September 27, 2010;

(3) Standard Permit Condition IV – Notification Form, as revised as of September 27, 2010;

(4) Standard Operating Permit Condition V – Insignificant Sources, as revised as of September 27, 2010;

(5) Standard Operating Permit Condition VI – Good Air Pollution Control Practices, as revised as of August 25, 2004;

(6) Standard Operating Permit Condition VII – Operating Reports, as revised as of **May 4, 2016** [SEPTEMBER 27, 2010].

(7) Standard Operating Permit Conditions XIV – Document Submittals and Electronic Copies, as revised as of August 20, 2008;

(8) Standard Operating Permit Condition XV – Emission Inventory Reporting, as revised as of **May 4, 2016** [SEPTEMBER 27, 2010];

(9) Standard Operating Permit Condition XVI – Emission Inventory

Reporting Form, as revised as of **May 4, 2016** [SEPTEMBER 27, 2010].

(Eff. 5/3/2002, Register 162; am 10/1/2004, Register 171; am 11/9/2008, Register 188;

am 12/9/2010, Register 196; am __/__/____, Register ____)

Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.180
	AS 46.14.010	AS 46.14.130	AS 46.14.250
	AS 46.14.020	AS 46.14.140	

18 AAC 50.410(a) is amended to read:

18 AAC 50.410. Emission fees. (a) For each period from July 1 through the following June 30, the permittee, owner, or operator shall pay to the department an annual emission fee based on the stationary source's assessable emissions for that year for each stationary source that is subject to a permit under this chapter. The emissions fee is assessed per ton for each air pollutant for which projected emissions are 10 tons per year or greater[, EXCEPT AS LIMITED UNDER AS 46.14.250(e)].

...

18 AAC 50.410(c) is amended to read:

(c) The quantity of emissions for which fees will be assessed is the lesser of the stationary source's

(1) potential to emit; or

(2) projected annual rate of emissions, as that term is used in AS 46.14.250,

when [IF] demonstrated by credible evidence of actual emissions based upon the most representative information available among

- (A) an enforceable test method described in 18 AAC 50.220;
- (B) material balance calculations;
- (C) emission factors from EPA's *Compilation of Air Pollutant Emission Factors, Volume I: Stationary Point and Area Sources*, adopted by reference in

18 AAC 50.035; [OR]

- (D) other methods and calculations approved by the department,

including appropriate vendor-provided emissions factors when sufficient documentation is provided.

(Eff. 1/18/97, Register 141; am 5/3/2002, Register 162; am 10/16/2003, Register 168; am 10/1/2004, Register 171; am 1/29/2005, Register 173; am 12/3/2005, Register 176; am 12/14/2006, Register 180; am 6/18/2009, Register 190; am 7/1/2010, Register 194; add'l am 7/1/2010, Register 194; am 9/26/2015, Register 215; am ___/___/___; Register ___)

Authority: AS 44.46.025 AS 46.14.140 AS 46.14.250
AS 46.03.020

18 AAC 50.502(c) is amended by adding a new paragraph to read;

- (v) 10 TPY of direct PM-2.5 emissions;

(4) beginning a physical change to or a change in the method of operation of an existing stationary source with a potential to emit an air pollutant that is less than or equal to an amount listed in (1) of this subsection that will cause for that pollutant an emissions increase calculated at the discretion of the owner or operator as either an increase in

- (A) potential to emit that is greater than**

- (i) 15 TPY of PM-10**

(ii) 40 TPY of sulfur dioxide;

(iii) 40 TPY of nitrogen oxides;

(iv) 100 TPY of carbon monoxide for a stationary source

within 10 kilometers of a carbon monoxide nonattainment area; or

(v) 10 TPY of direct PM-2.5 emissions; or

(B) actual emissions and a net emissions increase greater than

(i) 15 TPY of PM-10

(ii) 40 TPY of sulfur dioxide;

(iii) 40 TPY of nitrogen oxides;

(iv) 100 TPY of carbon monoxide for a stationary source

within 10 kilometers of a carbon monoxide nonattainment area; or

(v) 10 TPY of direct PM-2.5 emissions.

...

18 AAC 50.502(e) is amended to read:

(e) For the purposes of (c)(3)(B) **and (c)(4)(B)** of this section, actual emissions shall be calculated by comparing projected actual emissions to the baseline actual emissions. In determining the projected actual emissions, before beginning actual construction, the owner or operator of the stationary source shall

...

The lead in language of 18 AAC 50.502(f) is amended to read:

(f) If the owner or operator elects to base permit applicability for a modification on a calculation of actual emissions, if the project does not need a minor permit based on that calculation, and if a reasonable possibility exists that the project may result in an emissions increase greater than the thresholds in (c)(3) **or (c)(4), as applicable,** of this section, the owner or operator shall comply with the following:

...

18 AAC 50.502(f)(1)(C) is amended to read:

(C) a description of the applicability test used to determine that the project is not a modification subject to (c)(3) **or (c)(4), as applicable,** of this section for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under (e)(3) of this section, an explanation for why that amount was excluded, and any netting calculations, if applicable;

...

18 AAC 50.502(f)(5) is amended to read:

(5) if the emissions unit is an existing unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the department if the annual emissions, in tons per year, from the project identified in (1) of this subsection, exceed the baseline actual emissions, as documented and maintained under (1)(C) of this subsection, by an amount exceeding the thresholds in (c)(3) **or (c)(4), as applicable,** of this section for that regulated NSR pollutant, and if those emissions differ from the reconstruction projection as

documented and maintained under (1)(C) of this subsection; the report shall be submitted to the department within 60 days after the end of that year; the report must contain the following:

...

18 AAC 50.502(g) is amended to read:

(g) An increase in emissions under (c)(3) **or (c)(4)** of this section does not require a permit under that paragraph if a plantwide applicability limitation (PAL) is established for the stationary source under 40 C.F.R. 52.21(aa), adopted by reference in 18 AAC 50.040.

...

18 AAC 50.502(h)(3)(A) is amended to read:

(A) any increase in emissions of an air pollutant at a stationary source [WITH EXISTING EMISSIONS OF THAT AIR POLLUTANT GREATER THAN THE AMOUNTS LISTED IN (C)(1) OF THIS SECTION]; notwithstanding 40 C.F.R. 52.21(a)(2)(iv), as reference in 40 C.F.R. 52.21(b)(3)(i)(a), “net emissions increase” is not restricted to a significant emissions increase or significant net emissions increase within the meaning of 40 C.F.R. 52.21(b)(3), (23), and (40), or to a major stationary source; and

...

18 AAC 50.502(h)(3)(B) is amended to read:

(B) the calculation of whether a modification requires a minor permit under (c)(3) **or (c)(4)** of this section, rather than whether the modification is a major modification;

(Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172; am 12/3/2005, Register 176; am 7/25/2008, Register 187; am 12/9/2010, Register 196; am 1/4/2013, Register 205; am 11/9/2014, Register 212; am __/__/____, Register ____)

Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	

18 AAC 50.540(c)(2)(A) is amended to read:

(A) each air pollutant for which a permit is required under 18 AAC 50.502(c)(1), [or] (3), **or (4)**;
(Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172; am 12/3/2005, Register 176; am 7/25/2008, Register 187; am 12/9/2010, Register 196; am 12/9/2010, Register 196; am 9/14/2012, Register 203; am 1/4/2013, Register 205)

Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	

18 AAC 50.542(b)(5) is amended to read:

(5) [IF THE APPROVAL CRITERIA OF (F) OF THIS SECTION ARE MET,] the department will issue **its** [THE] permit **determination in accordance with the approval criteria of (f) of this section** within 30 days after receiving **a complete** [THE] application.

...

18 AAC 50.542(d)(1) is amended by adding a new subparagraph to read:

(E) the department will make a preliminary decision to approve the application only if the application includes all information required by 18 AAC 50.540, and the department finds that the approval criteria of (f) of this section will be met; the department will include in a preliminary permit any conditions necessary to assure compliance with this chapter; **and**

(F) the department will request public comment on any alternative modeling approvals issued under 18 AAC 50.215(c)(2); this public comment period will coincide with the public comment period for the draft permit, to the extent practicable;

(Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172; am 7/25/2008, Register 187; am 12/9/2010, Register 196; am 1/4/2013, Register 205; am __/__/____, Register ____)

Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	AS 46.14.200