

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Standard Permit Condition III – Excess Emissions and Permit Deviation Reports

**Permit Condition for Air Quality Permits
Adopted by Reference in 18 AAC 50.346**

August 25, 2004

Revised {adoption date of these regulations}[AUGUST 20, 2008]

Standard Permit Condition III – Excess Emissions and Permit Deviation Reports

Stationary Source Categories This Condition applies to: All stationary source types.

The department will use standard permit condition III in each construction or operating permit unless the department determines that emission unit or stationary source specific conditions more adequately meet the requirements of 18 AAC 50.

Permit Wording:

1. Excess Emissions and Permit Deviation Reports.

- 1.1 Except as provided in condition *<insert standard condition concerning air pollution prohibited number>*, the permittee shall report all emissions or operations that exceed or deviate from the requirements of this permit as follows:
 - a. in accordance with 18 AAC 50.240(c), as soon as possible after the event commences or is discovered, report
 - (i) emissions that present a potential threat to human health or safety; and
 - (ii) excess emissions that the permittee believes to be unavoidable;
 - b. in accordance with 18 AAC 50.235(a), within two working days after the event commenced or was discovered, report an unavoidable emergency, malfunction, or nonroutine repair that causes emissions in excess of a technology based emission standard;
 - c. report all other excess emissions and permit deviations
 - (i) within 30 days of the end of the month in which the emissions **occurred** [OR DEVIATION OCCURS], except as provided in condition[S III.1.1C(**III**[II]) AND] III.1.1c(**iv**[iii]); or
 - (ii) **for a permit deviation not classified as also resulting in excess emissions under III.1.1(a), then report the earlier of:**
 - (A) **within 30 days of the end of the month in which the deviation is discovered; or**
 - (B) **no later than the date required by the next Annual Compliance Certification, Condition *<insert cross link***

to ACC reporting date condition> after the event occurred.

- (iii) **Or**, if a continuous or recurring excess emissions is not corrected within 48 hours of discovery, within 72 hours of discovery unless the department provides written permission to report under condition III.1.1c(i); and
 - (iv) for failure to monitor, as required in other applicable conditions of this permit.
- 1.2 When reporting **either** excess emissions **or permit deviations**, the permittee **shall** [MUST] report using either the department's on-line form, which can be found at <http://www.dec.state.ak.us/air/ap/site.htm> or [https://myalaska.state.ak.us/dec/air/airtoolsweb/\[HTTPS://MYALASKA.STATE.AK.US/DECA/AIR/AIRTOOLSWEB/\]](https://myalaska.state.ak.us/dec/air/airtoolsweb/[HTTPS://MYALASKA.STATE.AK.US/DECA/AIR/AIRTOOLSWEB/), or, if the permittee prefers, the form contained in condition <insert standard permit condition concerning notification form number> of this permit. The permittee must provide all information called for by the form that is used.
- 1.3 If requested by the department, the permittee shall provide a more detailed written report as requested to follow up on an excess emissions report.

The following applies to this standard permit condition:

1. The permit will include condition III.1.1c(iii) only if the permit also contains another condition which has an emission unit specific schedule for reporting the failure to monitor emissions.
2. Construction permits will not include the phrase "and permit deviations" in condition III.1.1c, but where necessary will use stationary source specific conditions for reporting failure to test or monitor.

STATEMENT OF BASIS FOR THE PERMIT CONDITIONS

The state and federal regulations for each Condition are cited in Operating Permit No. *<Insert Operating Permit Number>*.

Condition *<insert condition reference>*, Excess Emission and Permit Deviation Reports

Applicability: Applies when the emissions or operations deviate from the requirements of the permit.

Factual Basis: This condition satisfies two state regulations related to excess emissions - the technology-based emission standard regulation and the excess emission regulation. Although there are some differences between the regulations, the condition satisfies the requirements of each regulation.

The Department adopted this condition as Standard Permit Condition III under 18 AAC 50.346(c) pursuant to AS 46.14.010(e). The Department made a correction to the Standard Operating Permit Condition III to allow identical reporting methodology for both Excess Emissions and Permit Deviations reports which use identical forms and should have identical submissions methods. The Department also made an allowance to submit permit deviations not classified as excess emissions within 30 days of the end of the month that the deviation is discovered since the deviation cannot be reported absent discovery, or no later than the next ACC report since reasonable inquiry should lead to a discovery of any permit deviations. Beyond as noted above, the Department has previously determined that the standard conditions adequately meet the requirements of 40 C.F.R. 71.6(a)(3). No additional emission unit or stationary source operational or compliance factors indicate the unit-specific or stationary-source-specific conditions would better meet the requirements. Therefore, the Department concludes that the standard conditions as modified meets the requirements of 40 C.F.R. 71.6(a)(3).

<Insert section cross reference>, Notification Form

The Department modified the notification form contained in Standard Permit Condition IV in a revised rulemaking dated August 20, 2008 to more adequately meet the requirements of Chapter 50, Air Quality Control. The rulemaking for these changes took effect November 9, 2008. The modification consisted of correcting typos and moving "Failure to Monitor/Report" and "Recordkeeping Failure" to Section 2 - permit deviations. **The department modified the standard condition to allow both excess emissions and permit deviations to be reported online via the Departmental online submission system.**