

MEMORANDUM State of Alaska

Department of Environmental Conservation

Division of Air and Water Quality

TO: John M. Stone, Chief

Robert W. Hughes, Manager

Air Quality Maintenance Section

DATE: December 11, 1997

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FROM: John F. Kuterbach, Environ. Engineering Assoc

Air Quality Maintenance Section

SUBJECT: Facilities authorized to construct under pre-1/18/97 regulations

In this memorandum I present my analysis of a regulation applicability issue. The issue deals with facilities which were authorized to construct and operate under the pre-1/18/97 regulations, but which have not completed construction. My analysis explains how our current permitting regulations apply to these facilities.

Construction Permits--Is a construction permit under the new regulations required for these facilities? I have determined that a construction permit is not required. I base this determination on 18 AAC 50.340(i), which requires facilities to comply with their pre-

1/18/97 permit requirements, and on the fact that the pre-1/18/97 permit-to-operate served as our pre-construction approval.

Operating Permits--When is an operating permit application required? I have determined that the permittee must submit an operating permit application within 12 months of beginning operation. I decided on this date because the original purpose serves the same function as the construction permit, and because we previously decided that a new facility that needs a construction permit becomes subject to AS 46.14.120(b) on the day it begins operation.

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cc: AQM Staff

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