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STATE OF ALASKA
OFFICE OF THE LIEUTENANT GOVERNOR
JUNEAU

MEMORANDUM

To: Gary Mendivil, AAC Contact
Department of Environmental Conservation
Date: October 10, 2008

From: Jason Hooley
Special Assistant 
Telephone: (907) 465-4082

Re: Filed Permanent Regulations: Department of Environmental Conservation

Air Quality and Standard Permit Conditions: 18 AAC 50.030(9); 18 AAC 50.035(a)(1);
18 AAC 50.345(a), (j); 18 AAC 50.346; 18 AAC 50.544(a)(5)

Attorney General File: 993-08-0043
Regulation Filed: 10/10/2008
Effective Date: 11/9/2008
Print: 188, January 2009

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis
Eugene Harnett, Administrative Regulation Review Committee
Shalon Szymanski, Administrative Regulation Review Committee
Thomas Turner, DEC

FOR DELEGATION OF LIEUTENANT GOVERNOR'S AUTHORITY

I, SEAN PARNELL, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, as authorized by AS 44.62.080, designate the following Special Assistant to the Lieutenant Governor to perform the Administrative Procedures Act filing functions of the Lieutenant Governor:

Jason Hooley, Special Assistant, Office of the Lieutenant Governor

IN TESTIMONY WHEREOF, I
have signed and affixed the Seal of
the State of Alaska, at Anchorage, on
July 31, 2007.

Sean Parnell

SEAN PARNELL
LIEUTENANT GOVERNOR



ORDER ADOPTING CHANGES TO
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

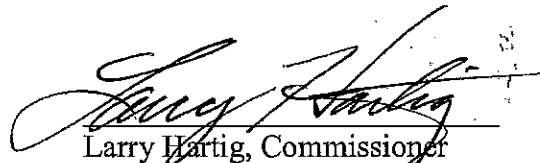
The attached 6 pages of regulations, dealing with Air Quality Control are hereby adopted and certified to be a correct copy of the regulation changes that the Department of Environmental Conservation adopts under the authority of AS 46.03 and AS 46.14 and after compliance with the Administrative Procedure 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.

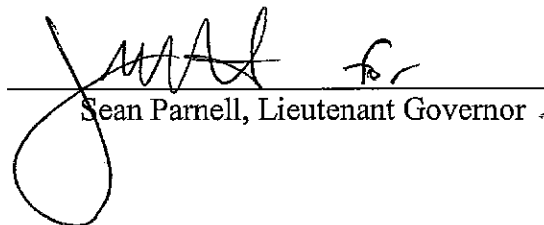
The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor as provided in AS 44.62.180.

DATE: October 2, 2008
Anchorage, Alaska


Larry Hartig, Commissioner
Department of Environmental Conservation

FILING CERTIFICATION

Jason M. Hooley for
I, *Sean Parnell*, Lieutenant Governor for the State of Alaska, certify that on October 10,
2008, at 11:40a.m., I filed the attached regulations according to the provisions of AS 44.62.040 –
44.62.120.


Sean Parnell, Lieutenant Governor

Effective: November 9, 2008

Register: 188, January 2009

FOR DELEGATION OF LIEUTENANT GOVERNOR'S AUTHORITY

I, SEAN PARNELL, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, as authorized by AS 44.62.080, designate the following Special Assistant to the Lieutenant Governor to perform the Administrative Procedures Act filing functions of the Lieutenant Governor:

Jason Hooley, Special Assistant, Office of the Lieutenant Governor

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, at Anchorage, on July 31, 2007.

Sean Parnell

SEAN PARNELL
LIEUTENANT GOVERNOR



18 AAC 50.030(9) is amended to read:

(9) the department's *Performance Audits for COMS*, revised as of **{adoption date of these regulations}** [JANUARY 26, 2004];

(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 3/2/2002, 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 __/__/2008, Register ____)

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 50.035(a)(1) is amended to read:

18 AAC 50.035. Documents, procedures, and methods adopted by reference. (a)

The following documents are adopted by reference:

(1) the department's *In Situ Burning Guidelines for Alaska*, revised **March 2008** [MARCH 22, 2001];

(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 __/__/2008, 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 50.345(a) is amended to read:

18 AAC 50.345. Construction, minor, and operating permits: standard permit conditions. (a) Subsections (b) – (o) of this section set out standard permit conditions that the department will include in each operating permit. The department may include the conditions set out in (c)(1) and (2) and (d) – (o) of this section in each **minor permit and** construction permit. The conditions set out in (m) – (o) of this section do not apply to visible emissions observations by smoke readers, except in connection with required particulate matter testing.

18 AAC 50.345(j) is amended to read:

(j) The permittee shall certify **any permit application**, [ALL] report [REPORTS], **affirmation, or** compliance certifications [, OR OTHER DOCUMENTS] submitted to the department and required under the permit by including the signature of a responsible official for the permitted stationary source following the statement: “Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete.” Excess emission reports must be certified either upon submittal or with an operating report required for the same reporting period. All other reports and other documents must be certified upon submittal.

(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 __/__/____, 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 is amended to read:

18 AAC 50.346. Construction and operating permits: other permit

conditions. (a) For a construction permit or Title V permit, the department will use the standard permit condition 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 stationary source or emission unit. The department's Standard Permit Condition II – Air Pollution Prohibited, as revised as of August 25, 2004, is adopted by reference.

(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 August 25, 2004;

(2) Standard Permit Condition III – Excess Emissions and Permit Deviation Reports, as revised as of ***{adoption date of these regulations}*** [AUGUST 25, 2004];

(3) Standard Permit Condition IV – Notification Form, as revised

as of August 25, 2004;

(4) Standard Operating Permit Condition V – Insignificant Sources, as revised as of August 25, 2004;

(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 {adoption date of these regulations}; [AUGUST 25, 2004.]

(7) Standard Operating Permit Condition XIV – Document Submittals and Electronic Copies, as revised as of {adoption date of these regulations}.

(c) Unless the department determines that emission unit-specific or stationary source-specific conditions more adequately meet the requirements of this chapter, the department will use the standard operating permit conditions listed in Table 7 of this subsection for the respective emission unit or emission unit types identified in the table. The standard operating permit conditions listed in Table 7 are adopted by reference.

Table 7	
Emission Unit or Activity	Standard Permit Condition
-Gas-fired fuel burning equipment, except flares	Standard Operating Permit Condition VIII – Visible Emissions and Particulate Matter Monitoring Plan for Gas-Fired Fuel Burning Equipment, August 25, 2004

<ul style="list-style-type: none"> -Stationary diesel engines -Liquid-fired stationary turbines -Other liquid-fired fuel burning equipment 	<p>Standard Operating Permit Condition IX –Visible Emissions and Particulate Matter Monitoring Plan for Liquid-Fired Sources, <u><i>{adoption date of these regulations}</i></u>[AUGUST 25, 2004]</p>
<ul style="list-style-type: none"> -Coal fired boilers -Coal handling equipment -Construction of gravel pads or roads that are part of a permitted stationary source, or other construction that has the potential to generate fugitive dust that reaches ambient air -Commercial, industrial, municipal solid waste, air curtain, and medical waste incinerators -Sewage sludge incinerators not using wet methods to handle the ash -Mines -Urea manufacturing -Soil remediation units -Dirt roads under the control of the operator with frequent vehicle traffic 	<p>Standard Operating Permit Condition X</p> <ul style="list-style-type: none"> - Reasonable Precautions to Prevent Fugitive Dust, August 25, 2004

<p>–Other sources the department finds are likely to generate fugitive dust</p>	
<p>–Fuel burning equipment burning liquid fuel</p>	<p>Standard Operating Permit Condition XI – SO₂ Emissions from Oil Fired Fuel Burning Equipment, August 25, 2004</p>
<p>–Fuel burning equipment burning liquid fuel</p>	<p>Standard Operating Permit Condition XII – SO₂ Material Balance Calculation, August 25, 2004</p>
<p>–Coal fired boilers</p>	<p>Standard Operating Permit Condition XIII – Coal Fired Boilers, <u><i>{adoption date of these regulations}</i></u>[AUGUST 25, 2004]</p>

(d) Repealed 10/1/2004. (Eff. 5/3/2002, Register 162; am 10/1/2004,

Register 171; 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 50.544(a)(4) is amended to read:

(4) include the requirements of an owner requested limit under 18 AAC 50.225 that applies to the stationary source[.]; **and**

18 AAC 50.544 is amended by adding a new paragraph to read:

(5) include the standard permit conditions in 18 AAC 50.345, as warranted.

(Eff.10/1/2004, Register 171; am 12/1/2004, Register 172; am 1/29/2005, Register 173; am 7/25/2008, Register 187; am __/__/2008, 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 46.14.250