

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 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 or deviation occurs, except as provided in conditions III.1.1c(ii) and III.1.1c(iii);
 - (ii) 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
 - (iii) for failure to monitor, as required in other applicable conditions of this permit.

- 1.2 When reporting excess emissions, the permittee 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/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 When reporting a permit deviation, the permittee must report using 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.
- 1.4 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.

In accordance with 40 CFR 71.6(a)(3)(iii)(C), a deviation is not always a violation. For a situation lasting more than 24 hours, which constitutes a deviation, each 24-hour period is considered a separate deviation. "Deviation" as defined in 40 CFR 71 means both "excess emission" and "permit deviation" as used in this permit, which includes:

1. a situation where emissions exceed an emission limitation or standard;
2. a situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met;
3. a situation in which observations or data collected demonstrate noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit (including indicators of compliance revealed through parameter monitoring);
4. a situation in which any testing, monitoring, recordkeeping or reporting required by this permit is not performed or not performed as required;
5. a situation in which an exceedance or an excursion, as defined in 40 CFR Part 64, occurs; and,
6. failure to comply with a permit term that requires submittal of a report.

In accordance with 18 AAC 50.990(34) "excess emissions" means "emissions of an air pollutant in excess of any applicable emission standard or limitation", which is the situation described in item 1 above definitions 40 CFR 71. These definitions shall be considered in determining an "excess emissions" or "permit deviation" when reporting an occurrence using the ADEC notification form.

The reports themselves and the other monitoring records required under this permit provide monitoring of whether the Permittee has complied with the condition. Please note that there may be additional federally required excess emission reporting requirements.

<Insert section cross reference>, Notification Form

The department modified the notification form, deviating from standard permit condition IV, to more adequately meet the requirements of Chapter 50, Air Quality Control. The modification consisted of updating the current Department e-mail address in the report form used for submission of this form due to recent changes at the Department.