

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




530 West 7<sup>th</sup> 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, AAC Contact  
Department of Environmental Conservation

**FROM:** Scott Meriwether  
Special Assistant   
907.465.3509

**DATE:** October 15, 2013

**RE:** Filed Permanent Regulations: Department of Environmental Conservation  
  
Department of Environmental Conservation Regulations re: 18 AAC 50.015 - .990: Air  
Quality Control Adoption Updates: 18 AAC 50.015 - .990

---

Attorney General File:	JU2013200015
Regulation Filed:	9/6/2013
Effective Date:	10/6/2013
Print:	208, January 2014

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

JU2013200015

ORDER ADOPTING CHANGES TO  
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION


The attached thirteen pages of regulations, dealing with the Air Quality Control Adoption Updates is 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.

Although no comments were received, 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: August 7, 2013  
Juneau, Alaska

  
Lynn Kent, Deputy Commissioner  
Department of Environmental Conservation  
(under delegation from Commissioner Hartig)

FILING CERTIFICATION

I, Mead Treadwell, Lieutenant Governor for the State of Alaska, certify that on September 6, 2013, at 10:00 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

  
Mead Treadwell, Lieutenant Governor

Effective: October 6, 2013

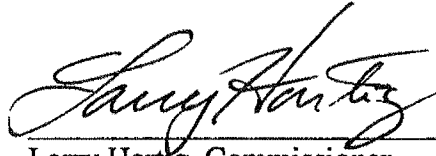
Register: 208, January 2014

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

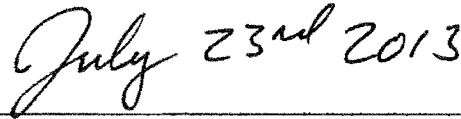
**LIMITED DELEGATION OF AUTHORITY  
FOR ADOPTING REGULATIONS**

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 JULY 29, 2013 THROUGH AUGUST 21, 2013, ARE DELEGATED TO LYNN KENT, DEPUTY COMMISSIONER.

SIGNED:

  
\_\_\_\_\_  
Larry Hartig, Commissioner

DATE :

  
\_\_\_\_\_

18 AAC 50.015(b)(2) is amended to read:

*Publisher:  
Please  
check  
quotation  
marks in  
18 AAC 50.  
They should  
be straight  
not curved,  
there are  
mixed  
styles  
in the  
chapter.  
DEB*

(2) for PM-10, [~~3~~]

[(A)] Mendenhall Valley Area of Juneau [; AND

(B) EAGLE RIVER AREA OF ANCHORAGE].

18 AAC 50.015 is amended by adding a new subsection to read:

(e) The following area is subject to maintenance plan requirements for PM-10, as required under 42 U.S.C. 7505a, and as adopted by reference in 18 AAC 50.030 as part of the state air quality control plan: Eagle River area of Anchorage. (Eff. 1/18/97, Register 141; am 2/20/2004, Register 169; am 6/24/2004, Register 170; am 10/10/2004, Register 171; am 12/9/2010, Register 196; am 10/6/2013, Register 208)

**Authority:** AS 46.03.020 AS 46.14.010 AS 46.14.030

The lead-in language of 18 AAC 50.040(a) is amended to read:

(a) The following provisions of 40 C.F.R. Part 60 (Standards of Performance for New Stationary Sources), as revised as of April 24, 2013 [JULY 1, 2011], are adopted by reference as they apply to a Title V source[, EXCEPT THAT THE PROVISIONS ADOPTED BY REFERENCE IN (2)(JJ) AND (LL) OF THIS SUBSECTION ARE ADOPTED BY REFERENCE AS OF OCTOBER 8, 2009 AS THEY APPLY TO A TITLE V SOURCE]:

18 AAC 50.040(a)(2)(A) is amended to read:

(A) Subpart D (Standards of Performance for Fossil Fuel Steam Generators [FOR WHICH CONSTRUCTION IS COMMENCED AFTER AUGUST 17, 1971]);

18 AAC 50.040(a)(2)(B) is amended to read:

(B) Subpart Da (Standards of Performance for Electrical Utility Steam Generating Units [FOR WHICH CONSTRUCTION IS COMMENCED AFTER SEPTEMBER 18, 1978]);

18 AAC 50.040(a)(2)(F) is repealed and readopted to read:

(F) Subpart Ea (Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and on or Before September 20, 1994) and Subpart Eb (Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996);

18 AAC 50.040(a)(2)(G) is amended to read:

(G) Subpart Ec (Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996 [HOSPITAL, MEDICAL, AND INFECTIOUS WASTE INCINERATORS]);

18 AAC 50.040(a)(2)(T) is amended to read:

(T) Subpart Y (Standards of Performance for Coal Preparation **and Processing** Plants);

18 AAC 50.040(a)(2)(Z) is amended to read:

(Z) Subpart VV (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry **for which Construction Reconstruction, or Modification Commences After January 5, 1981, and on or Before November 7, 2006**);

18 AAC 50.040(a)(2)(BB) is amended to read:

(BB) Subpart GGG (Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries **for which Construction, Reconstruction, or Modification Commenced After January 4, 1983 and on or Before November 7, 2006**);

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

(TT) Subpart Ja (Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007);

(UU) Subpart VVa (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006);

(VV) Subpart GGGa (Standards of Performance for Equipment Leaks of

VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006);

(WW) Subpart OOOO (Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution);

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

(3) the Provisions of Appendices A-I [A-F]

•••

The lead-in language of 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), as revised as of July 1, 2012 [JULY 1, 2011], 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 [FOR SOURCE CATEGORIES]), as revised as of April 24, 2013 [FEBRUARY 17, 2011], are adopted by reference as they apply to a Title V source:

(1) Subpart A (General Provisions), except 40 C.F.R. 63.5(e)(2) - (f);

(2) Subpart B (Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j)), except that

(A) 40 C.F.R. 63.50 and 40 C.F.R. 63.54 are not adopted; and

(B) the requirements of 40 C.F.R. 63.51 - 40 C.F.R. 63.53, 40 C.F.R.

63.55, and 40 C.F.R. 63.56 apply to the owner or operator of a hazardous air pollutant

major source that includes one or more sources from a category or subcategory established under 42 U.S.C. 7412(c)(1) (Clean Air Act, sec. 112(c)(1)) for which the EPA administrator has failed to promulgate an emission standard within 18 months after the deadline established for doing so in 42 U.S.C. 7412(e) (Clean Air Act, sec. 112(e));

- (3) Subpart D (Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants);
- (4) Subpart M (National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities);
- (5) Subpart N (**National Emission Standards for Chromium Emissions From Hard and Decorative** Chromium Electroplating and Anodizing **Tanks**);
- (6) Subpart Q (**National Emission Standards for Hazardous Air Pollutants** **for** Industrial Process Cooling Towers);
- (7) Subpart R (**National Emission Standards for** Gasoline Distribution Facilities: Bulk Gasoline Terminals and Pipeline Breakout Stations);
- (8) Subpart T (**National Emission Standards for** Halogenated Solvent Cleaning);
- (9) Subpart Y (**National Emission Standards for** Marine Tank Vessel Loading Operations);
- (10) Subpart CC (**National Emission Standards for Hazardous Air Pollutants** **from** Petroleum Refineries);
- (11) Subpart DD (**National Emission Standards for Hazardous Air Pollutants** **from** Off-Site Waste and Recovery Operations);



(12) Subpart GG (National Emission Standards for Aerospace Manufacturing and Rework Facilities);

(13) Subpart HH (National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities);

(14) Subpart II (National Emission Standards for Shipbuilding and Ship Repair (Surface Coating));

(15) Subpart JJ (National Emission Standards for Wood Furniture Manufacturing Operations);

(16) Subpart KK (National Emission Standards for the Printing and Publishing Industry);

(17) Subpart HHH (National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities);

(18) Subpart LLL (National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry [PLANTS]);

(19) Subpart UUU (National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units);

(20) Subpart AAAA (National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills);

(21) Subpart EEEE (National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline));

(22) Subpart YYYY (National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines);

- (23) Subpart ZZZZ (National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines);
- (24) Subpart GGGGG (National Emission Standards for Hazardous Air Pollutants: Site Remediation);
- (25) Subpart PPPPP (National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands);
- (26) Subpart LLLLLL (National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources);
- (27) Subpart MMMMMM (National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources);
- (28) Subpart NNNNNN (National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds);
- (29) Subpart OOOOOO (National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources);
- (30) Subpart PPPPPP (National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources);
- (31) Subpart QQQQQQ (National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources);
- (32) Appendix A (Test Methods Pollutant Measurement Methods From Various Waste Media);
- (33) Appendix B (Sources Defined for Early Reduction Provisions);
- (34) Subpart BBBBBB (National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline

Facilities);

(35) Subpart CCCCCC (National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities);

(36) Subpart EEEEEEE (National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category);

**(37) Subpart DDDDD (National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters);**

**(38) Subpart UUUUU (National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electrical Utility Steam Generating Units);**

**(39) Subpart JJJJJ (National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers).**

...

The lead-in language of 18 AAC 50.040(d) is amended to read:

(d) The provisions of 40 C.F.R. Part 82, as revised as of **July 1, 2012** [JULY 1, 2011], are adopted by reference to the extent that they apply to a Title V source.

...

The lead-in language of 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** [52.97], as revised as of **March 18, 2013** [JULY 1, 2011], as they apply to a Title V source and for purposes of a Title V permit, are adopted by reference.

...

~~The lead-in language of 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), as revised as of July 1, 2012 [JULY 1, 2011], are adopted by reference.

...

The lead-in language of 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), as revised as of July 1, 2012 [JULY 1, 2011], are adopted by reference as they apply to a Title V source:

...

The lead-in language of 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), as revised as of April 1, 2013 [JULY 1, 2011], are adopted by reference:

18 AAC 50.040(h)(4)(C) is amended to read:

(C) the following provisions are not adopted, and the terms defined in those provisions have the meanings given in 18 AAC 50.990:

(i) 40 C.F.R. 52.21(b)(51) (“reviewing authority”) [IS NOT ADOPTED, AND THE TERM DEFINED IN THAT PROVISION HAS THE MEANING GIVEN IN 18 AAC 50.990];

(ii) 40 C.F.R. 52.21(b)(20) (“fugitive emissions”);

...

The lead-in language of 18 AAC 50.040(i) is amended to read:

(i) From the following provisions of 40 C.F.R. 51.165 (Permit Requirements), as revised as of **July 1, 2012** [JULY 1, 2011], text setting out provisions that a state implementation plan shall or may contain is adopted by reference as follows:

• • •

18 AAC 50.040(i)(1)(B) is amended by adding a new sub-subparagraph to read:

**(iii) 40 C.F.R. 51.165(a)(1)(ix) (“fugitive emissions”);**

18 AAC 50.040(i)(2) is amended to read:

(2) **40 C.F.R. 51.165(a)(1)(v)** [ 40 C.F.R. 51.165.(a)(2)(ii)] (**Major modification**

[MAJOR MODIFICATIONS]);

18 AAC 50.040(i)(4) is amended to read:

(4) **40 C.F.R. 51.165(a)(1)(iv)(C)** [40 C.F.R. 51.165(a)(4) (Fugitive Emissions)];

18 AAC 50.040(i)(5) is repealed:

(5) repealed 10/6/2013

18 AAC 50.040(i)(6) is amended to read:

(6) **40 C.F.R. 51.165(a)(1)(xxviii)** [40 C.F.R. 51.165(a)(6)] (Projected Actual

Emissions)

• • •

The lead-in language of 18 AAC 50.040(j) is amended to read:

(j) The following provisions of 40 C.F.R. Part 71 (Operating Permits), as revised as of **July 1, 2012** [AUGUST 2, 2010], are adopted by reference **as they apply to a Title V source**, except as provided in 18 AAC 50.326:

...

The lead-in language of 18 AAC 50.040(k) is amended to read:

(k) The provisions of 40 C.F.R. Part 64, as revised as of **July 1, 2012** [JULY 1, 2011], 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)

**Authority:** AS 46.03.020 AS 46.14.020 AS 46.14.030  
AS 46.14.010

18 AAC 50.225(b)(7) is repealed:

(7) repealed 10/6/2013;

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 10/1/2004, Register 171; am 1/29/2005, Register 173; am 7/25/2008, Register 187; am 12/9/2010, Register 196; am 9/14/2012, Register 203; am 10/6/2013, Register 208)

**Authority:** AS 46.03.020 AS 46.03.030 AS 46.14.140  
AS 46.14.020 AS 46.14.120

18 AAC 50.260(a)(1)(A) is amended to read:

(A) “fugitive emissions” has the meaning given in **18 AAC 50.990**

[AS 46.14.990];

(Eff. 12/30/2007, Register 184; am 7/1/2010, Register 194; am 10/6/2013, Register 208)

**Authority:** AS 46.03.710            AS 46.14.020            Sec. 30, ch. 74, SLA 1993  
AS 46.14.010            AS 46.14.030

18 AAC 50.321(f)(2) is amended to read:

(2) terms used in this section that are not defined in 40 C.F.R. 63.41 have the meaning given in the Clean Air Act and 40 C.F.R. 63, Subpart A, except that “construction,” “emission standard,” [“FUGITIVE EMISSIONS,”] “hazardous air pollutant,” “operator,” “owner,” “potential to emit,” and “stationary source” have the meanings given in AS 46.14.990 **and “fugitive emissions” has the meaning given in 18 AAC 50.990.**

(Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172; am 10/6/2013, Register 208)

**Authority:** AS 46.14.010            AS 46.14.020

18 AAC 50.990(40) is amended to read:

(40) "fugitive emissions" has the meaning given in **40 C.F.R. 51.166(b)(20), as revised as of July 1, 2012, and adopted by reference** [AS 46.14.990];

18 AAC 50.990(121) is amended to read:

(121) “volatile organic compound” or “VOC” has the meaning given in 40 C.F.R. 51.100(s), as revised as of **April 18, 2013** [JULY 1, 2009], and adopted by reference;

(Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; am 9/4/98, Register 147; am 11/4/99, Register 152; am 1/1/2000, Register 152; am 2/2/2002, Register 161; am 5/3/2002, Register 162; am 11/15/2002, Register 164; am 8/8/2003, Register 167; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 12/30/2007, Register 184; am 7/25/2008, Register 187; am 4/1/2010, Register 193; am 12/9/2010, Register 196; am 9/17/2011, Register 199; am 9/14/2012, Register 203; am 10/6/2013, Register 209)

<b>Authority:</b>	AS 44.46.025	AS 46.14.140	AS 46.14.250
	AS 46.03.020	AS 46.14.150	AS 46.14.255
	AS 46.03.710	AS 46.14.160	AS 46.14.280
	AS 46.14.010	AS 46.14.170	AS 46.14.285
	AS 46.14.020	AS 46.14.180	AS 46.14.290
	AS 46.14.030	AS 46.14.210	AS 46.14.300
	AS 46.14.120	AS 46.14.230	AS 46.14.560
	AS 46.14.130	AS 46.14.240	Sec. 30, ch. 74, SLA 1993