

Mead Treadwell
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, AAC Contact
Department of Environmental Conservation

FROM: Scott Clark
Special Assistant 
907.465.4081

DATE: August 30, 2011

RE: Filed Permanent Regulations: Department of Environmental Conservation

Department of Environmental Conservation Regulations re: 18 AAC 50: Air Quality Control: National Ambient Air Quality; Standards; Sulfur Dioxide: 18 AAC 50.010; 18 AAC 50.035; 18 AAC 50.215; 18 AAC 50.220; 18 AAC 50.326; 18 AAC 50.990

Attorney General File:	JU2010201533
Regulation Filed:	8/18/2011
Effective Date:	9/17/2011
Print:	199, October 2011

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

ORDER ADOPTING CHANGES TO
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

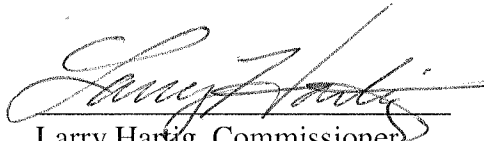
The attached five pages of regulations, dealing with sulfur dioxide, small particulate matter and greenhouse gas emissions are hereby adopted and certified to be a correct copy of the regulation changes that the Department of Environmental Conservation adopts under the authority of AS 46.03.020, AS 46.14.010, AS 46.14.030, and AS46.14.140 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: August 3, 2011
Anchorage, Alaska

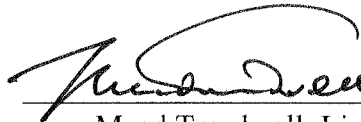


Larry Hartig, Commissioner
Department of Environmental Conservation

FILING CERTIFICATION

I, Mead Treadwell, Lieutenant Governor for the State of Alaska, certify that on

August 18, 2011, at 3:37p m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Mead Treadwell, Lieutenant Governor

Effective: September 17, 2011

Register: 199, October 2011

18 AAC 50.010(2) is amended by adding a new subparagraph to read:

(D) one-hour average sulfur dioxide concentration of 196 micrograms per cubic meter, ^(with this standard being) attained when the three-year average of the annual, 99th percentile, daily maximum, one-hour sulfur dioxide concentration is less than or equal to 196 micrograms per cubic meter, as determined in accordance with 40 C.F.R. Part 50, Appendix T, adopted by reference in 18 AAC 50.035(b);

(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)

Authority: AS 46.03.020 AS 46.14.030 Sec. 30, ch. 74, SLA 1993
AS 46.14.010

The lead-in language of 18 AAC 50.035(b) is amended to read:

(b) The following procedures and methods set out in 40 C.F.R., as revised as of July 1, **2010** [2009], are adopted by reference:

• • •

18 AAC 50.035(b)(1) is amended to read:

(1) 40 C.F.R. Part 50, Appendices A, D, F, G, J, K, L, N, P, Q, [AND] **R, and T**;
(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)

Authority: AS 46.03.020 AS 46.14.030 Sec. 30, ch. 74, SLA 1993
 AS 46.14.010 AS 46.14.140
 AS 46.14.020

18 AAC 50.215(d) is amended to read:

(d) Table 5 establishes the significant impact level, expressed as micrograms per cubic **meter** [METERS], for each pollutant and averaging **period** [TIME]. If the ambient impacts from emissions from a stationary source or modification are less than the concentrations in Table 5, the emissions are not considered to cause or contribute to a violation of an ambient air quality standard or maximum allowable increase for a Class II area.

Table 5) Significant Impact Levels (SILs)

Pollutant	Significant impact level (micrograms per cubic meter)				
	Averaging period [TIME (HOURS)]				
	Annual	24 hours	8 hours	3 hours	1 hour
Sulfur dioxide	1.0	5	N/A	25	8 [#] [N/A]
PM-10	1.0	5	N/A	N/A	N/A
<u>PM-2.5</u>	<u>0.3</u>	<u>1.2</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Nitrogen dioxide	1.0	N/A	N/A	N/A	N/A

Carbon monoxide	N/A	N/A	500	N/A	2,000
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Note to Table 5: In this table, "N/A" means not applicable.

(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)

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 50.220(c)(1)(F) is amended to read:

→ (F) source testing for emissions of PM-10 **and PM-2.5** must follow the procedures set out in Appendix M to 40 C.F.R. Part 51, adopted by reference in 18 AAC 50.035; (Eff. 1/18/97, Register 141; am 10/1/2004, Register 171; am 9/17/2011, Register 199)

Authority: AS 46.03.020 AS 46.14.030 Sec. 30, ch. 74, SLA 1993
AS 46.14.010 AS 46.14.140
AS 46.14.020

The lead-in language of 18 AAC 50.326(e) is amended to read:

(e) **Applications – insignificant emission units: emission rate basis.** Except as provided in (d) of this section, an emission unit is insignificant based on emission rate if its actual emissions of each air pollutant are less than the rates listed in [(1) - (15) OF] this subsection. If requested by the department, an applicant or permittee shall demonstrate that an

emission unit listed as insignificant under this subsection has actual emissions less than the following rates:

• • •

18 AAC 50.326(e)(15) is repealed and readopted to read:

(15) for greenhouse gases, 3,750 TPY of CO₂ equivalent emissions (CO₂e);

18 AAC 50.326(e) is amended by adding a new paragraph to read:

(16) 0.5 TPY for any regulated air pollutant not listed in (1) - (15) of this subsection.

(Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172; am 9/17/2011, Register 199)

Authority:	AS 46.03.020	AS 46.14.140	AS 46.14.190
	AS 46.14.010	AS 46.14.150	AS 46.14.220
	AS 46.14.020	AS 46.14.170	AS 46.14.230
	AS 46.14.120	AS 46.14.180	AS 46.14.515
	AS 46.14.130		

18 AAC 50.990 is amended by adding new paragraphs to read:

⁽¹³²⁾
~~(131)~~ "greenhouse gases" has the meaning given in 40 C.F.R. 52.21, adopted by
 reference in 18 AAC 50.040;
⁽¹³¹⁾
~~(132)~~ "CO₂ equivalent emissions of (CO₂e)" has the meaning given in 40 C.F.R.
 52.21, adopted by reference in 18 AAC 50.040;

(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)

Authority:	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