Alaska Administrative Code Title 18 Environmental Conservation,
Chapter 50 Air Quality Control
(18 AAC 50)

Article 1. Ambient Air Quality Management.

18 AAC 50.005. Purpose and applicability of chapter.

(a) The purpose of this chapter is to identify, prevent, abate, and control air pollution in a manner that meets the purposes of AS 46.03, AS 46.14, and 42 U.S.C. 7401 - 7671q (Clean Air Act).

(b) The requirements of this chapter apply to any person who allows or causes air pollutants to be emitted into the ambient air.

State effective: 10/1/2004; EPA approval: 8/14/2007, 72 FR 45378; EPA effective: 9/13/2007

18 AAC 50.007. Local government powers or obligations under a local air quality control program.

Nothing in 18 AAC 50.010 - 18 AAC 50.110 alters a local government's powers or obligations under a local air quality control program established under AS 46.14.400 and other local laws, as applicable.

State effective: 2/28/2015; EPA approval: 9/8/2017, 82 FR 42457; EPA effective: 10/10/2017

18 AAC 50.010. Ambient air quality standards.

The standards for concentrations of air pollutants in the ambient air, measured, determined, or predicted by an analytical method described in 18 AAC 50.035 or 18 AAC 50.215, are established as follows:

(1) for particulate matter, as follows:

(A) for PM-10: a 24-hour average of 150 micrograms per cubic meter, with this standard being attained when the expected number of days in a calendar year with a 24-hour average concentration above 150 micrograms per cubic meter, as determined in accordance with 40 C.F.R. Part 50, Appendix K, adopted by reference in 18 AAC 50.035(b), is less than or equal to one;

(B) for PM-2.5:

(i) an annual arithmetic mean concentration of 12.0 micrograms per cubic meter, with this standard being attained when the three-year

average of the annual arithmetic mean concentration is less than or equal to 12.0 micrograms per cubic meter; for purposes of this sub-subparagraph, a figure must be rounded to the nearest .1 microgram per cubic meter, as required in 40 C.F.R. Part 50, Appendix N, sec. 4.3(a), adopted by reference in 18 AAC 50.035(b);

(ii) a 24-hour average concentration of 35 micrograms per cubic meter, with this standard being attained when the three-year average of the annual 98th percentile 24-hour concentration is less than or equal to 35 micrograms per cubic meter; for the purposes of the sub-paragraph, a figure must be rounded to the nearest one microgram per cubic meter, as required in 40 C.F.R. Part 50, Appendix N, sec. 4.3(b), adopted by reference in 18 AAC 50.035(b);

(2) for sulfur oxides, measured as sulfur dioxide:

(A) annual arithmetic mean of 80 micrograms per cubic meter;

(B) 24-hour average of 365 micrograms per cubic meter not to be exceeded more than once each year; and

(C) three-hour average of 1300 micrograms per cubic meter not to be exceeded more than once each year;

(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);

(3) for carbon monoxide:

(A) eight-hour average of 10 milligrams per cubic meter not to be exceeded more than once each year; and

(B) one-hour average of 40 milligrams per cubic meter not to be exceeded more than once each year;

(4) for ozone: a daily maximum eight-hour average of .070 parts per million, with this standard being attained when the three-year average of the annual fourth-highest daily maximum eight-hour average ozone concentration is less than or equal to .070 parts per million;

(5) for oxides of nitrogen, measured as nitrogen dioxide:

(A) annual average nitrogen dioxide concentration of 100 micrograms per cubic meter; with this standard being attained when the average of the one-hour

nitrogen dioxide concentrations in a calendar year is less than or equal to 100 micrograms per cubic meter, as determined in accordance with 40 C.F.R. Part 50, Appendix S, adopted by reference in 18 AAC 50.035(b);

(B) one-hour average nitrogen dioxide concentration of 188 micrograms per cubic meter, with this standard being attained when the three-year average of the annual, 98th percentile, daily maximum, one-hour nitrogen dioxide concentration is less than or equal to 188 micrograms per cubic meter, as determined in accordance with 40 C.F.R. Part 50, Appendix S, adopted by reference in 18 AAC 50.035(b);

(6) for lead: an arithmetic mean concentration over a three-month period of .15 micrograms per cubic meter, with this standard being attained when the maximum arithmetic three-month mean concentration for a three-year period is less than or equal to .15 micrograms per cubic meter;

(7) repealed 8/2/2016; and

~~(8) for ammonia: 2.1 milligrams per cubic meter, averaged over any consecutive eight hours not to be exceeded more than once each year.~~

State effective: 8/20/2016; EPA approval: 8/28/2017, 82 FR 40712; EPA effective: 9/27/2017

18 AAC 50.015. Air quality designations, classifications, and control regions.

(a) To identify an area by its air quality, all geographic areas in the state are designated by the federal administrator as "attainment," "nonattainment," or "unclassifiable." An area is designated "attainment" for a particular air pollutant if its air quality meets the ambient air quality standard for that air pollutant. If air quality does not meet the ambient standard for a particular air pollutant, that area is designated "nonattainment" for that air pollutant. If there is insufficient information to classify an area as attainment or nonattainment for a particular air pollutant, the area is designated "unclassifiable" for that air pollutant.

(b) The following areas have been designated by the federal administrator in 40 C.F.R. part 81 as "nonattainment" for the specified air pollutants:

(1) for carbon monoxide:

(A) repealed 6/24/2004;

(B) repealed 6/24/2004;

(2) repealed 4/17/2015;

(3) for PM-2.5: Fairbanks and North Pole urban area.

(c) To establish standards for the prevention of significant deterioration of air quality, geographic areas in the state are

(1) divided into four "air quality control regions" as follows:

(A) Cook Inlet Intrastate Air Quality Control Region;

(B) Northern Alaska Intrastate Air Quality Control Region;

(C) South Central Alaska Intrastate Air Quality Control Region; and

(D) Southeast Alaska Intrastate Air Quality Control Region; and

(2) classified as shown in Table 1 in this subsection for each air pollutant for which the area is designated "unclassifiable" or "attainment."

Table 1.
Air Quality Classifications

Classification	Geographic Area
Class I areas	Denali National Park including the Denali Wilderness but excluding the Denali National Preserve
	Bering Sea National Wildlife Refuge designated as a National Wilderness Area
	Simeonof National Wildlife Refuge designated as a National Wilderness Area
	Tuxedni National Wildlife Refuge designated as a National Wilderness Area
Class II areas	All other geographic areas in Alaska not classified as Class I or Class III
Class III areas	No areas in Alaska

(d) The following areas are subject to maintenance plan requirements for carbon monoxide, as required under 42 U.S.C. 7505a, and as adopted by reference in 18 AAC 50.030 as part of the state air quality control plan:

(1) the Municipality of Anchorage;

(2) Fairbanks and North Pole urban area.

(e) The following areas are subject to maintenance plan requirements for PM-10, as required under 42 U.S.C. 7505a, and as adopted by reference in 18 AAC 50.030 as part of the state air quality control plan:

(1) Eagle River area of Anchorage;

(2) Mendenhall Valley area of Juneau.

State effective: 11/7/2020; EPA approval: 2/10/2022, 87 FR 7722; EPA effective: 3/14/2022

18 AAC 50.020. Baseline dates and maximum allowable increases.

(a) In an area designated nonattainment in 18 AAC 50.015(b), the provisions of this section do not apply to the nonattainment air pollutant. However, this section does apply to all other air pollutants listed in Table 2 in this subsection.

Table 2.
Baseline Areas and Dates

Baseline Area	Air Pollutant	Minor Source Baseline Date
Cook Inlet Intrastate Air Quality Control Region	Nitrogen dioxide	February 8, 1988
	Sulfur dioxide	October 12, 1979
	PM-10	March 20, 1982
	PM-2.5	September 14, 2012
Northern Alaska Intrastate Air Quality Control Region	Nitrogen dioxide	February 8, 1988
	Sulfur dioxide	June 1, 1979
	PM-10	November 13, 1978
	PM-2.5	November 2, 2012
South Central Alaska Intrastate Air Quality Control Region	Nitrogen dioxide	February 8, 1988
	Sulfur dioxide	October 26, 1979
	PM-10	October 26, 1979
	PM-2.5	October 15, 2015
Southeast Alaska Intra-state Air Quality Control Region	Nitrogen dioxide	February 8, 1988
	Sulfur dioxide	November 10, 1986
	PM-10	To be established under 40 C.F.R. 52.21(b) (14)(ii), adopted by reference in 18 AAC 50.040(h).
	PM-2.5	To be established under 40 C.F.R. 52.21(b) (14)(ii), adopted by reference in 18 AAC 50.040(h).

(b) To establish standards for the prevention of significant deterioration of air quality,

(1) minor source baseline dates for determining the ambient concentration of certain air pollutants are established for each baseline area listed in Table 2 in (a) of this section;

(2) in areas designated as Class I, II, or III, increases in air pollutant concentration over the baseline concentration shall be limited to the concentrations in Table 3 in this subsection;

(3) for any period other than an annual period, the applicable maximum allowable increase may be exceeded during one such period per year at any one location;

(4) the baseline concentrations and maximum allowable increases shall be measured or predicted by a method described in 18 AAC 50.215; and

(5) a concentration may not exceed the ambient air quality standard described in 18 AAC 50.010 for that pollutant.

Table 3.
Maximum Allowable Increases

Classification of area in 18 AAC 50.015(c) Table 1	Air Pollutant	Maximum allowable increase (micrograms per cubic meter)
CLASS I	PM-10: Annual arithmetic mean..... 24-hour maximum	 .....4 8
	Sulfur dioxide: Annual arithmetic mean..... 24-hour maximum ..... 3-hour maximum	 .....2 .....5 25
	Nitrogen dioxide: Annual arithmetic mean.....	 .....2.5
	PM-2.5: Annual arithmetic mean ……... 24-hour maximum…….	 ……1 ……2
CLASS II	PM-10: Annual arithmetic mean..... 24-hour maximum	 .....17 30
	Sulfur dioxide: Annual arithmetic mean..... 24-hour maximum ..... 3-hour maximum	 .....20 .....91 512
	Nitrogen dioxide: Annual arithmetic mean.....	25
	PM-2.5: Annual arithmetic mean…… 24-hour maximum…….	 ……4 ……9
CLASS III	PM-10: Annual arithmetic mean..... 24-hour maximum	 .....34 60

Sulfur dioxide: Annual arithmetic mean..... 24-hour maximum ..... 3-hour maximum	 .....40 .....182 700
Nitrogen dioxide: Annual arithmetic mean.....	50
PM-2.5: Annual arithmetic mean……. 24-hour maximum…….	 ……8 ……..18

(c) Repealed 10/1/2004.

(d) Repealed 10/1/2004.

(e) For purposes of this section, the baseline concentrations within a baseline area are determined according to the provisions in 40 CFR 52.21(b)(13), adopted by reference in 18 AAC 50.040(h).

(f) In this section, "commence" has the meaning given in 40 C.F.R. 52.21(b), adopted by reference in 18 AAC 50.040.

(g) For purposes of this section, the baseline area is every part of an air quality control region described in 18 AAC 50.015 that is designated as attainment or unclassifiable, and in which the major source or major modification establishing the minor source baseline date would construct or would have an air quality impact for the pollutant for which the baseline date is established, as follows:

(1) equal to or greater than one microgram per cubic meter on an annual average basis for sulfur dioxide, nitrogen dioxide, or PM-10;

(2) equal to or greater than 0.3 micrograms per cubic meter on an annual average basis for PM-2.5.

State effective: 8/20/2016; EPA approval: 8/28/2017, 82 FR 40712; EPA effective: 9/27/2017

18 AAC 50.025. Visibility and other special protection areas.

(a) Visibility special protection areas are established to prevent impairment of visibility. The following areas are designated visibility special protection areas:

(1) Mt. Deborah and the Alaska Range East, as viewed from approximately the Savage River Campground area;

(2) Denali, Alaska Range, and the Interior Lowlands, as viewed from the vicinity of Wonder Lake; and

(3) geographic areas classified as Class I areas under 18 AAC 50.015(c).

(b) A wood smoke control area is a geographic location where a wood-burning activity has resulted in two or more discontinuous 24-hour periods when the ambient exposures of PM-10 solely from this activity have reached or exceeded 150 micrograms per cubic meter of air. The Mendenhall Valley area of Juneau is designated a wood smoke control area.

(c) Repealed 4/16/2022.

(d) Three air quality control zones are established within the Fairbanks and North Pole urban nonattainment area to establish control measures for reduction of PM-2.5. The three air quality control zones are described in the local air quality plan incorporated in the *State Air Quality Control Plan*, adopted by reference in 18 AAC 50.030, as the:

(1) North Pole Control Zone;

(2) Fairbanks Control Zone; and

(3) Goldstream Control Zone.

State effective: 4/16/2022; EPA approval: 8/9/2023, 88 FR 53793; EPA effective: 9/8/2023

18 AAC 50.030. State air quality control plan.

~~(a) Volumes II and III of the *State Air Quality Control Plan* for implementing and enforcing the provisions of AS 46.14 and this chapter, as amended through November 19, 2019, are adopted by reference. The plan includes the following documents that are also adopted by reference:~~

~~(1) the department's *Alaska Air Quality Small Business Assistance Program*, April 1994;~~

~~(2) the Code of the City and Borough of Juneau, Alaska, Chapter 36.40, amended by the provisions of Ordinance of the City and Borough of Juneau, Alaska, Serial No. 2008-28, sec. 2;~~

~~(3) except as provided in 18 AAC 50.090(b), the department's *Air Quality Compliance Certification Procedures for Volatile Liquid Storage Tanks, Delivery Tanks, and Loading Racks*, as amended through December 10, 1992;~~

~~(4) the department's *Quality Assurance Project Plan for the State of Alaska Air Monitoring & Quality Assurance Program*, as amended through February 23, 2010;~~

~~(5) *Protocol for Determining the Best Performing Model*, EPA-454/R-92-025, December 1992;~~

~~(6) *Source Test Report Outline*, as amended through November 1984;~~

~~(7) the department's *Performance Audits for COMS*, revised as of August 20, 2008;~~

~~(8) the department's *Minor Permit Application Forms*, dated August 30, 2004.~~

(b) Any sources that under the *State Air Quality Control Plan*, adopted by reference in (a) of this section, are subject to RACT or are subject to BACM and BACT shall comply with RACT or with BACM and BACT as identified in the specific sections of the *State Air Quality Control Plan*.

(c) Contingency measures in nonattainment and maintenance areas identified in 18 AAC 50.015(b), (d), and (e)

(1) must be implemented as described in the State Air Quality Control Plan for an area upon

(A) the occurrence of a condition identified in the *State Air Quality Control Plan* as requiring implementation of a contingency measure; or

(B) the effective date of an EPA finding that the area failed

(i) to attain the applicable NAAQS by the applicable attainment date;

(ii) to meet a quantitative milestone;

(iii) to submit a required quantitative milestone report; or

(iv) to meet a reasonable further progress requirement;

(2) may provide for notice to affected entities as outlined in the approved *State Air Quality Control Plan*.

State effective: 11/7/2020; EPA approval 2/10/2022, 87 FR 52997; EPA effective: 3/14/2022

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, Revision 1, revised August 2008;

(2) *Workbook for Plume Visual Impact Screening and Analysis (revised)*, EPA 454/R-92-023, October 1992;

(3) the United States Environmental Protection Agency's (EPA) publication AP-42,

Compilation of Air Pollutant Emission Factors, Volume I: Stationary Point and Area Sources, Fifth Edition with Supplements A – F and annual updates, as updated through February 2018;

(4) *Meteorological Monitoring Guidance for Regulatory Modeling Applications*, EPA -454/R-99-005, February 2000;

(5) *Ambient Monitoring Guidelines for Prevention of Significant Deterioration (PSD),* EPA-450/4-87-007, May 1987;

~~(6) the department's *Title V Standard Application and Forms*, revised as of March 2012;~~

(7) repealed 9/15/2018;

(8) *Quality Assurance Handbook for Air Pollutant Measurement Systems; Volume IV: Meteorological Measurements Version 2.0* (EPA-454/B-08-002);

~~(9) the department's letter, Inclusion of Emissions from Worker Housing Unites in Air Quality Permits, dated January 30, 2017.~~

(b) The following procedures and methods set out in 40 C.F.R., revised as of March 23, 2021, are adopted by reference:

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

(2) 40 C.F.R. Part 51, Appendix M;

(3) repealed 4/17/2015;

~~(4) the following test methods as they apply to 40 C.F.R. 63.11(b)(6):~~

~~(A) ASTM D1946-90(1994)e1, Standard Practice for Analysis of Reformed Gas by Gas Chromatography; and~~

~~(B) ASTM D 240-92(1997)e2, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter.~~

(c) This subsection adopts the methods and procedures listed in this subsection for use by the department in permits for compliance monitoring. Nothing in this subsection is intended to limit the department's discretion to require in a permit issued under this chapter compliance with the requirements of other methods or procedures on a case by case basis. The following methods and procedures are adopted by reference:

(1) ASTM D 129-00, Standard Test Method for Sulfur in Petroleum Products (General Bomb Method), approved January 10, 2000;

(2) ASTM D 1266-98, Standard Test Method for Sulfur Petroleum Products (Lamp Method), approved February 10, 1998;

(3) ASTM D 1552-95, Standard Test Method for Sulfur in Petroleum Products (High Temperature Method), approved August 15, 1995;

(4) ASTM D 2622-98, Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-Ray Fluorescence Spectrometry, approved April 10, 1998;

(5) ASTM D 4294-98, Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy Dispersive X-Ray Fluorescence Spectroscopy, approved April 10, 1998;

(6) ASTM D 4045-99, Standard Test Method for Sulfur in Petroleum and Petroleum Products by Hydrogenolysis and Rateometric Colorimetry, approved January 10, 1999;

(7) ASTM D 2492-90 (Reapproved 1998), Standard Test Method for Forms of Sulfur in Coal, approved March 30, 1990;

(8) ASTM D 3176-89 (Reapproved 1997), Standard Practice for Ultimate Analysis of Coal and Coke, approved September 29, 1989;

(9) ASTM D 4749-87 (Reapproved 1994), Standard Test Method for Performing the Sieve Analysis of Coal and Designating Coal Size, approved November 27, 1987;

(10) ASTM D 1140-97, Standard Test Method for Amount of Material in Soils Finer Than the No. 200 Sieve, approved May 10, 1997;

(11) ASTM D 422-63 (Reapproved 1998), Standard Test Method for Particle-Size Analysis of Soils, approved November 21, 1963;

(12) ASTM D 4629-96, Standard Test Method for Trace Nitrogen in Liquid Petroleum Hydrocarbons by Syringe/Inlet Oxidative Combustion and Chemiluminescence Detection, approved April 10, 1996;

(13) ASTM D 5762-98, Standard Test Method for Nitrogen in Petroleum and Petroleum Products by Boat-Inlet Chemiluminescence, approved December 10, 1998;

(14) ASTM D 4913-89(Reapproved 1995), Standard Practice for Determining Concentration of Hydrogen Sulfide by Direct Reading, Length of Stain, Visual Chemical Detectors, approved February 24, 1989;

(15) ASTM D 4810-88 (Reapproved 1999), Standard Test Method for Hydrogen Sulfide in Natural Gas Using Length-of-Stain Detector Tubes, approved April 29, 1988;

(16) ASTM D 6216-98 Standard Practice for Opacity Monitor Manufacturers to Certify Conformance with Design and Performance Specifications, approved February 10, 1998;

(17) ASTM D 4239-00 Standard Test Methods for Sulfur in the Analysis Sample of Coal and Coke Using High-Temperature Tube Furnace Combustion Methods, approved April 10, 2000.

State effective: 4/16/2022; EPA approval: 3/22/2023, 88 FR 17159; EPA effective: 4/21/2023

18 AAC 50.040. Federal standards adopted by reference.

~~(a) The following provisions of 40 C.F.R. Part 60 (Standards of Performance for New Stationary Sources), as revised as of April 2, 2020, are adopted by reference as they apply to a Title V source, except that the provisions adopted by reference in (2)(JJ) and (LL) of this subsection are adopted by reference as of October 8, 2009 as they apply to a Title V source:~~

~~(1) Subpart A (General Provisions), except 40 C.F.R. 60.9 (Availability of Information);~~

~~(2) the following subparts:~~

~~(A) Subpart D (Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971);~~

~~(B) Subpart Da (Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978);~~

~~(C) Subpart Db (Standards of Performance for Industrial – Commercial - Institutional Steam Generating Units);~~

~~(D) Subpart Dc (Standards of Performance for Small Industrial – Commercial - Institutional Steam Generating Units);~~

~~(E) Subpart E (Standards of Performance for Incinerators);~~

~~(F) Subparts Ea and Eb (Standards of Performance for Municipal Waste Combustors);~~

~~(G) Subpart Ec (Standards of Performance for New Stationary Sources: Hospital, Medical, and Infectious Waste Incinerators);~~

~~(H) Subpart F (Standards of Performance for Portland Cement Plants);~~

~~(I) Subpart I (Standards of Performance for Hot Mix Asphalt Facilities);~~

~~(J) Subpart J (Standards of Performance for Petroleum Refineries);~~

~~(K) Subpart K (Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978);~~

~~(L) Subpart Ka (Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984);~~

~~(M) Subpart Kb (Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984);~~

~~(N) Subpart L (Standards of Performance for Secondary Lead Smelters);~~

~~(O) Subpart N (Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973);~~

~~(P) Subpart Na (Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983);~~

~~(Q) Subpart O (Standards of Performance for Sewage Treatment Plants);~~

~~(R) Subpart Q (Standards of Performance for Primary Zinc Smelters);~~

~~(S) Subpart R (Standards of Performance for Primary Lead Smelters);~~

~~(T) Subpart Y (Standards of Performance for Coal Preparation Plants);~~

~~(U) Subpart DD (Standards of Performance for Grain Elevators);~~

~~(V) Subpart GG (Standards of Performance for Stationary Gas Turbines);~~

~~(W) Subpart HH (Standards of Performance for Lime Manufacturing Plants);~~

~~(X) Subpart LL (Standards of Performance for Metallic Mineral Processing Plants);~~

~~(Y) Subpart UU (Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture);~~

~~(Z) Subpart VV (Standards of Performance for Equipment Leaks of VOC in the~~

~~Synthetic Organic Chemicals Manufacturing Industry);~~

~~(AA) Subpart XX (Standards of Performance for Bulk Gasoline Terminals);~~

~~(BB) Subpart GGG (Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries);~~

~~(CC) Subpart JJJ (Standards of Performance for Petroleum Dry Cleaners);~~

~~(DD) Subpart KKK (Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants);~~

~~(EE) Subpart LLL (Standards of Performance for Onshore Natural Gas Processing: SO_2 Emissions);~~

~~(FF) Subpart OOO (Standards of Performance for Nonmetallic Mineral Processing Plants);~~

~~(GG) Subpart QQQ (Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems);~~

~~(HH) Subpart UUU (Standards of Performance for Calciners and Dryers in Mineral Industries);~~

~~(II) Subpart WWW (Standards of Performance for Municipal Solid Waste Landfills);~~

~~(JJ) Subpart CCCC (Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced After November 30, 1999 or for Which Modification or Reconstruction Is Commenced on or After June 1, 2001);~~

~~(KK) the provisions of Subpart AAA (Standards of Performance for New Residential Wood Heaters), except that the operator of a wood stove may demonstrate compliance with 40 C.F.R. 60.532 by operating the wood stove in accordance with the permanent label required by 40 C.F.R. 60.536;~~

~~(LL) Subpart DDDD (Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction on or before November 30, 1999);~~

~~(MM) Subpart EEEE (Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006);~~

~~(NN) Subpart FFFF (Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units That Commenced Construction on or Before December 9, 2004);~~

~~(OO) Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines);~~

~~(PP) Subpart JJJJ (Standards of Performance for Stationary Spark Ignition Internal Combustion Engines);~~

~~(QQ) Subpart KKKK (Standards of Performance for Stationary Combustion Turbines);~~

~~(RR) Subpart LLLL (Standards of Performance for New Sewage Sludge Incineration Units);~~

~~(SS) Subpart MMMM (Emissions Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units);~~

~~(TT) Subpart Ja (Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007);~~

~~(UU) Subpart VVa (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006);~~

~~(VV) Subpart GGGa (Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006);~~

~~(WW) Subpart OOOO (Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution);~~

~~(XX) Subpart TTTT (Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units);~~

~~(YY)Subpart UUUU (Emission Guidelines for Greenhouse Gas Emissions and Compliance Times for Electric Utility Generating Units);~~

~~(ZZ) Supart OOOOa (Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015);~~

~~(3) the provisions of Appendices A - I.~~

~~(b) The following provisions of 40 C.F.R. Part 61 (National Emission Standards for Hazardous Air Pollutants), as revised as of July 1, 2019, are adopted by reference as they apply to a Title V source:~~

~~(1) Subpart A (General Provisions), except 40 C.F.R. 61.16 (Availability of Information);~~

~~(2) the following subparts:~~

~~(A) Subpart E (National Emission Standard for Mercury);~~

~~(B) Subpart J (National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene);~~

~~(C) Subpart V (National Emission Standard for Equipment Leaks (Fugitive Emission Sources));~~

~~(D) Subpart Y (National Emission Standard for Benzene Emissions from Benzene Storage Vessels); and~~

~~(E) Subpart FF (National Emission Standard for Benzene Waste Operations);~~

~~(F) the Standard for Demolition and Renovation under 40 C.F.R. 61.145 and, as they apply to activities subject to 40 C.F.R. 61.145, 40 C.F.R. 61.141, 40 C.F.R. 61.149(d)(1), 40 C.F.R. 61.150, 40 C.F.R. 61.152, and Appendix A to Subpart M (Interpretive Rule Governing Roof Removal Operations);~~

~~(3) 40 C.F.R. 61.154;~~

~~(4) Appendices A, B, and C.~~

~~(c) The following provisions of 40 C.F.R. Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories), as revised as of March 9, 2020, are adopted by reference as they apply to a Title V source:~~

~~(1) Subpart A (General Provisions), except 40 C.F.R. 63.5(e)(2) – (f)~~

~~(2) Subpart B (Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j)), except that~~

~~(A) 40 C.F.R. 63.50 and 40 C.F.R. 63.54 are not adopted; and~~

~~(B) the requirements of 40 C.F.R. 63.51 - 40 C.F.R. 63.53, 40 C.F.R. 63.55, and 40 C.F.R. 63.56 apply to the owner or operator of a hazardous air pollutant major~~

~~source that includes one or more sources from a category or subcategory established under 42 U.S.C. 7412(c)(1) (Clean Air Act, sec. 112(c)(1)) for which the EPA administrator has failed to promulgate an emission standard within 18 months after the deadline established for doing so in 42 U.S.C. 7412(e) (Clean Air Act, sec. 112(e));~~

~~(3) Subpart D (Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants);~~

~~(4) Subpart M (National Perchloroethlyene Air Emission Standards for Dry Cleaning Facilities);~~

~~(5) Subpart N (Chromium Electroplating and Anodizing);~~

~~(6) Subpart Q (Industrial Process Cooling Towers);~~

~~(7) Subpart R (Gasoline Distribution Facilities: Bulk Gasoline Terminals and Pipeline Breakout Stations);~~

~~(8) Subpart T (Halogenated Solvent Cleaning);~~

~~(9) Subpart Y (Marine Tank Vessel Loading Operations);~~

~~(10) Subpart CC (Petroleum Refineries);~~

~~(11) Subpart DD (Off-Site Waste and Recovery Operations);~~

~~(12) Subpart GG (Aerospace Manufacturing and Rework Facilities);~~

~~(13) Subpart HH (Oil and Natural Gas Production Facilities;~~

~~(14) Subpart II (Shipbuilding and Ship Repair);~~

~~(15) Subpart JJ (Wood Furniture Manufacturing);~~

~~(16) Subpart KK (Printing and Publishing Industry);~~

~~(17) Subpart HHH (Natural Gas Transmission and Storage Facilities);~~

~~(18) Subpart LLL (Portland Cement Plants);~~

~~(19) Subpart UUU (Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units)~~

~~(20) Subpart AAAA (Municipal Solid Waste Landfills);~~

~~(21) Subpart EEEE (Organic Liquids Distribution (Non-Gasoline));~~

~~(22) Subpart YYYY (Stationary Combustion Turbines);~~

~~(23) Subpart ZZZZ (Stationary Reciprocating Internal Combustion Engines);~~

~~(24) Subpart GGGGG (Site Remediation);~~

~~(25) Subpart PPPPP (Engine Test Cells, Stands);~~

~~(26) Subpart LLLLLL (Acrylic and Modacrylic Fibers Production Area Sources);~~

~~(27) Subpart MMMMMM (Carbon Black Production Area Sources);~~

~~(28) Subpart NNNNNN (Chemical Manufacturing Area Sources: Chromium Compounds);~~

~~(29) Subpart OOOOOO (Flexible Polyurethane Foam Production and Fabrication Area Sources);~~

~~(30) Subpart PPPPPP (Lead Acid Battery Manufacturing Area Sources);~~

~~(31) Subpart QQQQQQ (Wood Preserving Area Sources);~~

~~(32) Appendix A (Test Methods);~~

~~(33) Appendix B (Sources Defined for Early Reduction Provisions).~~

~~(34) Subpart BBBBBB (National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities);~~

~~(35) Subpart CCCCCC (National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities);~~
~~(36) Subpart EEEEEEE (National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category).~~

~~(d) The provisions of 40 C.F.R. Part 82, revised as of July 1, 2019, are adopted by reference to the extent that they apply to a Title V source.~~

~~(e) The requirements of 40 C.F.R. 52.70 - 40 C.F.R. 52.97, as revised as of July 1, 2019, as they apply to a Title V source and for purposes of a Title V permit, are adopted by reference.~~

(f) The provisions of 40 C.F.R. Part 51, Appendix W (Guideline on Air Quality Models, as revised as of July 1, 2019, are adopted by reference.

~~(g) The following provisions of 40 C.F.R. Part 62 (Approval and Promulgation of State~~

~~Plans for Designated Facilities and Pollutants), as revised as of July 1, 2019, are adopted by reference:~~

~~(1) Subpart FFF (Federal Plan Requirements for Large Municipal Waste Combustors Constructed on or Before September 20, 1994);~~

~~(2) Subpart GGG (Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction Prior to May 30, 1991, and Have Not Been Modified or Reconstructed Since May 30, 1991);~~

~~(3) Subpart HHH (Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed on or Before December 1, 2008);~~

~~(4) Subpart III (Federal Plan Requirements for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction on or Before November 30, 1999);~~

~~(5) Subpart JJJ (Federal Plan Requirements for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999).~~

(h) The following provisions of 40 C.F.R. 51.166 (Prevention of Significant Deterioration of Air Quality) and 40 C.F.R. Part 52 (Approval and Promulgation of Implementation Plans), as revised as of November 24, 2020, are adopted by reference:

(1) 40 C.F.R. 51.166(f) (Exclusions from Increment Consumption);

(2) 40 C.F.R. 51.166(q)(2) (Public Participation);

(3) 40 C.F.R. 52.21(a)(2) (Applicability Procedures);

(4) 40 C.F.R. 52.21(b) (Definitions), except as follows:

(A) the following provisions are not adopted, and the terms defined in those provisions have the meanings given in AS 46.14.990 and 18 AAC 50.990:

(i) 40 C.F.R. 52.21(b)(1) (“major stationary source”);

(ii) 40 C.F.R. 52.21(b)(2) (“major modification”);

(B) the following provisions are not adopted, and the terms defined in those provisions have the meanings give in AS 46.14.990:

(i) 40 C.F.R. 52.21(b)(4) (“potential to emit”);

(ii) 40 C.F.R. 52.21(b)(5) (“stationary source”);

(iii) 40 C.F.R. 52.21(b)(6) (“building, structure, facility, or installation”);

(iv) 40 C.F.R. 52.21(b)(7) ("emissions unit");

(v) 40 C.F.R. 52.21(b)(8) ("construction");

(vi) repealed 1/4/2013;

(C) the following provisions are not adopted, and the terms defined in those provisions have the meanings given in 18 AAC 50.990:

(i) 40 C.F.R. 52.21(b)(51) ("reviewing authority");

(ii) 40 C.F.R. 52.21(b)(20) ("fugitive emissions");

(D) 40 C.F.R. 52.21(b)(15) ("baseline area") is not adopted, and the term defined in that provision has the meaning given in 18 AAC 50.020(g).

(5) repealed 1/4/2013;

(6) 40 C.F.R. 52.21(h) (Stack Heights);

(7) 40 C.F.R. 52.21(i) (Exemptions);

(8) 40 C.F.R. 52.21(j) (Control Technology Review);

(9) 40 C.F.R. 52.21(k) (Source Impact Analysis);

(10) 40 C.F.R. 52.21(*l*) (Air Quality Models);

(11) 40 C.F.R. 52.21(m) (Air Quality Analysis);

(12) 40 C.F.R. 52.21(n) (Source Information);

(13) 40 C.F.R. 52.21(o) (Additional Impact Analyses);

(14) 40 C.F.R. 52.21(p) (Sources Impacting Federal Class I Areas);

(15) 40 C.F.R. 52.21(r) (Source Obligation);

(16) 40 C.F.R. 52.21(v) (Innovative Control Technology);

(17) repealed 7/25/2008;

(18) repealed 7/25/2008;

(19) repealed 7/25/2008;

(20) 40 C.F.R. 52.21(aa) (Actuals PALs), except as follows:

(A) mass balance calculations as authorized under 40 C.F.R. 52.21(aa)(12)(ii)(*a*) are also acceptable for activities using coating or solvents or for activities emitting sulfur dioxide from the combustion of fuel;

(B) the requirements of 40 C.F.R. 52.21(aa)(12)(iii) also apply to owners or operators using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents or from activities emitting sulfur dioxide from the combustion of fuel.

(21) repealed 4/17/2015.

(i) From the following provisions of 40 C.F.R. 51.165 (Permit Requirements), as revised as of November 24, 2020, text setting out provisions that a state implementation plan shall or may contain is adopted by reference as follows:

(1) 40 C.F.R. 51.165(a)(1) (Definitions), except as follows:

(A) the following provisions are not adopted, and the terms defined in those provisions have the meanings given in AS 46.14.990:

(i) 40 C.F.R. 51.165(a)(1)(i) ("stationary source");

(ii) 40 C.F.R. 51.165(a)(1)(ii) ("building, structure, facility, or installation");

(iii) 40 C.F.R. 51.165(a)(1)(iii) ("potential to emit");

(iv) 40 C.F.R. 51.165(a)(1)(vii) ("emissions unit");

(v) 40 C.F.R. 51.165(a)(1)(xviii) ("construction");

(B) the following provisions are not adopted, and the terms defined in those provisions have the meaning given in 18 AAC 50.990:

(i) 40 C.F.R. 51.165(a)(1)(xxxviii) ("reviewing authority");

(ii) 40 C.F.R. 51.165(a)(1)(ix) ("fugitive emissions);

(2) 40 C.F.R. 51.165(a)(2)(ii);

(3) 40 C.F.R. 51.165(a)(3);

(4) 40 C.F.R. 51.165(a)(5);

(5) 40 C.F.R. 51.165(a)(6);

(6) 40 C.F.R. 51.165(f) (Actuals PALs), except as follows:

(A) mass balance calculations as authorized under 40 C.F.R. 51.165(f)(12)(ii)(A) are also acceptable for activities using coatings or solvents or for activities emitting sulfur dioxide from the combustion of fuel;

(B) the requirements of 40 C.F.R. 51.165(f)(12)(iii) also apply to owners or operators using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents or from activities meet the following requirements.

~~(j) The following provisions of 40 C.F.R. Part 71 (Operating Permits), as revised as of July 1, 2017, are adopted by reference, except as provided in 18 AAC 50.326:~~

~~(1) 40 C.F.R. 71.2 (Definitions);~~

~~(2) 40 C.F.R. 71.3 (Sources Subject to Permitting Requirements);~~

~~(3) 40 C.F.R. 71.5(a) - (c) (Permit Applications);~~

~~(4) 40 C.F.R. 71.6(a) - (f) (Permit Content);~~

~~(5) 40 C.F.R. 71.7(a) - (e) (Permit Issuance, Renewal, Reopenings, and Revisions);~~

~~(6) 40 C.F.R. 71.8 (Affected State Review);~~

~~(7) 40 C.F.R. 71.10(d) (Delegation);~~

~~(8) 40 C.F.R. 71.11(a) - (h) and (j) - (k) (Administrative Record, Public Participation, and Administrative Review).~~

~~(9) 40 C.F.R. 71.13 (Enforceable Commitments for Further Actions Addressing Greenhouse Gases (GHGs)).~~

~~(k) The provisions of 40 C.F.R. Part 64, as revised as of July 1, 2017, are adopted by reference to the extent that they apply to a Title V source.~~

State effective: 4/16/2022; EPA approval: 3/22/2023, 88 FR 17159; EPA effective: 4/21/2023

18 AAC 50.045. Prohibitions.

(a) A person may not dilute emissions with air to comply with this chapter, except that dilution air may be used at a sulfur recovery plant with a maximum production rate of 20 long tons per day or less to comply with the 500 ppm sulfur dioxide requirement of 18 AAC 50.055(c).

(b) A person who owns or operates a stationary source that emits an air pollutant subject to this chapter shall ensure that the stationary source complies with this chapter and any other applicable local, state, or federal law.

(c) A person may not construct, operate, or modify a stationary source that will result in a violation of the applicable emission standards or that will interfere with the attainment or maintenance of ambient air quality standards.

(d) A person who causes or permits bulk materials to be handled, transported, or stored, or who engages in an industrial activity or construction project shall take reasonable precautions to prevent particulate matter from being emitted into the ambient air.

(e) Dispersion techniques may not be used to comply with this chapter, except for compliance with 18 AAC 50.110.

(f) Subject to (g) of this section, as used in this section, "dispersion technique" means a technique that attempts to reduce the concentration of an air pollutant in the ambient air by

(1) using that portion of a stack that exceeds good engineering practice stack height;

(2) varying the emissions rate of an air pollutant according to atmospheric conditions or ambient concentrations of that air pollutant; or

(3) increasing exhaust gas plume rise by

(A) manipulating a source process parameter, exhaust gas parameter, or stack parameter;

(B) combining exhaust gases from several existing stacks into one stack; or

(C) other selective handling of exhaust gas streams.

(g) The following are not dispersion techniques for purposes of this section:

(1) reheating a gas stream to its original discharge temperature after use of an emission control system;

(2) combining the exhaust gases from several stacks into one stack if the stationary source was originally designed and constructed with combined exhaust streams;

(3) combining the exhaust gases from several stacks into one stack, if done when an emission control system is installed and results in a net reduction in the allowable emissions of the controlled air pollutant; or

(4) any technique that increases the exhaust gas plume rise if the allowable emissions of sulfur dioxide from the stationary source are less than 5,000 tons per year.

State effective: 10/1/2004; EPA approval: 8/14/2007, 72 FR 45378; EPA effective: 9/13/2007

18 AAC 50.050. Incinerator emission standards.

(a) Visibility through the exhaust effluent of an incinerator, including an air curtain incinerator, may not be reduced by visible emissions, excluding condensed water vapor, by more than 20 percent averaged over any six consecutive minutes.

(b) Particulate matter emissions from an incinerator may not exceed the particulate matter standard listed for that incinerator in Table 4 in this subsection.

Table 4.
Particulate Matter Standards for Incinerators

Incinerator	Particulate Matter Standard
Rated capacity less than 1000 pounds per hour	No limit
Rated capacity greater than or equal to 1000 but less than 2000 pounds per hour	0.15 grains per cubic foot of exhaust gas corrected to 12 percent carbon dioxide and standard conditions, averaged over three hours
Rated capacity greater than or equal to 2000 pounds per hour	0.08 grains per cubic foot of exhaust gas corrected to 12 percent carbon dioxide and standard conditions, averaged over three hours
An incinerator that burns waste containing more than 10 percent wastewater treatment plant sludge by dry weight from a municipal wastewater treatment plant that serves 10,000 or more persons	0.65 grams per kilogram of dry sludge input

State effective: 7/25/2008; EPA approval: 9/19/2014, 79 FR 56268; EPA effective: 10/20/2014

18 AAC 50.055. Industrial processes and fuel-burning equipment.

(a) Visible emissions, excluding condensed water vapor, from an industrial process or fuel-burning equipment may not reduce visibility through the exhaust effluent by

(1) more than 20 percent averaged over any six consecutive minutes, except as provided in (2) - (9) of this subsection;

(2) repealed 8/20/2016;

(3) repealed 8/20/2016;

(4) 20 percent or greater averaged over any six consecutive minutes for an asphalt plant constructed or modified after June 11, 1973;

(5) 20 percent or greater averaged over any six consecutive minutes for process emissions, other than from a pneumatic cleaner, at a coal preparation plant constructed or modified after November 1, 1982;

(6) 10 percent or greater averaged over any six consecutive minutes for a pneumatic cleaner constructed or modified at a coal preparation plant after November 1, 1982;

(7) repealed 8/20/2016;

(8) repealed 8/20/2016; and

(9) more than 20 percent for more than three minutes in any one hour for a coal-fired boiler that began operation before August 17, 1971, except for an additional three minutes in any one hour, if

(A) the visible emissions are caused by startup, shutdown, soot-blowing, grate cleaning, or other routine maintenance activities specified in an operating permit issued under this chapter;

(B) the owner or operator of the boiler monitors visible emissions by continuous opacity monitoring instrumentation that

(i) conforms to Performance Specification 1 in 40 C.F.R. Part 60, Appendix B, adopted by reference in 18 AAC 50.040; and

(ii) completes one cycle of sampling and analyzing for each successive 15-second period;

(C) the owner or operator of the boiler provides the department with a demonstration that the particulate matter emissions from the boiler allowed by this opacity limit will not cause or contribute to a violation of the ambient air quality standards for PM-10 in 18 AAC 50.010, or to cause the maximum allowable increases for PM-10 in 18 AAC 50.020 to be exceeded; and

(D) the federal administrator approves a stationary source-specific revision to the state implementation plan, required under 42 U.S.C. 7410, authorizing the application of this opacity limit instead of the opacity limit otherwise applicable under this section.

(b) Particulate matter emitted from an industrial process or fuel-burning equipment may not exceed, per cubic foot of exhaust gas corrected to standard conditions and averaged over three hours,

(1) 0.05 grains, except as provided in (2) - (5) of this subsection and (d) and (e) of this section;

(2) 0.1 grains for a steam generating plant fueled by

(A) coal, and in operation before July 1, 1972;

(B) coal, and rated less than 250 million Btu per hour heat input; or

(C) municipal wastes;

(3) 0.1 grains for an industrial process in operation before July 1, 1972;

(4) repealed 8/20/2016; or

(5) 0.04 grains for an asphalt plant constructed or modified after June 11, 1973;

(6) repealed 8/20/2016.

(c) Sulfur-compound emissions, expressed as sulfur dioxide, from an industrial process or from fuel-burning equipment may not exceed 500 ppm averaged over a period of three hours, except as provided in (d) and (e) of this section.

(d) At a petroleum refinery, emissions from the following sources, constructed or modified after November 1, 1982, may not exceed the following:

(1) for a catalytic cracking unit catalyst regenerator

(A) 1.0 kilogram of particulate matter per 1,000 kilograms of coke burnoff;

(B) 43.0 additional grams of particulate matter per million joules supplemental heat attributable to fuels burned in a catalyst regenerator waste heat boiler; and

(C) 500 ppm carbon monoxide by volume of exhaust gas;

(2) for a sulfur recovery plant rated at more than 20 long tons per day

(A) 250 ppm sulfur dioxide at zero percent oxygen on a dry basis; or

~~(B) 10 ppm hydrogen sulfide and a total of 300 ppm reduced sulfur compounds, expressed as sulfur dioxide, at zero percent oxygen on a dry basis, if the air pollutants are not oxidized before release to the atmosphere; and~~

(3) for fuel-burning equipment, a sulfur dioxide concentration, averaged over three hours, equal to whichever of the following is applicable:

(A) for equipment burning only fuel gas, the concentration of uncontrolled

emissions that would result from burning fuel gas containing 230 milligrams hydrogen sulfide per dry standard cubic meter;

(B) for fuel-burning equipment that does not burn fuel gas, 500 ppm;

(C) for fuel-burning equipment that burns a combination of fuel gas and other fuels, a concentration based on the allowable emissions in (A) and (B) of this paragraph, prorated by the proportion of fuel gas and other fuels to the total fuel burned in the equipment.

(e) At a coal preparation plant, emissions from the following sources, if constructed or modified after November 1, 1982, may not exceed the following:

(1) for a thermal drying unit, 70 milligrams of particulate matter per cubic meter of exhaust gas at standard conditions; and

(2) for a pneumatic coal-cleaning unit, 40 milligrams of particulate matter per cubic meter of exhaust gas at standard conditions.

(f) repealed 8/20/2016.

(g) Release of materials other than process emissions, products of combustion, or materials introduced to control pollutant emissions from a stack at a stationary source constructed or modified after November 1, 1982, is prohibited, except as authorized by a construction permit, Title V permit, or air quality control permit issued before October 1, 2004.

State effective: 9/15/2018; EPA approval: 8/29/2019, 84 FR 45419; EPA effective: 9/30/2019

18 AAC 50.065. Open burning.

(a) General Requirements. Except when conducting open burning under (g), (h), or (i) of this section, a person conducting open burning shall comply with the limitations of (b) - (f) of this section and shall ensure that

(1) the material is kept as dry as possible through the use of a cover or dry storage;

(2) before igniting the burn, noncombustibles are separated to the greatest extent practicable;

(3) natural or artificially induced draft is present;

(4) to the greatest extent practicable, combustibles are separated from grass or peat layer; and

(5) combustibles are not allowed to smolder.

(b) Black Smoke Prohibited. Except for firefighter training conducted under (h) or (i) of this section, open burning of asphalts, rubber products, plastics, tars, oils, oily wastes, contaminated oil cleanup materials, or other materials in a way that gives off black smoke is prohibited without written department approval. Department approval of open burning as an oil spill response countermeasure is subject to the department's *In Situ Burning Guidelines for Alaska*, adopted by reference in 18 AAC 50.035. Open burning approved under this subsection is subject to the following limitations:

(1) open burning of liquid hydrocarbons produced during oil or gas well flow tests may occur only when there are no practical means available to recycle, reuse, or dispose of the fluids in a more environmentally acceptable manner;

(2) the person who conducts open burning shall establish reasonable procedures to minimize adverse environmental effects and limit the amount of smoke generated; and

(3) the department will, in its discretion, as a condition of approval issued under this subsection, require public notice as described in (j) of this section.

(c) Toxic and Acid Gases and Particulate Matter Prohibited. Open burning or incineration of pesticides, halogenated organic compounds, cyanic compounds, or polyurethane products in a way that gives off toxic or acidic gases or particulate matter is prohibited.

(d) Adverse Effects Prohibited. Open burning of putrescible garbage, animal carcasses, or petroleum-based materials, including materials contaminated with petroleum or petroleum derivatives, is prohibited if it causes odor or black smoke that has an adverse effect on nearby persons or property.

(e) Air Quality Advisory. Open burning is prohibited in an area if the department declares an air quality advisory under 18 AAC 50.245 or 18 AAC 50.246, stating that burning is not permitted in that area for that day. This advisory will be based on a determination that there is or is likely to be inadequate air ventilation to maintain the standards set by 18 AAC 50.010. The department will make reasonable efforts to ensure that the advisory is broadcast on local radio or television.

(f) Wood Smoke Control and PM-2.5 Nonattainment Areas. Open burning is prohibited between November 1 and March 31 in each wood smoke control area identified in 18 AAC 50.025(b) and in each PM-2.5 nonattainment area identified in 18 AAC 50.015(b)(3). In a PM-2.5 nonattainment area, a local air quality open burn permit program may replace the seasonal open burning prohibition in this section if the program

(1) does not cause or contribute to violations of the PM-2.5 ambient air quality standards set out in 18 AAC 50.010; and

(2) is part of a local air quality plan included in the *State Air Quality Control Plan,*

adopted by reference in 18 AAC 50.030.

(g) Controlled Burning. Controlled burning to manage forest land, vegetative cover, fisheries, or wildlife habitat, other than burning to combat a natural wildfire, requires written department approval if the area to be burned exceeds 40 acres yearly. The department will, in its discretion, require public notice as described in (j) of this section.

(h) Firefighter Training: Structures. A fire service may open burn structures for firefighter training without ensuring maximum combustion efficiency under the following circumstances:

(1) before igniting the structure, the fire service shall

(A) obtain department approval for the location of the proposed firefighter training; approval will be based on whether the proposed open burning is likely to adversely affect public health in the neighborhood of the structure;

(B) visually identify materials in the structure that might contain asbestos, test those materials for asbestos, and remove all materials that contain asbestos;

(C) ensure that the structure does not contain

(i) putrescible garbage;

(ii) electrical batteries;

(iii) stored chemicals such as fertilizers, pesticides, paints, glues, sealers, tars, solvents, household cleaners, or photographic reagents;

(iv) stored linoleum, plastics, rubber, tires, or insulated wire;

(v) hazardous waste;

(vi) lead piping;

(vii) plastic piping with an outside diameter of four inches or more; or

(viii) urethane or another plastic foam insulation;

(D) provide public notice consistent with (j) of this section; and

(E) ensure that a fire-service representative is on-site before igniting the structure;

(2) the fire service shall ignite and conduct training on only one main structure and any number of associated smaller structures at a time; examples of associated smaller structures are garages, sheds, and other outbuildings; and

(3) the fire service shall respond to complaints in accordance with (k) of this section.

(i) Firefighter Training: Fuel Burning. Unless a greater quantity is approved by the department, a fire service may open burn up to 250 gallons of uncontaminated fuel daily and up to 600 gallons yearly for firefighter training without ensuring maximum combustion efficiency. To conduct this training without prior written department approval, the fire service shall

(1) provide public notice consistent with (j) of this section before burning more than 20 gallons of uncontaminated fuel, unless waived in writing by the department; and

(2) respond to complaints in accordance with (k) of this section.

(j) Public Notice. A person required to provide public notice of open burning shall issue the notice through local news media or by other appropriate means if the area of the open burning does not have local news media. The public notice must be issued as directed by the department and must

(1) state the name of the person conducting the burn;

(2) provide a list of material to be burned;

(3) provide a telephone number to contact the person conducting the burn before and during the burn;

(4) for a surprise fire drill, state

(A) the address or location of the training; and

(B) the beginning and ending dates of the period during which a surprise fire drill may be conducted (this period may not exceed 30 days); and

(5) for open burning other than a surprise fire drill, state the expected time, date, and location of the open burning.

(k) Complaints. A person required to provide public notice of open burning shall

(1) make a reasonable effort to respond to complaints received about the burn;

(2) keep, for at least 30 days, a record of all complaints received about the burn, including to the extent feasible

(A) the name, address, and telephone number of each person who complained;

(B) a short summary of each complaint; and

(C) any action the person conducting the open burning took to respond to each complaint; and

(3) upon request, provide the department with a copy of the records kept under (2) of this subsection.

State effective: 3/2/2016; EPA approval: 9/8/2017, 82 FR 42457; EPA effective: 10/10/2017

18 AAC 50.070. Marine vessel visible emission standards.

Within three miles of the Alaska coastline, visible emissions, excluding condensed water vapor, may not reduce visibility through the exhaust effluent of a marine vessel by more than 20 percent except as follows:

(1) while at berth or at anchor, visibility may be reduced by up to 100 percent for periods aggregating no more than

(A) three minutes in any one hour; and

(B) an additional three minutes during initial startup of a vessel; for purposes of this subparagraph, "initial startup" includes the period during which a vessel is testing equipment in preparation to casting off or weighing anchor;

(2) during the hour immediately after weighing anchor or casting off, visibility may be reduced under one, but not both, of the following options:

(A) visibility may be reduced by up to 40 percent for that entire hour; or

(B) visibility may be reduced by up to 100 percent for periods aggregating no more than nine minutes during that hour;

(3) during the hour immediately before the completion of all maneuvers to anchor or make fast to the shore, visibility may be reduced under one, but not both, of the following options:

(A) visibility may be reduced by up to 40 percent for that entire hour; or

(B) visibility may be reduced by up to 100 percent for periods aggregating no more than nine minutes during that hour; and

(4) at any time not covered by (1) - (3) of this section, visibility may be reduced by up to 100 percent for periods aggregating no more than three minutes in any one hour.

State effective: 6/21/1998; EPA approval: 8/14/2007, 72 FR 45378; EPA effective: 9/13/2007

18 AAC 50.075. Solid fuel-fired heating device visible emission standards.

(a) A person may not operate a wood-fired heating device in a manner that causes

(1) black smoke; or

(2) visible emissions that exceed 20 percent opacity for more than six minutes in any one hour in an area for which an air quality advisory is in effect under 18 AAC 50.245 or 18 AAC 50.246, except during the first 15 minutes after initial firing of the device; visible emissions are measured following opacity reading procedures as required under 40 C.F.R. Part 60, Appendix A, Method 9, adopted by reference in 18 AAC 50.040, as modified in Volume III, sec. IV-3, Appendix IV-3, of the *State Air Quality Control Plan,* adopted by reference in 18 AAC 50.030; alternatively, visible emissions may be measured using the alternative method to Method 9, ALT-082, approved and revised by EPA as of May 17, 2012.

(b) A person may not operate a wood-fired heating device in an area for which the department has declared an air quality episode under 18 AAC 50.245.

(c) In the Mendenhall Valley wood smoke control area identified in 18 AAC 50.025(b), a person may not violate or cause a violation of a provision of the Code of the City and Borough of Juneau, Alaska, Chapter 36.40, as amended by the provisions of the Ordinance of the City and Borough of Juneau, Alaska, Serial No. 2008-28, sec. 2, adopted by reference in 18 AAC 50.030.

(d) A person may operate a solid fuel-fired heating device in an area for which the department has declared a PM-2.5 air quality episode under 18 AAC 50.246 or under emergency episode provisions included in a local air quality plan incorporated in the *State Air Quality Control Plan*, adopted by reference in 18 AAC 50.030, only if

(1) visible emissions or opacity from the solid fuel-fired heating device is below the opacity limits identified in the episode announcement for that area as defined in the *State Air Quality Control Plan,* adopted by reference in 18 AAC 50.030;

~~(2) the owner or operator of the solid fuel-fired heating device obtains a written temporary waiver from the department or local air quality programs from the opacity limits identified in the episode announcement; the department or local air quality program may grant a temporary waiver after considering~~

~~(A) financial hardship information provided by the owner or operator;~~

~~(B) technical feasibility and device design information provided by the owner or operator;~~

~~(C) potential impact to locations with populations sensitive to exposure to PM-2.5; locations under this subparagraph include hospitals, schools, child care~~

~~facilities, health clinics, long-term care facilities, assisted living homes, and senior centers;~~

~~(D) mitigation measures implemented by the owner or operator to prevent adverse health impacts to individuals sensitive to exposure to PM-2.5; and~~

~~(E) the contribution of the device to the exceedance of the PM-2.5 concentration triggering the episode announcement; or~~

(3) the department has not prohibited operation under (e) of this section.

(e) The department may prohibit operation of a solid fuel-fired heating device in a nonattainment or maintenance area for which the department has declared a PM-2.5 air quality episode under emergency episode provisions of a local air quality plan that has been incorporated in the *State Air Quality Control Plan*. The declaration must specify

(1) the air quality zone affected by the prohibition;

(2) any applicable exceptions to the prohibition; and

(3) that operators shall withhold fuel from non-exempt devices and ensure that combustion, as evidenced by visible smoke from a chimney, has ceased within three hours of the effective time of the declaration.

(f) In an area identified in 18 AAC 50.015(b)(3), a person may not operate a solid fuel-fired heating device in a manner that causes

(1) visible emissions, measured as set out in (a)(2) of this section, that exceed 20 percent opacity for more than six minutes in any one hour, except during the first 15 minutes after initial firing of the device, when the opacity limit must be less than 50 percent; and

(2) visible emissions, as observed using 40 C.F.R. Part 60, Appendix A, Method 22, adopted by reference in 18 AAC 50.035, to cross property lines.

State effective: 11/18/2020; EPA approval: 12/5/2023, 88 FR 84626; EPA effective: 1/4/2024

18 AAC 50.076. Solid fuel-fired heating device fuel requirements; requirements for wood sellers.

(a) A person operating a solid fuel-fired heating device in an area identified in 18 AAC 50.015(b)(3) may use only the following fuels:

(1) for wood-fired heating devices, and subject to the additional limitations under (b) of this section,

(A) wood, if not prohibited under (c) of this section;

(B) the following wood products, if made wholly from wood not prohibited under (c) of this section:

(i) wood pellets;

(ii) manufactured compressed wood logs;

(iii) bricks;

(iv) pucks;

(C) manufacturer-recommended starter fuels, including home heating oil, propane, natural gas, or wood-based material for dual fuel-fired hydronic heaters;

(D) biomass fuels approved by the manufacturer;

(2) for coal-burning devices,

(A) coal;

(B) coal pellets;

(3) for all solid fuel-fired heating devices, a fuel that is approved by the manufacturer and not prohibited under (c) of this section.

(b) Not earlier than October 1, 2015, and between October 1 and March 31 of each year, a person operating a wood-fired heating device in an area identified in 18 AAC 50.015(b)(3) may use only the following fuels:

(1) dry wood, if not prohibited under (c) of this section;

(2) the following wood products, if made wholly from wood not prohibited under (c) of this section:

(A) wood pellets;

(B) manufactured compressed wood logs;

(C) bricks;

(D) pucks;

(3) manufacturer-recommended starter fuels, including home heating oil, propane, natural gas, or wood-based material for dual fuel-fired hydronic heaters;

(4) biomass fuels approved by the manufacturer;

(5) a fuel that is approved by the manufacturer, and that is not wet wood or a fuel prohibited under (c) of this section.

(c) A person operating a solid fuel-fired heating device may not burn or incinerate in the device

(1) wood that has paint, stains, or other types of coating;

(2) wood that has been treated with preservatives, including copper chromium arsenate, creosote, or pentachlorophenol;

(3) asphalt, rubber, tires, or tar products, including materials contaminated with petroleum, petroleum derivatives, oily wastes, or oil cleanup materials;

(4) chlorinated or halogenated organic compounds, including plastics, polyurethane products, pesticides, herbicides, or fungicides;

(5) compounds containing cyanide or asbestos;

(6) animal carcasses;

(7) putrescible garbage;

(8) construction and demolition debris, including plywood and particleboard;

(9) flooring products; or

(10) manure.

(d) A commercial wood seller shall register under (e) of this section with the department to sell or provide wood to a person who is located in or intends to burn the wood in an area that is identified in 18 AAC 50.015(b)(3).

(e) A commercial wood seller who is subject to (d) of this section shall

(1) submit a registration application in a format provided by the department;

(2) have available for use a moisture content meter of a type approved by the department under (g)(1) or (j)(2) of this section;

(3) have a valid business license issued under AS 43.70; and

(4) renew the registration every three years by submitting, at least 30 days before the expiration date of the existing registration, an application for renewal to the department in a format provided by the department.

(f) Upon receipt of a complete registration application and the department's determination that the commercial wood seller is in compliance with (e)(2) and (3) of this section, the department will

(1) issue a unique registration identification number to the commercial wood seller;

(2) issue the commercial wood seller a batch of uniquely numbered three-part moisture content disclosure forms for use under (g) of this section; and

(3) add the commercial wood seller to a list of registered commercial wood sellers that the department maintains and makes available to the public.

(g) Before October 1, 2021, and for any sales of wet wood under (j)(1) on or after October 1, 2021, a commercial wood seller who is required to register under (d) of this section

(1) shall test, using a commercially available moisture test meter that the department has approved for accuracy, the moisture content of a load of wood at the time of sale or provision to the consumer, or if the consumer purchases one or more loads of wood for later delivery or arranges for the later delivery of one or more loads of wood, shall test the moisture content of each load at the time of delivery, unless the wood sold or delivered is subject to (2), (3), or (4) of this subsection; the department will maintain a list of commercially available moisture test meters that the department has approved for accuracy; for split wood, wood rounds, or logs that are cut at the time of or before sale and that are marketed, sold, or provided as dry wood, the commercial wood seller shall

(A) measure moisture content in at least three pieces of wood for each cord of wood purchased;

(B) randomly select the wood to be tested from differing locations throughout the entire load;

(C) ensure that each selected piece of wood undergoes a fresh cut and is tested in the center of the fresh-cut end; and

(D) document the measured moisture content on the moisture content disclosure form that the department provides under (f)(2) of this section, and fully complete and sign the form;

(2) if selling or providing frozen wood, shall note on the moisture content disclosure form that the wood is frozen and assumed to be wet wood with greater than 20 percent moisture content, and shall fully complete and sign the rest of the form; for purposes of this paragraph, "frozen wood" means wood that is

(A) cut at a temperature below 32 degrees Fahrenheit for immediate sale or provision to the consumer; or

(B) delivered at a temperature below 32 degrees Fahrenheit, if the consumer purchases one or more loads of wood for later delivery or arranges for the later delivery of one or more loads of wood;

(3) if marketing, selling, or providing wet wood, shall note on the moisture content disclosure form that the wood is wet and assumed to be greater than 20 percent moisture content, and shall fully complete and sign the rest of the form;

(4) if marketing, selling, or providing, as dry wood,

(A) wood that was split before freezing, may market, sell, or provide the wood as dry wood only if

(i) the split wood is covered and stacked for ventilation;

(ii) after splitting, covering, and stacking the wood, the commercial wood seller tests the wood as required under (1)(A) - (D) of this subsection and the test results demonstrate that each piece of wood tested is dry wood;

(iii) the commercial wood seller records and saves the test results and the date of the test; and

(iv) upon actual sale, provision, or delivery, if the temperature is below 32 degrees Fahrenheit, the commercial wood seller documents the previously recorded test results and the date on the moisture content disclosure form and fully completes and signs the rest of the form;

(B) wood that was split after freezing, may market, sell, or provide the wood as dry wood after freezing only if

(i) the wood is mechanically dried;

(ii) the wood is manufactured as pellet logs; or

(iii) the source of the wood is from fire-killed trees and has been inspected by the department and found to be dry wood;

(5) shall obtain the consumer's signature on the moisture content disclosure form, or if the consumer is unavailable, shall mark on the form that the consumer is unavailable;

(6) shall provide the consumer with a copy of the signed moisture content disclosure form;

(7) shall submit to the department, not later than the 15th day of each month, the department's copy of each moisture content disclosure form completed during the

previous month;

(8) shall retain the seller's own copy of each completed moisture content disclosure form for two years after the date of the sale, provision, or delivery;

(9) shall account for each moisture content disclosure form received from the department; when making a monthly submission under (7) of this subsection, the commercial wood seller shall

(A) submit any moisture content disclosure form not given to a consumer due to damage or errors; and

(B) report the unique number of any moisture content disclosure form that is lost;

(10) shall return any unused moisture content disclosure forms if the commercial wood seller's registration expires or is revoked;

~~(11) is subject to one or more of the following if the commercial wood seller fails to comply with a provision of this subsection:~~

~~(A) remedial training on the requirements of (d) - (f) of this section and this subsection;~~

~~(B) a notice of violation;~~

~~(C) until the department determines that the commercial wood seller is in compliance, removal of the seller from the list that the department maintains under (f)(3) of this section;~~

~~(D) revocation of registration;~~

~~(E) enforcement under AS 46.03.020, 46.03.760, or 46.03.790;~~ ~~and~~

(12) may request an informal or adjudicatory hearing as prescribed in 18 AAC 15.185 and 18 AAC 15.195 - 18 AAC 15.340 if the department denies registration, denies renewal of a registration, or takes an action under (11)(A) - (D) of this subsection.

(h) In this section, "commercial wood seller"

(1) means a person who sells wood for use in space heating;

(2) does not include a person whose sales of wood consist wholly of

(A) wood products permissible under (a)(1)(B) or (b)(2) of this section;

(B) bundles of split dry wood that are sized not more than 0.75 cubic feet a

bundle; or

(C) logs or rounds intended for resale, where the resale of the wood and measurement and documentation of their moisture content will be addressed by a commercial wood seller.

(i) A commercial wood seller is not required to meet the requirements of (g) of this section for any portion of its sales that are

(1) wood products permissible under (a)(1)(B) or (b)(2) of this section;

(2) bundles of split dry wood that are sized not more than 0. 75 cubic feet per bundle; or

(3) logs or rounds intended for resale, where the resale of the wood and measurement and documentation of their moisture content will be addressed by another commercial wood seller.

(j) On and after October 1, 2021, a commercial wood seller who is required to register with the department under (d) of this section may sell wet wood only if

(1) the wood seller meets all requirements of (g) of this section;

(2) the wood sold is in round logs eight feel or more in length; and

(3) the seller confirms in writing the buyer's ability to properly dry the wood for use in the next winter season or beyond and that the wood will be burned in accordance with (a) – (c) of this section.

(k) Except as permitted under (j) of this section, on and after October 1, 2021, a commercial wood seller required to register with the department under (d) of this section

(1) may only sell dry wood that is

(A) seasoned, split, and stored covered for at least 9 months unless otherwise confirmed dry;

(B) mechanically dried, where the drying process has been inspected and approved by the department to ensure consistency and reliability; or

(C) harvested from an inspected fire-killed source that has been split, stacked, stored covered, and confirmed dry prior to freezing;

(2) may not market sales of wood that do not comply with this section;

(3) shall periodically measure, using a type of commercially available moisture test meter that is approved by the department for accuracy, the moisture content of a

representative sample of the wood to ensure the stock is dry prior to selling;

(4) shall document the measured moisture content, keep a record of the measurements over the seasoning period, and sign an affidavit in a form that the department provides attesting the wood is dry prior to sale;

(5) shall obtain the consumer's signature on the dry wood affidavit, or if the consumer is unavailable, shall mark on the form that the consumer is unavailable;

(6) shall provide the consumer with a copy of the signed dry wood affidavit;

(7) shall submit to the department, not later than the 15th day of each month, the department's copy of each dry wood affidavit completed during the previous month;

(8) shall retain the seller's own copy of each affidavit form for two years after the date of the sale, provision, or delivery;

(9) shall account for each affidavit form received from the department; when making a monthly submission under (7) of this subsection, the commercial wood seller shall:

(A) submit any affidavit form not given to a consumer due to damage or errors; and

(B) report the unique number of any affidavit form that is lost;

(10) shall return any unused affidavit forms if the commercial wood seller's registration expires or is revoked;

(11) is subject to a compliance or enforcement action by the department for failing to comply with a provision of this subsection, including

(A) remedial training on the requirements of (d) – (f) of this section and this subsection;

(B) a notice of violation;

(C) until the department determines that the commercial wood seller is in compliance, removal of the seller from the list that the department maintains under (f)(3) of this section;

(D) revocation of registration;

(E) enforcement under AS 46.03.760, or 46.03.790; and

(12) may request an informal or adjudicatory hearing as prescribed in 18 AAC 50.185 and 18 AAC 50.195 – 18 AAC 15.340 if the department denies registration, denies renewal of a registration, or takes an action under (11)(A) – (D) of this subsection.

(l) Non-commercial wood sellers may not sell wet wood in an area identified in 18 AAC 50.015(b)(3).

State effective: 1/8/2020; EPA approval:9/24/2021, 86 FR 52997; EPA effective: 10/25/2021

18 AAC 50.077. Standards for wood-fired heating devices.

(a) Except as provided in this section, a person may not install, reinstall, sell, lease, distribute, or convey the following devices for use in an area identified in 18 AAC 50.015(b)(3):

(1) a wood-fired hydronic heater;

(2) a woodstove;

(3) a wood-fired heating device with a manufacturer-rated heat output capacity of 350,000 Btu per hour or more.

(b) Notwithstanding (a) of this section, the department will approve models of pellet fueled wood-fired hydronic heaters for use in an area identified in 18 AAC 50.015(b)(3) that

(1) have a manufacturer-rated heat output capacity under 350,000 Btu per hour;

(2) have a valid certification from EPA under 40 C.F.R. 60.5474(a) and (b), revised as of July 1, 2019, and adopted by reference; for which the department has revised and accepted the underlying certification test results; and

(3) meet an average particulate matter emission level of 0.10 pounds per million Btu of heat output for each individual burn rate as tested by a laboratory with current EPA accreditation under 40 C.F.R. 60.5477, revised as of July 1, 2019, and adopted by reference; the laboratory test results must be

(A) obtained using one of the following test methods that is applicable to the specific device;

(i) ASTM International E 2618-13, *Standard Test Method for Measurement of Particulate Emissions and Heating Efficiency of Outdoor Solid Fuel-Fired Hydronic Heating Appliances,* approved by EPA September 1, 2013, and adopted by reference, subject to conditions in 40 C.F.R. Part 60, Subpart QQQQ, revised as of July 1, 2019, and adopted by reference;

(ii) 40 C.F.R. Part 60, Appendix A-8, Method 28WHH-PTS, revised as of July 1, 2019, and adopted by reference;

(iii) alternative test methods, including broadly applicable test methods, if approved by both EPA and the department; and

(B) obtained using one of the following emission concentration measurements that is applicable to the specific device:

(i) ASTM International E 2515-11, *Standard Test Method for Determination of Particulate Matter Emissions Collected by a Dilution Tunnel,* approved by EPA on November 1, 2011, and adopted by reference; and

(ii) 40 C.F.R. Part 60, Appendix A, Method 5G, revised as of July 1, 2019, and adopted by reference; and

(C) approved by the department together with the supporting data.

(c) Notwithstanding (a) of this section, the department may approve models that

(1) have a manufacturer-rated heat output capacity of less than 350,000 Btu per hour;

(2) have a valid certification from EPA under 40 C.F.R. 60.533, revised as of July 1, 2019, and adopted by reference, for which the department has reviewed and accepted the underlying certification test results; and

(3) meet a particulate matter annual average emission limit of 2.0 grams per hour as tested by a laboratory with current EPA accreditation under 40 C.F.R. 60.535 revised as of July 1, 2019, and adopted by reference; the test results must be

(A) obtained using one of the following test methods applicable to the specific device:

(i) 40 C.F.R. Part 60, Appendix A, Methods 28, 28 A, or 28R, revised as of July 1, 2017 and adopted by reference;

(ii) alternative test methods, including broadly applicable test methods, if approved by both EPA and the department; and

(B) obtained using one of the following emission concentration measurements, as applicable to the specific device:

(i) 40 C.F.R. Part 60, Appendix A-3, Methods 5G or 5H, revised as of July 1, 2017, and adopted by reference; and

(ii) after September 1, 2020, with either a tapered element oscillating microbalance (TEOM) or 1-hour filter data from the EPA certification report for the device; TEOM data must be obtained following the procedures set out in the Northeast States for Coordinated Air Use Management (NESCAUM) Standard Operating Procedures for use of Thermo 1405 TEOM for use in a dilution tunnel

using Option 2 in Section 6 and excluding Section 7, revised as of May 17, 2019, and adopted by reference; if using TEOM data, the department may approve devices only if the TEOM data indicates that no rolling 60-minute period exceeds 4.0 grams per hour; if using the 1-hour filer data, the department may approve devices only if no reported valid test run measurement exceeds 6.0 grams pe hour;

(C) calculated in grams per hour, to a tenth of a gram; and

(D) approved by the department together with the supporting data.

(d) Notwithstanding (a) of this section, the department may approve specific models of wood-fired heating devices with a manufacturer-rated heat output capacity of 350,000 Btu per hour or more for operation in an area identified in 18 AAC 50.015(b)(3) if a laboratory with current EPA accreditation under 40 C.F.R. 60.535 or 40 C.F.R. 60.5477 has tested the model to meet a particulate matter annual average emission limit of 2.0 grams per hour; the test results must be

(1) obtained using one of the following test methods applicable to the specific device:

(A) ASTM International E 2618-13, *Standard Test Method for Measurement of Particulate Emissions and Heating Efficiency of Outdoor Solid Fuel-Fired Hydronic Heating Appliances,* adopted by reference in (b)(3)(A)(i) of this section;

(B) 40 C.F.R. Part 60, Appendix A-8, Method 28WHH, revised as of July l, 2019, and adopted by reference;

(C) Canadian Standards Association (CSA) Method B415.1-10, *Performance Testing of Solid-Fuel-Burning Heating Appliances,* dated March 2010, reaffirmed 2015, and adopted by reference, as referenced in 40 C.F.R. Part 60, Subpart QQQQ, revised as of July 1, 2019, and adopted by reference;

(D) alternative test methods, including broadly applicable test methods, if approved by both EPA and the department; and

(2) obtained using ASTM International E 2515-11, *Standard Test Method for Determination of Particulate Matter Emissions Collected by a Dilution Tunnel,* adopted by reference in (b)(3)(B)(i) of this section; and

(3) approved by the department together with the supporting data.

(e) The department will publish a list of devices that meet the criteria in (b) – (d) of this section and that the department has approved for operator in an area identified in 18 AAC 50.015(b)(3). The department may review laboratory test data with or without submission by a manufacturer.

(f) Notwithstanding (a) of this section, a person may sell, lease, distribute, convey, or install a new wood-fired heating device if the buyer or operator of the device confirms in

writing that the device will be installed in an area other than an area identified in 18 AAC 50.015(b)(3).

~~(g) In response to a request from the owner or operator of a wood-fired heating device, the department may temporarily waive the requirements of (a) and (*l*) – (n) of this section after considering~~

~~(1) financial hardship information provided by the owner or operator;~~

~~(2) technical feasibility information provided by the owner or operator; and~~

~~(3) potential impact to locations with populations sensitive to PM-2.5exposure including hospitals, schools, child care facilities, health clinics, long-term care facilities, assisted living homes, and senior centers.~~

(h) As applicable, the owner, vendor, or dealer of a wood-fired heating device shall register the device, using a form or method provided by the department, in the following circumstances

(1) upon the sale or conveyance of a device;

(2) before closing, if the device is being sold, leased or conveyed as part of an existing building or other property;

(3) when applying for a waiver described in the local air quality control plan incorporated in the *State Air Quality Control Plan*;

(4) to participate in the Burn Right Program;

(5) to participate in a woodstove change-out or conversion program in the local air quality control plan incorporated in the *State Air Quality Control Plan*; and

(6) before closeout of any compliance or enforcement action.

(i) The owner or operator of a wood-fired heating device shall ensure that a device and any retrofit control devices are properly sized and professionally installed. Following each installation of a wood-fired heating device or retrofit control device in an area identified in 18 AAC 50.015(b)(3), the installer shall provide confirmation to the department that the device was installed correctly on a form provided by the department. Installers must meet the following requirements

(1) for a woodstove, pellet stove, or pellet-fired hydronic heater, the certification criteria in The National Fireplace Institute Policy Handbook, revised as of November 22, 2019 and adopted by reference, or demonstrate equivalent training and qualification approved by the department;

(2) for new masonry heaters, the certification criteria in The Masonry Heater Association of North America Reference Manual, revised as of January 2019 and adopted by reference, or demonstrate equivalent training and qualification approved by the department;

(3) for retrofit control devices, such as electronic precipitators, certification as described in (1) – (2) of this subsection or be representatives trained by the manufacturer.

(j) A person may not install

(1) a pellet fueled wood-fired hydronic heater within 330 feet from the closest property line or within 660 feet from a school, clinic, hospital, or senior housing unit;

(2) a wood-fired heating device as the primary or only heat source in

(A) new construction, except new construction of a dry cabin located on a two acre or larger parcel; or

(B) a structure used as a rental unit, unless the structure has been used as a rental prior to January 8, 2020 and qualifies for a No Other Adequate Heat Source waiver, as identified in a local air quality plan incorporated in the *State Air Quality Control Plan*.

(k) Vendors of wood-fired heating devices

(1) may not advertise devices prohibited by this section for sale within an area identified in 18 AAC 50.015(b)(3); and

(2) shall provide a buyer with curtailment information and proper operating instructions at the time of sale.

(*l*) In an area identified in 18 AAC 50.015(b)(3), a person who owns a woodstove or pellet stove that does not have a valid certification from EPA under 40 C.F.R. 60.533 or a non-pellet fueled wood-fired outdoor hydronic heater shall render the device inoperable before December 31, 2024; or before the device is sold, leased, or conveyed as part of an existing structure, whichever is earlier.

(m) In an area identified in 18 AAC 50.015(b)(3), a person who owns a device that, under this section, may not be reinstalled within the area shall ensure the device is rendered inoperable when it is removed.

(n) If EPA publishes a finding under 40 C.F.R. 51.1014(a)(1) – (4) related to the local air quality control plan incorporated in the *State Air Quality Control Plan* for an area identified in 18 AAC 50.015(b)(3), the owner of a wood-fired heating device other than a masonry heater in an area identified in 18 AAC 50.015(b)(3) that has a particulate matter

emission rating of greater than 2.0 grams per hour shall render the device inoperable, notwithstanding a valid EPA certification by the following deadlines

(1) for a device manufactured 25 years or more before the effective date of the EPA finding, before December 31, 2024 or before the device is sold, leased or conveyed as part of an existing building, whichever is earlier;

(2) for a device manufactured less than 25 years before the effective date of the EPA finding, before 25 years from the date of manufacture.

(o) A person who disputes a decision by the department under this section may request review under 18 AAC 15.185 or 18 AAC 15.195 – 18 AAC 15.340.

(p) In this section, "dry cabin" means a residential structure 1,000 square feet or less than does not have a well or water provided by a direct public utility.

~~(q) In this section, "TEOM" means tapered element oscillating microbalance.~~

State effective: 11/7/2020; EPA approval: 2/10/2022, 87 FR 7722; EPA effective: 3/14/2022

18 AAC 50.078. Additional control measures for a serious PM-2.5 nonattainment area.

(a) This section applies to an individual or business whose activities emit PM-2.5 or PM-2.5 precursor pollutants within an area identified in 18 AAC 50.015(b)(3).

(b) After September 1, 2020, only fuel oil, containing no more than 1,000 parts per million sulfur, may be sold or purchased for use in fuel oil-fired equipment, including space heating devices. This subsection does not apply to major stationary sources subject to a Best Available Control Technology determination or to diesel-fired equipment or vehicles subject to more stringent federal diesel fuel sulfur requirements.

~~(c) Small area sources of PM-2.5 listed below shall provide the following information to the department by March 15, 2020, or 60 days after commencing operations~~

~~(1) commercial charbroilers shall identify the~~

~~(A) name and location of the commercial cooking operation;~~

~~(B) operation type – chain-driven or under-fired;~~

~~(C) number and size, in cooking surface square feet, of each charbroiler at the commercial cooking operation;~~

~~(D) type of fuel used to heat each charbroiler;~~

(E) type and quantity, in pounds of meat cooked on each charbroiler on a weekly basis for the previous 12-month period;

(F) daily operating hours of the commercial cooking operation;

(G) air flow rate, measured in cubic feet per minute, of hood or exhaust system serving each charbroiler; and

(H) manufacturer and model of any installed pollution control devices designed to reduce particulates, kitchen smoke, or odor;

(2) commercial incinerators shall identify the

(A) owner name and physical address;

(B) source type, including medical, liquid, or solid waste;

(C) process description;

(D) fuel used;

(E) throughput of waste stream, expressed in pounds per hour;

(F) daily hours of operation;

(G) applicable emission limits and regulatory authorities that govern their operation; and

(H) manufacturer and model of any installed pollution control devices designed to control or limit particulates, smoke, or odor.

(3) commercial used oil burners shall identify the

(A) owner name, facility name, and physical address of the facility;

(B) the purpose of the burner, for example, space heating or boiler operation;

(C) number and type of burners;

(D) fuel type, for example, lubricants, heat transfer fluids, solvents, cleaning agents, mixtures, or cooking oil;

(E) fuel source, for example, if it is purchased, self-generated, or disposal;

(F) fuel quality, including whether it is raw or processed and, if processed whether it is processed to specifications;

~~(G) amount of fuel, measured in gallons, consumed by each burner in an hour;~~

~~(H) daily operating hours for each burner;~~

~~(I) applicable emission limits and regulatory authorities that govern their operation;~~

~~(J) manufacturer and model of each waste burner; and~~

~~(K) manufacturer and model of any installed pollution control devices designed to control or limit particulates, smoke, or odor.~~

~~(d) Commercial coffee roasters within an area identified in 18 AAC 50.015(b)(3) shall install a pollution control device, such as a catalytic oxidizer or thermal oxidizer, on any unit that emits 24 pounds or more of particulate matter in a 12-month period. The pollution control device must be appropriate to the unit and approved by the department. The device must be installed not later than one year from January 8, 2020 or before commencing operation, whichever is later. The department may waive the requirements of this subsection if the facility provides information demonstrating that control technology is technically or economically infeasible.~~

State effective: 1/8/2020; EPA approval: 9/24/2021, 86 FR 52997; EPA effective: 10/25/2021

18 AAC 50.079. Provisions for coal-fired heating devices.

(a) This section applies to a person who

(1) owns or operates a coal-fired heating device in an area identified in 18 AAC 50.015(b)(3), if the coal-fired device

(A) is installed before *January 12, 2018;* and

(B) is not otherwise exempted in this section; or

(2) intends to supply, sell, lease, distribute, convey, or install a coal-fired heating device for operation in an area identified in 18 AAC 50.015(b)(3).

(b) A person may not install, or reinstall a coal-fired heating device and may not supply, sell, lease, distribute, or convey a coal-fired heating device for operation in an area identified in 18 AAC 50.015(b)(3).

(c) Except as provided under (d) or (e) of this section, a person may not sell, lease, or convey a coal-fired heating device as part of an existing building or other property located in an area identified in 18 AAC 50.015(b)(3).

(d) Subsections (c) and (f) of this section do not apply to an installed coal-fired heating device

that has undergone, during wintertime operation, an emission source test

(1) that the department has approved;

(2) that uses 40 C.F.R. Part 60, Appendix A-3, Method 5, revised as of July 1, 2017, and adopted by reference; and

(3) for which the maximum emission rate for any individual test run does not exceed 18.0 grams per hour of total particulate matter.

~~(e) Subsections (c) and (f) of this section do not apply to the conveyance of a coal-fired heating device in an area identified in 18 AAC 50.015(b)(3) if the owner requests and receives a temporary waiver from the department or a local air quality program. The department or local air quality program may grant a temporary waiver after considering~~

~~(1) financial hardship information provided by the owner or operator;~~

~~(2) technical feasibility and device design information provided by the owner or operator; and~~

~~(3) potential impact to locations with populations sensitive to exposure to PM-2.5; locations under this paragraph include hospitals, schools, child care facilities, health clinics, long-term care facilities, assisted living homes, and senior centers.~~

(f) Except as provided under (d) or (e) of this section, the owner of an existing coal-fired heating device shall render the device inoperable by the earlier of December 31, 2024 or before the device is sold, leased, or conveyed as part of an existing building.

(g) Coal-fired heating devices not meeting the requirements of (b) – (d) of this section may not be advertised for sale within an area identified in 18 AAC 50.015(b)(3).

State effective: 1/8/2020; EPA approval: 9/24/2021, 86 FR 52997; EPA effective: 10/25/2021

18 AAC 50.100. Nonroad engines.

The actual and potential emissions of nonroad engines are not included when determining the classification of a stationary source or modification under AS 46.14.130. Nothing in this section exempts nonroad engines from compliance with other applicable air pollution control requirements.

State effective: 10/1/2004; EPA approval: 8/14/2007, 72 FR 45378; EPA effective: 9/13/2007

18 AAC 50.110. Air pollution prohibited.

No person may permit any emission which is injurious to human health or welfare, animal or plant life, or property, or which would unreasonably interfere with the enjoyment of life or property.

State effective: 5/26/1972; EPA approval: 5/31/1972, 37 FR 10842; EPA effective: 5/26/1972

18 AAC 50 Article 2. Program Administration.

18 AAC 50.200. Information requests.

If requested by the department to determine compliance with AS 46.03, AS 46.14, and this chapter, the owner, operator, or permittee of a stationary source shall maintain records of, and report to the department information on, the nature and amount of emissions from the stationary source and other information designated by the department.

State effective: 10/1/2004; EPA approval: 8/14/2007, 72 FR 45378; EPA effective: 9/13/2007

18 AAC 50.201. Ambient air quality investigation.

(a) Upon a finding by the department that emissions from an existing stationary source have a reasonable likelihood of causing or significantly contributing to ambient concentrations of one or more air pollutants that exceed an ambient air quality standard, maximum allowable increase, or the limitations of 18 AAC 50.110, the department may require the owner, operator, or permittee to evaluate the effect of the stationary source's emissions of those air pollutants on ambient air or on the limitations of 18 AAC 50.110 that are at issue. An evaluation submitted under 18 AAC 50.306, 18 AAC 50.540, this section, or prior equivalent regulations, and deemed complete by the department, must satisfy the evaluation requirements of this section, and any prior analysis must accurately represent the stationary source's emissions.

(b) Based on an evaluation submitted under (a) of this section or other information in the department's possession and subject to AS 46.14.010(e), the department may require an existing stationary source to reduce emissions or implement another control strategy to reduce the ambient impact of those emissions as necessary to ensure that the concentration of air pollutants in the ambient air does not exceed the ambient air quality standards, maximum allowable increases, or the limitations of 18 AAC 50.110. A reduction or control strategy may be imposed as a source-specific permit condition or as a regulation. Before imposing a reduction or control strategy, the department will consult with the affected owner, operator, or permittee and provide the affected public an opportunity for comment and hearing. To the extent practicable, given the costs of determining an equitable allocation, any emission reduction or control strategy imposed under this section will be equitably allocated among stationary, mobile, and area sources and source categories based upon their relative contribution to the ambient impacts of concern, the cost of additional controls, and other equitable factors.

(c) When determining whether to impose a reduction or control strategy under (b) of this section, the department will consider the uncertainties of ambient air quality analysis, the costs and benefits of resolving the uncertainties, the nature of the ambient impact area,

and the proximity and magnitude of adjacent impacts.

(d) The provisions of this section do not apply if the area affected by the emissions of an air pollutant is designated nonattainment for that air pollutant under 18 AAC 50.015.

(e) The provisions of this section do not limit the department's ability to require or conduct ambient air quality analysis or control under the construction permit program established under AS 46.14.120 and this chapter.

State effective: 10/1/2004; EPA approval: 8/14/2007, 72 FR 45378; EPA effective: 9/13/2007

18 AAC 50.205. Certification.

(a) Any permit application, report, affirmation, or compliance certification required by the department under a permit program established under AS 46.14 or this chapter must include 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."

(b) The department may accept an electronic signature on an electronic application or other electronic record required by the department under a permit program established under AS 46.14 or this chapter if the person providing the electronic signature

(1) uses a security procedure, as defined in AS 09.80.190, approved by the department under AS 09.80.150; and

(2) accepts or agrees to be bound by an electronic record executed or adopted with that signature.

State effective: 11/7/2020; EPA approval: 2/10/2022, 87 FR 7722; EPA effective: 3/14/2022

18 AAC 50.215. Ambient air quality analysis methods.

(a) A person who submits ambient air monitoring data under AS 46.03, AS 46.14, or this chapter shall obtain the data in accordance with

(1) the department's *Alaska Quality Assurance Project Plan for the State of Alaska Air Monitoring & Quality Assurance Program*, adopted by reference in 18 AAC 50.030, for PM-2.5, PM-10, total suspended particulates (TSP), lead, carbon monoxide, nitrogen dioxide, sulfur dioxide, ozone, and ammonia;

(2) a reference method or an equivalent method described in 40 C.F.R Part 50, Appendices D and P, adopted by reference in 18 AAC 50.035(b), for ozone; or

(3) EPA's *Meteorological Monitoring Guidance for Regulatory Modeling*

Applications, adopted by reference in 18 AAC 50.035(a), *EPA's Quality Assurance Handbook for Air Pollutant Measurement Systems; Volume IV: Meteorological Measurements Version 2.0*, adopted by reference in 18 AAC 50.035(a), and the department's Quality Assurance Project Plan for the State of Alaska Air Monitoring & Quality Assurance Program, adopted by reference in 18 AAC 50.030, for meteorological data; or

~~(4) an alternative method that is representative, accurate, verifiable, capable of replication, and approved by the department.~~

(b) Except as provided in (c) of this section, a person who submits an analysis performed to predict ambient air quality conditions shall

(1) ensure that estimates of ambient concentrations and impairment to visibility are based on applicable air quality models, databases, and other requirements specified in 40 C.F.R. Part 51, Appendix W (Guideline on Air Quality Models), adopted by reference in 18 AAC 50.040(f); and

(2) for comparing predicted or measured ambient concentrations of an air pollutant to a maximum allowable increase established under 18 AAC 50.020, exclude

(A) concentrations attributable to a temporary construction activity for a new or modified source; and

(B) the concentrations described under 40 C.F.R. 51.166(f), adopted by reference in 18 AAC 50.040(h).

(c) A person may substitute or modify a refined air quality model referenced in (b)(1) of this section only after

(1) demonstrating, consistent with 40 C.F.R. Part 51, Appendix W (Guideline on Air Quality Models), Section 3.2 (Alternative Models), adopted by reference in 18 AAC 50.040(f), that the alternative air quality model is more appropriate than a preferred air quality model; and

(2) obtaining approval from the regional administrator and the commissioner's designee.

(d) A stationary source or modification will be considered to cause or contribute to a violation of an ambient air quality standard or maximum allowable increase for a Class II area if the source or modification would, at a minimum, exceed a significant impact level listed in Table 5 of this subsection at any locality that does not or would not meet the applicable ambient air quality standard or maximum allowable increase for a Class II area. A person shall conduct the comparison of a modeled impact to the significant impact level as follows:

(1) for the 24-hour PM-2.5 significant impact level, the annual average PM-2.5 significant impact level, the one-hour nitrogen dioxide significant impact level, or the one-hour sulfur dioxide significant impact level, the person shall compare

(A) the highest modeled concentration when using either one year of meteorological data or screening meteorological data; or

(B) the highest multi-year average concentration when using a multi-year meteorological data set;

(2) for all other pollutants and averaging periods, the person shall use the highest modeled concentration.

Table 5.
Significant Impact Levels (SILs)

Pollutant	Significant impact level (micrograms per cubic meter)				
	Averaging period				
	Annual	24 hours	8 hours	3 hours	1 hour
Sulfur dioxide……..	1.0	5	N/A	25	8
PM-10……....	1.0	5	N/A	N/A	N/A
PM-2.5…….	0.3	1.2	N/A	N/A	N/A
Nitrogen dioxide…….	1.0	N/A	N/A	N/A	8
Carbon monoxide…..	N/A	N/A	500	N/A	2000

Note to Table 5: In this table, "N/A" means not applicable.

(e) Repealed 9/15/2018.

State effective: 9/15/2018; EPA approval: 8/29/2019, 84 FR 45419; EPA effective: 9/30/2019

18 AAC 50.220. Enforceable test methods.

(a) The department may require an owner, operator, or permittee to conduct air pollutant emission tests to determine compliance with AS 46.14 and this chapter. If an applicable emission standard, permit provision, or other requirement specifies a time period within which testing must be completed, the owner, operator, or permittee shall conduct the testing within the specified period regardless of whether the department explicitly calls for testing under this subsection.

(b) Unless otherwise specified by an applicable requirement or test method, an air pollutant emission test must be performed

(1) at a point or points that characterize the actual discharge into the ambient air; and

(2) at the maximum rated burning or operating capacity of the emissions unit or another rate determined by the department to characterize the actual discharge into the ambient air.

(c) Reference test methods to be used by the owner, operator, or permittee for an applicable requirement of AS 46.14 or this chapter are as follows:

(1) except as provided in (2) of this subsection,

~~(A) source testing for compliance with requirements adopted by reference in 18 AAC 50.040(a) must be conducted in accordance with the source test methods and procedures specified in 40 C.F.R. Part 60, adopted by reference in 18 AAC 50.040(a);~~

~~(B) source testing for compliance with requirements adopted by reference in 18 AAC 50.040(b) must be conducted in accordance with the source test methods and procedures specified in 40 C.F.R. Part 61, adopted by reference in 18 AAC 50.040(b);~~

~~(C) source testing for compliance with requirements adopted by reference in 18 AAC 50.040(c) must be conducted in accordance with the source test methods and procedures specified in 40 C.F.R. Part 63, adopted by reference in 18 AAC 50.040(c);~~

(D) source testing for reduction in visibility through the exhaust effluent must follow the procedures set out in Vol. 3, sec. IV-3, Appendix IV-3, "Alaska Air Quality Visible Emissions Evaluation Procedures," of the state air quality control plan, adopted by reference in 18 AAC 50.030;

(E) source testing for emissions of total particulate matter, sulfur compounds, nitrogen compounds, carbon monoxide, lead, volatile organic compounds, fluorides, sulfuric acid mist, municipal waste combustor organics, metals, and acid gases must follow the procedures specified in Appendix A to 40 C.F.R. Part 60, adopted by reference in 18 AAC 50.040; and

(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;

~~(2) emissions of any air pollutant may be determined using an alternative method approved by the department in accordance with Method 301 in Appendix A to 40 C.F.R. Part 63, adopted by reference in 18 AAC 50.040(c); and~~

(3) standard exhaust gas volumes must include only the volume of gases formed from the theoretical combustion of the fuel, plus the excess air volume normal for the specific emissions unit type, corrected to standard conditions.

(d) In deciding whether to require a test under (a) of this section, the department will consider

(1) the compliance status of the emissions unit and the margin of compliance with each applicable requirement as demonstrated by prior compliance tests or other reasonably accurate data or calculations;

(2) the potential variability of emissions from the stationary source; and

(3) the date and results of prior compliance tests, if any.

(e) The owner, operator, or permittee shall submit the results of testing conducted under this section as required by Vol. 3., sec. IV-3, Appendix IV-3, of the state air quality control plan, adopted by reference in 18 AAC 50.030.

(f) In source testing for compliance with the particulate matter standards in 18 AAC 50.050 or 18 AAC 50.055, the three-hour average is determined using the average of three one-hour test runs. The source test must account for those emissions caused by soot blowing, grate cleaning, or other routine maintenance activities by ensuring that at least one test run includes the emissions caused by the routine maintenance activity and is conducted under conditions that lead to representative emissions from that activity. The emissions must be quantified using the following equation:

$$E = E_M \left[(A + B)\, x \frac{S}{R\, x\, A} \right] + E_{NM} \left[\frac{(R - S)}{R} - \frac{BS}{R\, x\, A} \right]$$

Where:

E =the total particulate emissions of the source in grains per dry standard cubic foot (gr/dscf).
E_M =the particulate emissions in gr/dscf measured during the test that included the routine maintenance activity.
E_{NM} =the arithmetic average of particulate emissions in gr/dscf measured by the test runs that did not include routine maintenance activity.
A =the period of routine maintenance activity occurring during the test run

that included routine maintenance activity, expressed to the nearest hundredth of an hour.
B =the total period of the test run, less A.
R =the maximum period of source operation per 24 hours, expressed to the nearest hundredth of an hour.
S = the maximum period of routine maintenance activity per 24 hours, expressed to the nearest hundredth of an hour.

State effective: 9/15/2018; EPA approval: 8/29/2019, 84 FR 45419; EPA effective: 9/30/2019

18 AAC 50.225. Owner-requested limits.

(a) The owner or operator of an existing or proposed stationary source may request an enforceable limit on the ability to emit air pollutants to avoid all permitting obligations under AS 46.14.130. A limitation approved under this section is an enforceable limitation for the purpose of determining

(1) stationary source-specific allowable emissions; and

(2) a stationary source's potential to emit.

(b) To request approval under this section of limits on the ability to emit, the owner or operator shall submit to the department

(1) a completed stationary source identification form;

(2) a list of all emissions units at the stationary source;

(3) a calculation of the stationary source's actual emissions and potential to emit air pollutants;

(4) a description of each proposed limit, including for each air pollutant a calculation of the effect the limit will have on the stationary source's potential to emit and the allowable emissions;

(5) a description of a verifiable method to attain and maintain each limit, including monitoring and recordkeeping requirements;

(6) citation to each requirement that the person seeks to avoid, including an explanation of why the requirement would apply in the absence of the limit and how the limit allows the person to avoid the requirement;

(7) repealed 10/6/2013;

(8) a statement that the owner or operator of the stationary source will be able to comply with each limit; and

(9) a certification, bearing the signature of the person requesting the limits, that states: "Based on information and belief formed after reasonable inquiry, I certify that the statements and information in this request are true, accurate, and complete."

(c) Within 30 days after receiving a request under (b) of this section, the department will

(1) make a preliminary decision to approve the request; or

(2) deny the request and notify the owner or operator of the reasons for the denial.

(d) If the department makes a preliminary decision to approve a request under (c) of this section, the department will solicit public comment on the preliminary decision as follows:

(1) the department will publish a notice in a newspaper of general circulation within the area where the stationary source is or will be located; the department will publish this notice in two consecutive issues of the newspaper and in other media the department considers appropriate; the notice will include

(A) the name and address of the applicant and the location or proposed location of the stationary source;

(B) a summary describing the proposed limit, including reference to the requirement that the limit avoids;

(C) a statement that the department will accept public comment on the proposed limit for 30 days after first publishing notice; and

(D) the name and address of the person to whom comments should be sent;

(2) the department will make available for public review, in at least one location within the area affected by the stationary source, the materials submitted by the owner or operator and a copy of the proposed limit;

(3) the department, upon its own motion or upon a request made in accordance with 18 AAC 15.060, will hold a public hearing on the application as described in 18 AAC 15.060(d) - (h); and

(4) the department will accept public comments and testimony on the proposed limit for 30 days after publishing the notice required by (1) of this subsection; if the department determines additional time is needed to allow full public participation, it will

(A) extend the public comment period by up to an additional 60 days; and

(B) publish notice of the extension as provided under (1) of this subsection.

(e) After the public comment period provided under (d) of this section, the department will consider the comments received during the public comment period and will make a final decision whether to approve, approve with conditions, or deny the request for cause. This final decision, or a decision to deny the request under (c)(2) of this section, is a permit action for the purpose of review under AS 46.14.200. The absence of a department decision within 30 days after the close of the public comment period provided in (d) of this section will be considered a permit action to deny the request for the purpose of review under AS 46.14.200.

(f) If the department approves a request for a limit, it will issue a letter of approval that

(1) describes the terms and conditions of the approval, including specific testing, monitoring, recordkeeping, or reporting requirements;

(2) lists all equipment covered by the approval;

(3) describes the requirement that the limit allows the owner or operator to avoid; and

(4) contains the statement "I understand and agree to the terms and conditions of this approval" followed by a space for the owner's or operator's signature.

(g) A limit approved under this section becomes effective the day after the department receives a copy of the letter of approval bearing the owner's or operator's signature in the space provided. On and after the date the limit becomes effective and until the limit is revised or revoked under (h) of this section, the owner and operator shall comply with all terms and conditions of the approval.

(h) The owner or operator may request the department to revise the terms or conditions of the approval issued under this section by submitting a new request under (b) of this section. The owner or operator may request the department to revoke the approval in writing by explaining the reason for the request and applying for each permit listed in the original approval under (f) of this section as if the limit had never been approved. The limit remains in effect until the owner or operator

(1) obtains a new limit that allows the owner or operator to continue to avoid the requirement; or

(2) for a request to revoke the limit, obtains any permit that was avoided, and complies with any other requirement that was avoided.

(i) If an owner or operator requests a limit under this section for a stationary source that already has one or more limits approved under this section, the owner or operator shall provide a copy of all existing limits with the information provided under (b) of this section. This copy is required regardless of whether the new limit will apply to emissions units regulated under any existing limits. If the department makes a preliminary decision to approve the new limit, the department will combine the new limit and all existing

limits into a single decisional document and process it in accordance with (d) - (g) of this section. All existing limits remain in effect until the effective date of the new decision, unless revoked earlier in accordance with (h) of this section.

State effective: 9/15/2018; EPA approval: 8/29/2019, 84 FR 45419; EPA effective: 9/30/2019

18 AAC 50.230. Preapproved emission limits.

(a) This section sets out limits for certain stationary sources that become effective the day after the department receives a request containing all the required information. Under these "preapproved" emission limits or PAELs, no additional department approval is required. The owner and operator shall comply with the limit while that limit is in effect. The limit remains in effect until revoked in accordance with (e) of this section.

(b) The owner or operator of a stationary source containing one or more emissions units described in (c), (d), or (f) of this section may request that the preapproved limits in those subsections be applied to that stationary source. To make the request, the owner or operator shall submit to the department the information required for the limit requested.

(c) Limits on the allowable emissions of, or potential to emit, nitrogen oxides from diesel engines may be established by restricting the amount of fuel that may be burned in an engine. To implement these limits, the owner or operator shall

(1) submit to the department a letter or form containing

(A) the name and address of the stationary source to which the limits will apply;

(B) a list of all diesel engines at the stationary source to which the limits will apply, including the model and rated capacity of each diesel engine;

(C) the maximum quantity of fuel, in gallons, that the owner or operator will be limited to use in the equipment listed in (B) of this paragraph in any consecutive 12 months;

(D) a calculation of the nitrogen oxides, in tons per year, that the equipment listed in (B) of this paragraph would have the potential to emit if subjected to the limits on fuel use proposed under (C) of this paragraph, determined by dividing the number provided under (C) of this paragraph by 3,309;

(E) an estimate of the potential to emit nitrogen oxides, in tons per year, from all emissions units at the stationary source that are not listed under (B) of this paragraph;

(F) a calculation of the stationary source's total potential to emit nitrogen oxides, determined by adding the values derived under (D) and (E) of this paragraph;

(G) a list setting out each of the conditions required under (2) of this subsection;

(H) a certification bearing the owner's or operator's signature stating that

(i) "Based on information and belief formed after reasonable inquiry, I certify that the information in this request is true, accurate, and complete"; and

(ii) the owner or operator fully understands the conditions required under (2) of this subsection and agrees to those conditions in order to limit nitrogen oxide emissions from the equipment listed under (B) of this paragraph to no more than the value calculated under (D) of this paragraph; and

(I) the administration fee in 18 AAC 50.400(f)(2); and

(2) agree to

(A) limit the quantity of fuel burned in the equipment listed under (1)(B) of this subsection during any consecutive 12 months to no more than the amount proposed under (1)(C) of this subsection;

(B) record the amount of fuel consumed in the equipment listed under (1)(B) of this subsection each month and calculate the total fuel consumed in the equipment during the preceding 12 months;

(C) keep all receipts for fuel purchases and all records and calculations under (B) of this paragraph available for department inspection for at least five years; and

(D) no later than January 31 of each year, submit to the department a copy of the records and calculations required by (B) of this paragraph for the preceding year as follows:

(i) by electronic submission through the department's website for records submitted on or after *November 7, 2020;* or

(ii) upon approval by the department, by alternative methods, including by letter, form, or electronic mail, for records submitted on or after November 7, 2020, if the permittee does not have the technical ability to submit the records using the department's web site.

~~(d) The owner or operator of a gasoline distribution facility may limit the maximum daily throughput of gasoline for the stationary source to less than 19,900 gallons. If the limit in this subsection is applied, the department will consider the stationary source to be a bulk gasoline plant under the standards adopted by reference in 18 AAC 50.040(a)(2)(M) and (AA). The owner or operator shall~~

~~(1) submit to the department a form containing~~

~~(A) the name and address of the stationary source to which the limit will apply;~~

~~(B) a list of each tank containing gasoline at the stationary source, including the working capacity of each tank;~~

~~(C) a list of the conditions required under (2) of this subsection; and~~

~~(D) a certification bearing the signature of the owner or operator stating that~~

~~(i) "Based on information and belief formed after reasonable inquiry, I certify that the information in this request is true, accurate, and complete"; and~~

~~(ii) the owner or operator fully understands the conditions required under (2) of this section and agrees to those conditions in order to be classified as a bulk gasoline plant; and~~

~~(E) the administration fee in 18 AAC 50.400(k)(3); and~~

~~(2) agree to~~

~~(A) limit the quantity of gasoline transferred from tanks at the stationary source each day to less than 19,900 gallons;~~

~~(B) record the amount of gasoline transferred from tanks at the stationary source each day;~~

~~(C) keep all receipts for fuel sales and all records under (B) of this paragraph available for department inspection for at least five years; and~~

~~(D) no later than January 31 of each year, submit to the department a copy of the records required by (B) of this paragraph for the preceding year. as follows:~~

~~(i) by letter, by form, or by electronic submission through the department's website, for records submitted on or before January 31, 2019;~~

~~(ii) by electronic submission through the department's website, for records submitted on or after February 1, 2019; or~~

~~(iii) upon approval by the department, by alternative methods, including by letter, by form, or by electronic mail, for records submitted on or after February 1, 2019, if the permittee does not have the technical ability to submit the records using the department's website.~~

(e) The owner or operator may terminate a limit under this section by notifying the department, in writing, of the proposed date for termination of the limit. On and after the proposed date, the limit is no longer in effect unless the limit made it possible for the

owner or operator to avoid any preconstruction review procedures or to avoid the requirement for an operating permit. If the limit

(1) made it possible for the owner or operator to avoid any preconstruction review under this chapter, the limit remains in effect until the owner or operator obtains

(A) a new minor permit or construction permit under this chapter as if the limit had never existed; or

(B) under this section, 18 AAC 50.225, or 18 AAC 50.508, a new limit that allows the owner or operator to continue to avoid preconstruction review; or

(2) did not make it possible to avoid preconstruction review, but made it possible to avoid a Title V permit or minor permit to operate, the limit remains in effect until the owner or operator obtains

(A) a new Title V permit under this chapter as if the limit had never existed; or

(B) under this section or under a permit classified in 18 AAC 50.508, a new limit that allows the owner or operator to continue to avoid the need for the permit.

(f) Limits on the allowable emissions of, or potential to emit, nitrogen oxides from diesel engines with EPA Nonroad and Marine Compression Ignition Engine Tier Certifications may be established by restricting the amount of fuel that may be burned in an engine. To implement these limits, the owner or operator shall

(1) submit to the department a letter or form containing

(A) the name and address of the stationary source to which the limits will apply;

(B) a list of all diesel engines at the stationary source to which the limits will apply, including the make, model, serial number, manufactured year, EPA Tier Certification, and rated capacity of each diesel engine;

(C) the maximum quantity of fuel, in gallons, that the owner or operator will be limited to use in the equipment listed in (B) of this paragraph in any consecutive 12 months, determined by identifying the EPA Tier certification in Table Sa that corresponds to the lowest EPA Tier certified engine at the facility;

Table 5a
Maximum Fuel Use by EPA Tier Certification

EPA Nonroad Compression Ignition Certification Tier	EPA Marine Compression Ignition Certification Tier	Maximum Fuel Use (gallons/consecutive 12 months)
1	2	200,000

2	3	300,000
3, & 4 Interim (engines less than or equal to 900 kW)	4	500,000
4 Final & 4 Interim (engines greater than 900 kW)	N/A	1,000,000

(D) a list setting out each of the conditions required under (2) of this subsection;

(E) a certification bearing the owner's or operator's signature stating that

(i) "Based on information and belief formed after reasonable inquiry, I certify that the information in this request is true, accurate, and complete"; and

(ii) the owner or operator fully understands the conditions required under (2) of this subsection and agrees to those conditions in order to limit nitrogen oxide emissions from the equipment listed under (B) of this paragraph to no more than the minor permitting thresholds in 18 AAC 50.502(C)(l); and

(F) the administration fee in 18 AAC 50.400(f)(2); and

(2) agree to

(A) limit the quantity of fuel burned in the equipment listed under (l)(B) of this subsection during any consecutive 12 months to no more than the amount proposed under (l)(C) of this subsection;

(B) record the amount of fuel consumed in the equipment listed under (l)(B) of this subsection each month and calculate the total fuel consumed in the equipment during the preceding 12 months;

(C) keep all receipts for fuel purchases specifying sulfur content and gallons of fuel, and all records and calculations under (B) of this paragraph available for department inspection for at least five years; and

(D) no later than January 31 of each year, submit to the department a copy of the records required by (B) of this paragraph for the preceding year as follows:

(i) by electronic submission through the department's website, for records submitted on or after November 7, 2020; or

(ii) upon approval by the department, by alternative methods, including by letter, form, or electronic mail. for records submitted on or after November 7, 2020, if the permittee does not have the technical ability to submit the records using the department's website.

State effective: 11/7/2020; EPA approval: 2/10/2022, 87 FR 7722; EPA effective: 3/14/2022

18 AAC 50.245. Air quality episodes and advisories for air pollutants other than PM-2.5.

(a) The department or a local air quality control program may declare an air quality episode and prescribe and publicize curtailment action if the concentration of an air pollutant in the ambient air has reached, or is likely in the immediate future to reach, any of the concentrations established in Table 6 in this subsection.

Table 6.
Concentrations Triggering an Air Quality Episode for Air Pollutants Other Than PM-2.5

Episode Type	Air Pollutant	Concentration in micrograms per cubic meter {and in ppm where applicable}
Air alert	Sulfur dioxide	365 (24-hour average) {0.14 ppm}
	PM-10	150 (24-hour average)
	PM-10 from wood burning (wood smoke control areas)	92 (24-hour average)
	Carbon monoxide	10,000 (8-hour average) {8.7 ppm}
Air warning	Sulfur dioxide	800 (24-hour average) {0.31 ppm}
	PM-10	350 (24-hour average)
	Carbon monoxide	17,000 (8-hour average) {15 ppm}

Air emergency	Sulfur dioxide	1,600 (24-hour average) {0.61 ppm}
	PM-10	420 (24-hour average)
	PM-10 from wood burning (wood smoke control areas)	During an air alert, a concentration measured or predicted to exceed 92 (24-hour average), and to continue to increase beyond the concentration that triggered the air alert
	Carbon monoxide	34,000 (8-hour average) {30 ppm}

(b) The department or a local air quality control program will declare an air quality advisory if, in its judgment, air quality or atmospheric dispersion conditions exist that might threaten public health.

(c) If the department or a local air quality control program declares an air quality advisory under (b) of this section, the department or a local air quality control program will

(1) request voluntary emission curtailments from any person issued a permit under this chapter whose stationary source's emissions might impact the area subject to the advisory; and

(2) publicize actions to be taken to protect public health.

(d) Nothing in this section alters a local government's powers or obligations under a local air quality control program established under AS 46.14.400 and other local laws, as applicable.

State effective: 2/28/2015; EPA approval: 9/8/2017, 82 FR 42457; EPA effective: 10/10/2017

18 AAC 50.246. Air quality episodes and advisories for PM-2.5.

(a) The department or a local air quality control program may declare an air quality episode and prescribe and publicize the actions to be taken if the concentration of PM-2.5 in the ambient air has reached, or is likely in the immediate future to reach, any of the concentrations established in Table 6a in this subsection. The episode thresholds and actions prescribed for any area that has a local air quality plan included in the *State Air Quality Control Plan* adopted by reference in 18 AAC 50.030 must be consistent with the emergency episode provisions included in that plan.

Table 6a.

Concentrations Triggering an Air Quality Episode for PM-2.5

Episode Type	Air Pollutant	Concentration in micrograms per cubic meter
Air alert	PM-2.5	35.5 (24-hour average)
Air warning	PM-2.5	55.5 (24-hour average)
Air emergency	PM-2.5	150.5 (24-hour average)

(b) The department or a local air quality control program authorized by the department under AS 46.14.400 will declare a PM-2.5 air quality advisory if, in its judgment, PM-2.5 air quality or atmospheric dispersion conditions exist that might threaten public health.

(c) If the department or a local air quality control program declares a PM-2.5 air quality advisory under (b) of this section, the department or a local air quality control program will

(1) request voluntary emission curtailments from any person issued a permit under this chapter whose stationary source's emissions might impact the area subject to the advisory; and

(2) publicize actions to be taken to protect public health.

(d) Nothing in this section alters a local government's powers or obligations under a local air quality control program established under AS 46.14.400 and other local laws, as applicable.

State effective: 2/28/2015; EPA approval: 9/8/2017, 82 FR 42457; EPA effective: 10/10/2017

18 AAC 50.250. Procedures and criteria for revision air quality classifications.

(a) Except for the Class I areas identified in 18 AAC 50.015(c), the class of any geographical area of the state can be revised. This section sets out the procedures and criteria for revising an air quality classification.

(b) A geographic area that exceeds 10,000 acres and is one of the following may be classified only as Class I or Class II:

(1) a national park or national wilderness area established after August 7, 1977; or

(2) a national monument, national primitive area, national preserve, national recreation area, national wild and scenic river, national wildlife refuge or range, or a national lakeshore or seashore.

(c) The department will, on its own motion, or upon receipt of a petition under AS 44.62.220, propose to change the air quality classification of a geographical area. The department will, in its discretion, combine or coordinate any public meetings or hearings conducted under (e) of this section with those conducted under AS 44.62.180 - 44.62.290. The department will make the report prepared under (d) of this section available to the public during the public comment period provided under AS 44.62.210.

(d) Before proposing a change to a geographic air quality classification, the department will prepare, and a person submitting a petition under AS 44.62.220 must provide, a report that includes

(1) an accurate description of the boundaries of the geographic area for which the change in air quality classification is proposed;

(2) the classification in effect for the area and the proposed classification;

(3) a statement of the reasons why the change to the air quality classification is proposed and is in the public interest;

(4) a detailed evaluation of new emissions and ambient air quality impacts expected to occur in the area to be reclassified and in adjacent areas as a result of a modification to a stationary source in that area or from construction and operation of a new stationary source in that area

(A) for which a complete permit application under AS 46.14.160 is pending before the department at the time the report is prepared; or

(B) that has been proposed, would be subject to this chapter and AS 46.14.120 or 46.14.130, and could not be permitted under those provisions without a change in the air quality classification for the area;

(5) an evaluation of the effects on air quality in other geographic areas classified in 18 AAC 50.015(c) of any proposed new or modified stationary source in the area to be reclassified; and

(6) a detailed analysis of the health, environmental, economic, social, and energy effects of the proposed reclassification.

(e) Before the commissioner will adopt an amendment to 18 AAC 50.015(c) that changes the air quality classification of an area of the state,

(1) for any change,

(A) the federal administrator must have approved the change;

(B) the department must have conferred with the elected leadership of local and

other substate general purpose governments in the area covered by the proposed redesignation;

(C) the department must have notified each affected federal land manager of the proposed change and provided at least 30 days to comment on the report described in (d) of this section;

(D) the department must have published in a newspaper of general circulation in the state a summary of the comments and recommendations of any affected federal land manager received under (B) of this paragraph and an explanation of the reasons for implementing a change that is inconsistent with the recommendations of the federal land manager; and

(E) the commissioner must have determined that

(i) the health, environmental, economic, social, and energy effects of the change are in the public interest; and

(ii) implementing the change will not cause or contribute to a violation of the ambient air quality standards or maximum allowable increase;

(2) for any change to the classification of lands within the exterior boundary of a reservation of a federally-recognized Indian tribe, the governing body of the tribe must have approved the change; and

(3) for a reclassification of an area to Class III, the change must meet the applicable requirements of 42 U.S.C. 7474, adopted by reference as amended through December 19, 1996.

(f) In this section, "federal land manager" has the meaning given in 40 C.F.R. 51.166(b)(24), as revised as of July 1, 2019 and adopted by reference.

State effective: 11/7/2020; EPA approval: 2/10/2022, 87 FR 7722; EPA effective: 3/14/2022

18 AAC 50.260. Guidelines for best available retrofit technology under the regional haze rule.

(a) For the purposes of this section, the following are adopted by reference:

(1) 40 C.F.R. 51.301 (Definitions), revised as of July 1, 2007, except that

(A) "fugitive emissions" has the meaning given in 18 AAC 50.990;

(B) "major stationary source" has the meaning given in AS 46.14.990 and 18 AAC 50.990:

(C) “potential to emit” has the meaning given in AS 46.14.990;

(D) “stationary source” has the meaning given in AS 46.14.990;

(2) 40 C.F.R. Part 51, Appendix Y (guidelines for BART determinations under the regional haze rule), as revised as of July 1, 2007.

(b) Sources subject to BART shall be identified consistent with Section III of the BART guideline. No later than *5* days after December 30, 2007, the Department shall notify the owner or operator of each source subject to BART in writing and shall identify the affected Class I areas. A notice provided to the owner or operator prior to December 30, 2007 shall satisfy this obligation. Unless the department exempts a source in accordance with Section III of the BART guideline, each source subject to BART shall comply with (d) through (h) and (*l*) through (o) of this section.

(c) An owner or operator notified under (b) of this section may request an exemption from BART. Exemptions from BART approved by the department in writing prior to December 30, 2007 shall have the same effect as those approved under this subsection. An exemption from BART must be requested and processed as follows:

(1) the owner or operator shall:

(A) notify the department no later than 10 days after the latter of December 30, 2007 or notification under (b) of this section that they intend to request exemption from BART through visibility impact analysis modeling; and

(B) submit, no more than 30 days after the later of December 30, 2007 or the date of the department’s notice under (b) of this section, a visibility impact analysis modeling protocol that will meet the requirements of (h)(3) of this section for refined visibility impact analysis modeling:

(2) no later than 30 days after receiving a submission under (1)(B) of this subsection, the department will:

(A) approve the modeling protocol; or

(B) disapprove the modeling protocol and notify the owner or operator of the reasons for the disapproval;

(3) upon approval of the modeling protocol, the owner or operator shall

(A) conduct a visibility impact analysis in accordance with (h)(3) of this section; and

(B) submit the visibility impact analysis report, including all supporting documentation, to the department no later than 60 days after the department approves a modeling protocol for the visibility impact analysis; if a modeling

protocol is submitted and approved prior to December 30, 2007, the visibility impact analysis report required under this section shall be submitted no later than 90 days after December 30, 2007;

(4) the department will approve an exemption if the owner or operator meets the requirements of (1) and (3) of this subsection and the information submitted adequately demonstrates that the BART-eligible source is not reasonably anticipated to cause or contribute to any impairment of visibility in a Class 1 Area identified in the notice provided under (b) of this section;

(5) if the department does not approve an exemption based on the visibility impact analysis submitted under (c)(1) and (c)(3) of this section, the owner or operator shall:

(A) submit a BART control analysis under (d) and (e) of this section; or

(B) submit an application under 18 AAC 50.225 for owner-requested limits (ORL); that application must be submitted no later than 30 days after the date of the disapproval; upon approval of an owner requested limit under 18 AAC 50.225, the owner or operator shall comply with the terms and conditions of the approval; if the owner requested limit is subsequently rescinded, the owner or operator shall conduct a BART control analysis in accordance with (d) – (o) of this section;

(6) the department will notify the owner or operator, the Environmental Protection Agency, and each affected federal land manager, in writing, of a department approval or disapproval under this subsection; if the decision is to approve an exemption, either through visibility impact analysis or an owner-requested limit, the department will explain what requirements of this section no longer apply to the BART-eligible source.

(d) If an owner or operator does not submit an exemption modeling protocol under (c)(1) of this section or if the department denies the exemption request under (c) of this section, the owner or operator shall submit a BART assessment modeling protocol that meets the requirements of (h)(3) of this section for control technology visibility impact analysis modeling no more than 30 days after the latest of December 30, 2007, the date of the department's notice under (b) of this section, or the date of the department's notice disapproving the exemption request under (c) of this section. No more than 30 days after submission of a modeling protocol under this subsection, the department will

(1) approve the modeling protocol; or

(2) disapprove the modeling protocol and notify the owner or operator of the reasons for the disapproval.

(e) For purposes of analyzing the visibility impact from potential control technologies, the owner or operator of each source subject to BART shall submit to the department an analysis of control options consistent with Section IV of the BART guidelines;

(1) no more than 210 days after the later of December 30, 2007 or the date of the department's notice under (b) of this section, if the owner or operator did not submit an exemption modeling protocol under (c)(1) of this section; or

(2) no more than 180 days after the date of the department's notice disapproving an exemption request submitted under (c) of this section.

(f) The pollutants of concern for purposes of BART are SO_2, NO_x, and PM_{10}.

(g) If an owner or operator elects to apply, or has already applied, the most stringent controls available consistent with the analysis conducted under (e) of this section, they are not required to conduct a visibility impact analysis for the emissions units and pollutants to which the controls are to be or have been applied.

(h) A visibility impact analysis must:

(1) use an identical modeling approach for comparing the pre-control and post-control impacts of potential BART controls;

(2) determine the maximum change in visibility impacts in daily deciviews, between the current or pre-control technology and each potential BART control option consistent with the approved modeling protocol compared to the annual average default natural visibility condition as listed in EPA's *Guidance for Estimating Natural Visibility Conditions Under the Regional Haze Rule*, EPA-454/B-03-005, dated September 2003 and adopted by reference, at each Class I area identified in the notice under (b) of this section.

(3) be conducted in a manner consistent with either:

(A) the Western Regional Air Partnership's *CALMET/CALPUFF Protocol for BART Exemption Screening Analysis for Class I Areas in the Western United States*, dated August 15, 2006 and adopted by reference, as amended by the *Summary of WRAP RMC BART Modeling for Alaska, Draft #7,* dated April 6, 2007, adopted by reference; or

(B) a modified protocol that was first submitted as a draft and made available for at least a 15-day review by EPA and each affected federal land manager, and subsequently approved in writing by the department.

(i) The department will request from the owner or operator any additional information necessary to complete review of the analysis of control options for a source subject to BART. The department will establish a reasonable deadline for submitting the information after consulting the owner or operator. The owner or operator shall provide such information no later than the deadline established by the department.

(j) The department will review each analysis of control options and issue a preliminary BART determination for each emissions unit at each source subject to BART. In the preliminary BART determination, the department will include:

(1) the pollutant-specific emission limits for each emissions unit at each source subject to BART; and

(2) the monitoring, record-keeping, and reporting needed to demonstrate compliance with the emission limits, consistent with 40 C.F.R. 71.6(a)(3), adopted by reference in 18 AAC 50.040(j);

(k) No more than 120 days after receipt of BART analysis under (e) of this section, the department will publish a notice of its preliminary BART determination and provide at least 30 days for the public to comment in accordance with 40 C.F.R. 71.11, adopted by reference in 18 AAC 50.040(j) except as follows:

(1) the department may distribute a public notice to a person by electronic mail; if a person requests to be sent notice by postal mail instead of electronic mail, the department will send the notice by postal mail;

(2) the department will hold a public hearing only if one is requested within 15 days after publication of the notice.

(l) Within 15 days after the deadline for receipt of public comments, and after consideration of comments and testimony received, the department will make a final BART determination and provide written notice to each owner or operator, EPA, each affected federal land manager, and any person who commented on the preliminary BART determination. In the final BART determination, the department will include

(1) the pollutant-specific emission limits for each emissions unit at each source subject to BART; and

(2) the monitoring, record-keeping, and reporting needed to demonstrate compliance with the emission limits, consistent with 40 C.F.R. 71.6(a)(3), adopted by reference in 18 AAC 50.040(j).

(m) An informal review of the final BART determination may be requested as prescribed in 18 AAC 15.185. An adjudicatory hearing of the final BART determination may be requested as prescribed in 18 AAC 15.195 – 18 AAC 15.340.

(n) As expeditiously as practicable, but in no case more than five years after the date of EPA approval of the regional haze state implementation plan required under 42 U.S.C. 7410 and 7491, the owner or operator of a source that is subject to a final BART determination under this section shall comply with the requirements established in that determination.

(o) The owner or operator of a source required to install control equipment to comply with the BART determination shall:

(1) maintain the control equipment and establish procedures to ensure that the equipment is properly operated and maintained; and

(2) conduct monitoring, recordkeeping, and reporting in accordance with the methods set out in the final BART determination.

(p) Department services under this section are designated regulatory services for preapplication assistance and will be billed to the operating permit covering the source subject to BART as set out in 18 AAC 50. 400(h).

(q) In this section,

(1) “BART” has the meaning given the term “Best Available Retrofit Technology” in 40 C.F.R. 51.301, adopted by reference in (a) of this section;

(2) “BART-eligible source” has the meaning given in 40 C.F.R. 51.301, adopted by reference in (a) of this section;

(3) “BART guidelines” means 40 C.F.R. Part 51, Appendix Y (Guidelines for BART determinations under the regional haze rule), adopted by reference in (a) of this section.

(4) “cause or contribute to impairment of visibility” means to release emissions that produce a 0.5 or greater change in the daily deciview when compared against natural conditions; for the purposes of this paragraph, “natural conditions” includes naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration;

(5) “deciview” has the meaning given in 40 C.F.R. 51.301, adopted by reference in (a) of this section;

(6) “existing stationary facility” has the meaning given in 40 C.F.R. 51.301, adopted by reference in (a) of this section;

(7) “federal land manager” has the meaning given in 40 C.F.R. 51.301, adopted by reference in (a) of this section;

(8) “maximum change” means the greatest relative change in visibility between pre-BART controls and post-BART controls for purposes of this section;

(9) “sources subject to BART” means a source identified by the department in accordance with Section III of the BART guidelines;

(10) “visibility impact analysis” means an air quality modeling analysis conducted for the purposes of determining visibility impacts.

State effective: 9/15/2018; EPA approval: 8/29/2019, 84 FR 45419; EPA effective: 9/30/2019

18 AAC 50.270. Electronic submission requirements.

(a) If an electronic form is available within the permittee portal for records or information required by the department, a person shall submit that information electronically using the designated form. The department will post, on its air quality Internet website, a list of records or information required to be submitted electronically through the permittee portal and an effective date for the requirements to use the designated forms under (c) or (g) of this section.

(b) Upon written department approval, a person may submit required records or information using methods other than the method required in (a) of this section. If the person does not have reasonable access to equipment necessary to access the permittee portal, the department may approve submission by alternative methods, including by letter, form, or electronic mail. Approval under this subsection is temporary and does not remain effective for more than one calendar year without the department's written extension of the approval.

(c) For records and information that must be submitted using electronic web forms that are available before September 7, 2022, unless an owner or operator is already required to submit records or information electronically, the requirement to use the forms takes effect no later than September 7, 2023.

(d) For electronic web forms developed after September 7, 2022, the department shall post a notice, on the department’s Internet website, of the development of a new electronic web form and notify by electronic mail those permittees that may be affected.

(e) Upon completion of a new electronic web form, the department will provide an electronic test environment and a timeframe where affected entities may review and comment on the draft web form.

(f) After the review and expiration of the posted timeframe under (e) of this section, the department will make the new electronic web form and the effective date of required electronic submission available on the permittee portal. The effective date for new electronic web forms will be at least one year after the expiration of the posted timeframe under (e) of this section. The department will notify all affected parties, by electronic mail, of the new requirement and effective date.

(g) After the department adds a new electronic web form to the permittee portal under (f) of this section, and starting not later than the form’s effective date, its use will be required for electronic submission of reports or information in accordance with established reporting deadlines.

(h) In this section, “permittee portal” means the online service provided by the department that allows registered organizations to conduct permit-related activities, such as submission of air quality compliance forms or open burn applications.

State effective: 9/7/2022; EPA approval: 3/22/2023, 88 FR 17159; EPA effective: 4/21/2023

18 AAC 50.275. Consistency of reporting methodologies.

(a) Regardless of permit classification, as of September 7, 2022, all stationary sources operating in the state shall report actual emissions as required under this chapter to the department, either upon request or to meet individual permit requirements, in order for the state to meet federal reporting requirements under 40 C.F.R. Part 51, Subpart A.

(b) for the purposes of reporting potential, actual, or assessable emissions under any requirement of this chapter, stationary sources shall use consistent pollutant-specific emissions factors and calculation methods for all reporting requirements.

State effective: 9/7/2022; EPA approval: 3/22/2023, 88 FR 17159; EPA effective: 4/21/2023

18 AAC 50 Article 3. Major Stationary Source Permits.

18 AAC 50.301. Permit continuity.

(a) An air quality permit that is effective under this chapter as of October 1, 2004 remains in effect until it

(1) expires, consistent with AS 46.14.230;

(2) is revoked by the department under AS 46.14.280; or

(3) is replaced by a permit issued under this chapter.

(b) For a permit under this chapter, if the applicant has submitted a complete application before October 1, 2004, but the department has not yet issued the permit by that date, the

(1) applicant may request in writing that the department process the application under the regulations in effect before or after October 1, 2004; and

(2) department will process the application in accordance with the applicant's request.

State effective: 10/1/2004; EPA approval: 8/14/2007, 72 FR 45378; EPA effective: 9/13/2007

18 AAC 50.302. Construction permits.

(a) An owner or operator must obtain a construction permit before beginning actual construction of a new major stationary source, a major modification, a PAL major modification, or a new stationary source or modification subject to the construction permitting requirements of 42 U.S.C. 7412(i) (Clean Air Act sec. 112(i)). The owner or operator must obtain one or more of the following types of construction permits, as applicable:

(1) a prevention of significant deterioration (PSD) permit under 18 AAC 50.306;

(2) a nonattainment area major stationary source permit under 18 AAC 50.311;

~~(3) a construction permit under 18 AAC 50.316 for a major source of hazardous air pollutants.~~

(b) If a stationary source or modification requires permits under more than one section in this chapter, the owner or operator may file a single permit application, and the department will issue a single permit incorporating all applicable construction permit requirements.

(c) If a term or condition is established in a PSD permit listed in (a)(1) of this section, or established in a PSD permit incorporated into a permit under (b) of this section, and is identified in the permit as solely necessary to meet a Title V requirement associated with an integrated review conducted under 18 AAC 50.306(c)(3), the term or condition is considered a Title V term or condition upon incorporation into a Title V permit. A subsequent revision to the term or condition may be made solely through the applicable Title V operating permit amendment or modification provisions of 18 AAC 50.326.

State effective: 9/14/2012; EPA approval: 9/19/2014, 79 FR 56268; EPA effective: 10/20/2014

18 AAC 50.306. Prevention of significant deterioration (PSD) permits.

(a) An owner or operator must obtain a prevention of significant deterioration (PSD) permit under this section before beginning actual construction of a new major stationary source, a major modification, or a PAL major modification.

(b) To satisfy the requirement of (a) of this section, the owner or operator must comply with the requirements of 40 C.F.R. 52.21, adopted by reference in 18 AAC 50.040 with the following changes:

(1) in 40 C.F.R. 52.21,

(A) the term "administrator" means

(i) "federal administrator" in 40 C.F.R. 52.21(b)(17), (b)(37), (b)(43), (b)(48)(ii)(*c*), (i)(1)(x), (l)(2), and (p)(2); and

(ii) "department" elsewhere;

(B) the term "national ambient air quality standard" means an ambient air quality standard set out in 18 AAC 50.010 for this state;

(C) the term "ambient air increment" or "maximum allowable increase" means a maximum allowable increase set out in Table 3 in 18 AAC 50.020(b), calculated as described in 18 AAC 50.020;

(2) exclusions from increment consumption apply to the maximum extent allowed under 18 AAC 50.215(b)(2);

(3) in 40 C.F.R. 52.21(i)(1)(xi), each reference to the date "July 15, 2008" is replaced with "December 9, 2010".

(c) The department will issue each permit under this section following the procedures and other requirements of AS 46.14, and of 40 C.F.R. 52.166(f) and (q)(2), and 40 C.F.R.

52.21, as adopted by reference in 18 AAC 50.040, with the following additions and exemptions:

(1) the date of receipt of the application is the date that the department has received all required information under AS 46.14.160 and this section;

(2) the department will provide at least 30 days for the public to comment, and upon its own motion or upon a request in accordance with 18 AAC 15.060, will hold a public hearing on the application as described in 18 AAC 15.060(d) - (h);

(3) if requested by the owner or operator of a stationary source or modification that requires both a PSD permit and a Title V permit or permit modification, the department will integrate review of the operating permit application or amendment required by 18 AAC 50.326 and the PSD permit application required by this section; a PSD permit application designated for integrated review will be processed in accordance with procedures and deadlines described in 18 AAC 50.326.

(d) In each PSD permit issued under this section, the department will include terms and conditions

(1) as necessary to ensure that the permittee will construct and operate the proposed stationary source or modification in accordance with this section, including terms and conditions consistent with AS 46.14.180 that require the permittee to

(A) install, use, and maintain monitoring equipment;

(B) sample emissions according to the methods prescribed by the department, at locations and intervals specified by the department, and by procedures specified by the department;

(C) provide source test reports, monitoring data, emissions data, and information from analysis of any test samples;

(D) keep records; and

(E) make periodic reports on process operations and emissions, and reports consistent with 18 AAC 50.235 – 18 AAC 50.240; and

(2) for payment of fees consistent with 18 AAC 50.400 – 18 AAC 50.420.

(e) A person described in AS 46.14.200 may request an adjudicatory hearing to challenge the issuance, denial, or conditions of a PSD permit as prescribed in 18 AAC 15.195 – 18 AAC 15.340.

State effective: 1/4/2013; EPA approval: 9/19/2014, 79 FR 56268; EPA effective: 10/20/2014

18 AAC 50.311. Nonattainment area major stationary source permits.

(a) In accordance with the provisions of 40 C.F.R. 51.165, as adopted by reference in 18 AAC 50.040, before commencing construction of a major stationary source, major modification, or PAL major modification for a nonattainment pollutant in a nonattainment area, an owner or operator must obtain a construction permit from the department.

(b) The application for a permit under this section must include

(1) for the nonattainment air pollutant, a

(A) demonstration, including substantiating information, that emissions of the pollutant will be controlled to a rate that represents the lowest achievable emission rate (LAER);

(B) demonstration that reductions in actual emissions from other stationary sources within the nonattainment area will equal or exceed the expected maximum emissions increase from the construction and operation of the stationary source or modification; and

(C) description of the proposed reductions in actual emissions used to demonstrate satisfaction of the requirements in (B) of this paragraph; the description must include

(i) from each stationary source providing the emission reductions, a complete application for a minor permit under 18 AAC 50.508(4); and

(ii) a certification that proposed reductions in actual emissions will occur before the onset of emission increases from the stationary source or modification;

(2) a demonstration that other stationary sources owned or operated by the applicant within the state are in compliance with

(A) AS 46.14, this chapter, the Clean Air Act, and applicable federal regulations; or

(B) an order issued under AS 46.03 that controls air emissions from those stationary sources; and

(3) a demonstration that the benefits of construction, operation, or modification of the stationary source will significantly outweigh the environmental and social costs incurred, considering factors such as alternative sites, sizes, production processes, and environmental control techniques.

(c) In accordance with 40 C.F.R. 51.161, as revised as of July 1, 2019 and adopted by

reference, the department will provide notice and opportunity for a 30-day public comment period on the department's proposed permit or proposed denial. The department will issue a permit only if the department finds that the applicant has shown that the stationary source or modification will meet the requirements of (b) of this section and 40 C.F.R. 51.165, adopted by reference in 18 AAC 50.040.

(d) In each construction permit issued under this section, the department will include terms and conditions

(1) as necessary to ensure that the proposed stationary source or modification will meet the requirements of this section, including terms and conditions consistent with AS 46.14.180 for

(A) installation, use, and maintenance of monitoring equipment;

(B) sampling emissions according to the methods prescribed by the department, at locations and intervals specified by the department, and by procedures specified by the department;

(C) providing source test reports, monitoring data, emissions data, and information from analysis of any test samples;

(D) keeping records; and

(E) making periodic reports on process operations and emissions, and reports consistent with 18 AAC 50.235 – 18 AAC 50.240; and

(2) for payment of fees consistent with 18 AAC 50.400 – 18 AAC 50.420.

(e) For purposes of nonattainment area major stationary source permits under this section, the term "significant" as defined under 40 C.F.R. 51.165(a)(l), adopted by reference in 18 AAC 50.040, includes 40 TPY of ammonia emissions as a precursor for PM-2.5.

State effective: 11/7/2020; EPA approval: 2/10/2022, 87 FR 7722; EPA effective: 3/14/2022

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.

~~(b) Compliance with permit terms and conditions is considered to be in compliance with those requirements that are~~

~~(1) included and specifically identified in the permit; or~~

~~(2) determined in writing in the permit to be inapplicable.~~

(c) The permittee must comply with each permit term and condition. Noncompliance with a permit term or condition constitutes a violation of AS 46.14, this chapter, and, except for those terms or conditions designated in the permit as not federally enforceable, the Clean Air Act, and is grounds for

(1) an enforcement action;

(2) permit termination, revocation and reissuance, or modification in accordance with AS 46.14.280; or

~~(3) denial of an operating permit renewal application.~~

(d) It is not a defense in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with a permit term or condition.

(e) Each permit term and condition is independent of the permit as a whole and remains valid regardless of a challenge to any other part of the permit.

(f) The permit may be modified, reopened, revoked and reissued, or terminated for cause. A request by the permittee for modification, revocation and reissuance, or termination or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(g) The permit does not convey any property rights of any sort, nor any exclusive privilege.

(h) The permittee shall allow the department or an inspector authorized by the department, upon presentation of credentials and at reasonable times with the consent of the owner or operator to

(1) to enter upon the premises where an emissions unit subject to the permit is located or where records required by the permit are kept;

(2) to have access to and copy any records required by the permit;

(3) to inspect any stationary source, equipment, practices, or operations regulated by or referenced in the permit; and

(4) to sample or monitor substances or parameters to assure compliance with the

permit or other applicable requirements.

(i) The permittee shall furnish to the department, within a reasonable time, any information that the department requests in writing to determine whether cause exists to modify, revoke and reissue, or terminate the permit or to determine compliance with the permit. Upon request, the permittee shall furnish to the department copies of records required to be kept by the permit. The department may require the permittee to furnish copies of those records directly to the federal administrator.

(j) The permittee shall certify any permit application, report, affirmation, or compliance certification 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.

(k) In addition to any source testing explicitly required by the permit, the permittee shall conduct source testing as requested by the department to determine compliance with applicable permit requirements.

~~(l) The permittee may request an extension to a source test deadline established by the department. The permittee may delay a source test beyond the original deadline only if the extension is approved in writing by the department's appropriate division director or designee.~~

(m) Before conducting any source tests, the permittee shall submit a plan to the department. The plan must include the methods and procedures to be used for sampling, testing, and quality assurance and must specify how the emissions unit will operate during the test and how the permittee will document that operation. The permittee shall submit a complete plan within 60 days after receiving a request under (k) of this section and at least 30 days before the scheduled date of any test unless the department agrees in writing to some other time period. Retesting may be done without resubmitting the plan.

(n) At least 10 days before conducting a source test, the permittee shall give the department written notice of the date and the time the source test will begin.

(o) Within 60 days after completing a source test, the permittee shall submit one certified copy of the results in the format set out in the *Source Test Report Outline*, adopted by reference in 18 AAC 50.030. The permittee shall certify the results in the manner set out in (j) of this section. If requested in writing by the department, the permittee must provide preliminary results in a shorter period of time specified by the department.

State effective: 9/15/2018; EPA approval: 8/29/2019, 84 FR 45419; EPA effective: 9/30/2019

18 AAC 50 Article 4. User Fees.

18 AAC 50.400. Permit administration fees.

~~(a) The permittee, owner, or operator of a Title V source described under 18 AAC 50.326 shall pay to the department the annual or onetime fees listed in this subsection. Permittees will be invoiced on or before July 15 for each annual period from July 1 through the following June 30 for annual fees. For an initial Title V permitted source, the annual permit fees are collected starting the first July after the permit is issued, and the administration fee for development of an initial Title V permit or a minor source specific permit associated with a Title V source will be calculated in accordance with (h) of this section and billed in accordance with 18 AAC 50.420(b). The following fees apply to Title V sources:~~

~~(1) for an oil-and-gas source with the potential to emit more than 250 tons per year of any one pollutant, the~~

~~(A) annual administration fee is $3,660; and~~

~~(B) annual compliance fee is $4,679;~~

~~(2) for a large power plant, other than one described in (3) of this subsection, with the potential to emit equal to or greater than 250 tons per year of any one pollutant, the~~

~~(A) annual administration fee is $2,436; and~~

~~(B) annual compliance fee is $5,304;~~

~~(3) for a standard coal-fired plant with the potential to emit equal to or greater than 250 tons per year of any one pollutant, the~~

~~(A) annual administration fee is $7,433; and~~

~~(B) annual compliance fee is $8,219;~~

~~(4) for a small power plant with the potential to emit equal to or greater than 250 tons per year of any one pollutant, the~~

~~(A) annual administration fee is $2,049; and~~

~~(B) annual compliance fee is $2,983;~~

~~(5) for an oil-and-gas source or thermal soil remediation unit source with the potential to emit equal to or greater than 100 and less than 250 tons per year of any one pollutant, the~~

(A) annual administration fee is $2,415; and

(B) annual compliance fee is $4,399;

(6) for a small power plant, with the potential to emit equal to or greater than 100 and less than 250 tons per year of any one pollutant, the

(A) annual administration fee is $2,367; and

(B) annual compliance fee is $3,460;

(7) for a Title V source that is operating under the department's general operating permit for diesel engines, permit type GPA, the

(A) general permit application fee is established in accordance with (c) of this section upon the permit effective date; and

(B) annual compliance fee is $2,148;

(8) for a Title V source that is operating under the department's general operating permit for asphalt plants, permit type GP3, the

(A) general permit application fee is established in accordance with (c) of this section upon the permit effective date; and

(B) annual compliance fee is $2,975;

(9) for a Title V source, other than one described in (1) – (8) of this subsection, and that has the potential to emit less than 250 tons per year of any one pollutant, the

(A) annual administration fee is $2,065; and

(B) annual compliance fee is $5,398.

(b) If the permittee, owner, or operator of a Title V source is subject to an annual administration fee listed in (a) of this section for renewal of a Title V permit, and does not apply to renew the Title V permit for that source, that person may request a refund in writing, and the department will refund any annual fees that had been paid for that renewal. Annual compliance fees are not refundable.

(c) If the department prepares a new or renewed general operating permit under 18 AAC 50.326 or a new or revised general minor permit under 18 AAC 50.560, the department will determine the fees for the permits as follows:

(1) the general permit application fee for that permit will be calculated by multiplying the number of hours the department spent to develop the permit by the hourly rate of salary and benefits of the department employees who developed the permit, and by

~~adding to the resulting amount any other direct costs; this cost will be divided by the number of permittees who receive or are expected to receive the permit to determine the general permit application fee; and~~

~~(2) until the time when an individualized routine compliance fee is established, the routine compliance fee~~

~~(A) for a new general operating permit is $2,148;~~

~~(B) for a new general minor permit is $737, except that a new general minor permit for a portable oil and gas operation is calculated in accordance with (d)(3)(C) of this section; and~~

~~(C) for a renewed general operating permit or revised general minor permit is the same as the existing routine compliance fee for each permit type.~~

(d) The permittee, owner, or operator of a stationary source shall pay fees for a stationary source that is not classified as needing a Title V permit as follows:

(1) for a minor stationary source not associated with a Title V source, the

(A) fee for development of the permit is calculated in accordance with (h) of this section;

(B) annual compliance fee is $1,826;

(2) for a general minor permit, as follows:

(A) for construction, operation, or relocation of an asphalt plant described in 18 AAC 50.502(b)(1), permit type MG3, the

(i) general permit application fee is established in accordance with (c) of this section upon the permit effective date;

(ii) annual compliance fee is $1,386;

(B) for construction, operation, or relocation of a rock crusher described in 18 AAC 50.502(b)(3), permit type MG9, the

(i) general permit application fee is established in accordance with (c) of this section upon the permit effective date;

(ii) annual compliance fee is $737;

(3) a portable oil and gas operation, as follows:

(A) for a source operating under permit type MG1, the

(i) general permit application fee is established in accordance with (c) of this section upon the permit effective date;

(ii) annual compliance fee is calculated in accordance with (h) of this section;

(B) for a source operating under permit type MG2, the

(i) general permit application fee is established in accordance with (c) of this section upon the permit effective date;

(ii) annual compliance fee is calculated in accordance with (h) of this section;

(C) if the department prepares a new general minor permit for a portable oil and gas operation, the department will determine the permit application fee cost of that permit in accordance with (c) of this section; until the time when an individualized routine compliance fee is established, the routine compliance fee for the permit is calculated in accordance with (h) of this section.

(e) After the department completes intake and processing of an excess emission report or permit deviation report submitted by the permittee, owner, or operator of a stationary source subject to this chapter, the permittee, owner, or operator who submitted that report will be invoiced for and shall pay a nonrefundable one-time fee of $45.

(f) The permittee, owner, or operator of a stationary source who requests an owner-requested limit under 18 AAC 50.225 or a preapproved emission limit under 18 AAC 50.230 must pay the following fees:

(1) for an owner-requested limit,

(A) a one-time administration fee of $2,444, to be paid before the department takes action on any request received; and

(B) an annual compliance fee of $409;

(2) for a preapproved emission limit for diesel engines under 18 AAC 50.230(c), or a preapproved emission limit for a gasoline distribution facility considered under 18 AAC 50.230(d) to be a bulk gasoline plant,

(A) a one-time administration fee of $219, to be paid before the limit takes effect; and

(B) an annual compliance fee of $117.

(g) The fee for department review of and routine compliance services for a request for open burning under 18 AAC 50.065 is $387. If the department determines that smoke incursion into a public place, into an airport, into a Class I area, into any nonattainment area, or into any maintenance area is likely, all additional costs will be charged in accordance with (h) of this section.

(h) Unless the designated regulatory service is subject to a fixed fee set out in (a) – (g) of this section, or to the terms of a negotiated service agreement under AS 37.10.052(b) and 18 AAC 50.403, the permittee, owner, or operator shall pay an hourly administration or compliance fee for a designated regulatory service. The department will calculate the total amount due under this subsection by multiplying the number of hours spent to provide the designated regulatory service by the hourly rate of salary and benefits of the department employees who provided the designated regulatory service, and by adding to the resulting amount any other direct costs.

~~(i) In this section,~~

~~(1) "airport" has the meaning given in AS 02.25.110;~~

~~(2) "annual administration fee" means the fee charged for services related to the renewal of a Title V permit and any administrative amendments;~~

~~(3) "annual compliance fee" means the fee charged for routine compliance services, review of source test plans, and review of source test results;~~

~~(4) "general permit application fee" means the one-time fee that must be submitted with an application for general permits under this section;~~

~~(5) "large power plant"~~

~~(A) means a Title V source~~

~~(i) the purpose of which is to generate electricity, and that contains a combustion turbine electric generator or natural gas-fired steam plant; or~~

~~(ii) that has a potential to emit a total greater than or equal to 500 tons per year of regulated air pollutants in the aggregate, and that contains emissions units used to provide power to a mine or military base;~~

~~(B) does not include a Title V source that operates under the department's general permit for diesel engines;~~

~~(6) "oil-and-gas source"~~

~~(A) means a Title V source not described in (5)(A) of this subsection, the purpose of which is the exploration for, extraction of, processing of, transportation of, or storage of crude oil, natural gas, or other petroleum products, or related activities;~~

~~(B) does not include a petroleum refinery or liquefied natural gas (LNG) plant;~~

~~(7) "one-time administration fee" means the one-time fee that must be submitted under (f) of this section;~~

(8) "public place" has the meaning given in AS 46.06.150;

(9) “routine compliance services”

(A) means all direct services and costs necessary to accomplish the regularly scheduled onsite or offsite review of a stationary source’s emissions units, records, and self-monitoring reports

(B) includes annual compliance certifications, facility operating reports , source test plans, source test results, notices and reports, federal emission standard periodic reports, and notices to determine the source’s compliance with applicable requirements;

(C) does not include the unscheduled review of evidence in support of a complaint investigation or compliance action;

(10) "small power plant"

(A) means a Title V source not described in (5)(A) or (6) of this subsection

(i) the purpose of which is to generate electricity, and that contains one or more diesel-fired internal combustion engines to generate power;

(ii) the purpose of which is seafood processing; or

(iii) that has a potential to emit a total less than 500 tons per year of regulated air pollutants in the aggregate, and that contains emissions units used to provide power to a mine or military base;

(B) does not include a Title V source that operates under the department's general permit for diesel engines.

(11) “standard coal-fired plant” means a Title V source that is not within 10 miles of Denali National Park, that contains a coal-fired boiler used for purposes of generating electrical power, to include cogeneration, and that has a potential to emit a total greater than or equal to 500 tons per year of regulated air pollutants in the aggregate.

State effective: 9/7/2022; EPA approval: 3/22/2023, 88 FR 17159; EPA effective: 4/21/2023

18 AAC 50 Article 5. Minor Permits.

18 AAC 50.502. Minor permits for air quality protection.

(a) A minor permit is required as described in (b) - (f) of this section, except that a permit is not required under this section

(1) before construction, modification, or relocation of a new major stationary source or major modification that requires a permit under 18 AAC 50.306 – 18 AAC 50.311; however, a minor permit is required under this section for an air pollutant if that air pollutant is not significant under 40 C.F.R. 52.21(b)(23), adopted by reference in 18 AAC 50.040, and if a permit is not required under 18 AAC 50.311; a minor permit that is required under this paragraph for that air pollutant will be issued as part of the major permit;

(2) before operation if the stationary source needs a Title V permit; however, the need for a Title V permit does not exempt a stationary source from the requirement for a minor permit for construction, modification, or relocation;

(3) before relocation if the stationary source is already allowed by permit to operate at the new location; or

(4) as provided in (g) of this section.

(b) Except as provided in (a) or (d) of this section, the owner or operator must obtain a minor permit under this section before construction, operation, or relocation of a stationary source containing

(1) an asphalt plant with a rated capacity of at least five tons per hour of product;

(2) a thermal soil remediation unit with a rated capacity of at least five tons per hour of untreated material;

(3) a rock crusher with a rated capacity of at least five tons per hour;

(4) one or more incinerators with a cumulative rated capacity of 1,000 pounds or more per hour;

(5) a coal preparation plant; or

(6) a Port of Alaska stationary source.

(c) The owner or operator must obtain a minor permit under this section before

(1) beginning actual construction of a new stationary source with a potential to emit greater than

(A) 15 TPY of PM-10;

(B) 40 TPY of nitrogen oxides;

(C) 40 TPY of sulfur dioxide;

(D) 0.6 TPY of lead;

(E) 100 TPY of carbon monoxide within 10 kilometers of a nonattainment area; or

(F) 10 TPY of direct PM-2.5 emissions; or

(2) beginning actual construction or, if not already authorized in a permit under this chapter, beginning relocation

(A) on or after December 3, 2005 of a portable oil and gas operation, unless the owner or operator

(i) complies with an existing operating permit developed for the portable oil and gas operation at the permitted location; or

(ii) operates as allowed under AS 46.14.275 (Timely and Complete Application as Shield) without an operating permit;

(B) repealed 4/16/2022; or

(3) beginning a physical change to or a change in the method of operation of an existing stationary source with a potential to emit an air pollutant greater than an amount listed in (1) of this subsection that will cause for that pollutant an emissions increase calculated at the discretion of the owner or operator as either an increase in

(A) potential to emit that is greater than

(i) 10 TPY of PM-10;

(i) 10 TPY of sulfur dioxide;

(iii) 10 TPY of nitrogen oxides;

(iv) 100 TPY of carbon monoxide for a stationary source within 10 kilometers of a nonattainment area; or

(v) 10 TPY of direct PM-2.5 emissions; or

(B) actual emissions and a net emissions increase greater than

(i) 10 TPY of PM-10

(i) 10 TPY of sulfur dioxide;

(iii) 10 TPY of nitrogen oxides;

(iv) 100 TPY of carbon monoxide for a stationary source within 10 kilometers of a carbon monoxide nonattainment area; or

(v) 10 TPY of direct PM-2.5 emissions;

(4) beginning a physical change to or a change in the method of operation of an existing stationary source with a potential to emit an air pollutant that is less than or equal to an amount listed in (1) of this subsection that will cause for that pollutant an emissions increase calculated at the discretion of the owner or operator as either an increase in

(A) the potential to emit, that is greater than

(i) 15 TPY of PM-10;

(ii) 40 TPY of sulfur dioxide;

(iii) 40 TPY of nitrogen oxides;

(iv) 100 TPY of carbon monoxide for a stationary source within 10 kilometers of a carbon monoxide nonattainment area; or

(v) 10 TPY of direct PM-2.5 emissions; or

(B) actual emissions and a net emissions increase greater than

(i) 15 TPY of PM-10;

(ii) 40 TPY of sulfur dioxide;

(iii) 40 TPY of nitrogen dioxides;

(iv) 100 TPY of carbon monoxide for a stationary source within 10 kilometers of a carbon monoxide nonattainment area; or

(v) 10 TPY of direct PM-2.5 emissions.

(d) An owner or operator may satisfy the requirement for a minor permit under this section through a stationary source-specific permit issued under 18 AAC 50.540 – 18 AAC 50.544 or a general minor permit under 18 AAC 50.560. An owner or operator may apply for a minor permit under this section that is valid at multiple locations. The owner or operator of a stationary source listed in (b) of this section

(1) if operating under an operating permit issued before October 1, 2004 may

(A) continue to operate under that permit, which remains in effect regardless of

the stated expiration date in the permit, unless the department takes an action under AS 46.14.280; or

(B) apply for a new permit under this section at any time; or

(2) if qualified, may apply for and operate under a general operating permit that was issued before October 1, 2004 and that has not expired or been revoked by the department as of the date the department receives a complete application; the owner or operator may

(A) continue to operate under that permit, which remains in effect regardless of the stated expiration date in the permit, unless the department takes action under AS 46.14.280; or

(B) apply for a new permit under this section at any time.

(e) For the purposes of (c)(3)(B) and (4)(B) of this section, actual emissions shall be calculated by comparing projected actual emissions to the baseline actual emissions. In determining the projected actual emissions, before beginning actual construction, the owner or operator of the stationary source shall

(1) consider all relevant information, including historical operational data, the owner's or operator's own representations, the owner's or operator's expected business activity and the owner's or operator's highest projections of business activity, the owner's or operator's filings with the state or federal regulatory authorities, and compliance plans under AS 46.14.120; and

(2) include fugitive emissions to the extent quantifiable and emissions associated with startups, shutdowns, and malfunctions; and

(3) exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions and that are also unrelated to the particular project, including any increased utilization due to product demand growth.

(f) If the owner or operator elects to base permit applicability for a modification on a calculation of actual emissions, if the project does not need a minor permit based on that calculation, and if a reasonable possibility exists that the project may result in an emissions increase greater than the thresholds in (c)(3) or (4) of this section, the owner or operator shall comply with the following:

(1) before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

(A) a description of the project;

(B) identification of each emissions unit that has emissions of a regulated NSR pollutant that could be affected by the project; and

(C) a description of the applicability test used to determine that the project is not a modification subject to (c)(3) or (4) of this section for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under (e)(3) of this section, an explanation for why that amount was excluded, and any netting calculations, if applicable;

(2) if the emissions unit is an existing electric utility steam generating unit, before beginning actual construction, the owner or operator shall provide a copy of the information listed in (1) of this subsection to the department;

(3) the owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in (1)(B) of this subsection, and shall calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of five years following resumption of regular operations after the project, or for a period of 10 years following resumption of regular operations after the project if the project increases the design capacity of or potential to emit that regulated NSR pollutant at that emissions unit;

(4) if the emissions unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the department within 60 days after the end of each year during which records must be generated under (3) of this subsection setting out the unit's annual emissions during the calendar year that preceded submission of the report.

(5) if the emissions unit is an existing unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the department if the annual emissions, in tons per year, from the project identified in (1) of this subsection, exceed the baseline actual emissions, as documented and maintained under (1)(C) of this subsection, by an amount exceeding the thresholds in (c)(3) or (4) of this section for that regulated NSR pollutant, and if those emissions differ from the reconstruction projection as documented and maintained under (1)(C) of this subsection; the report shall be submitted to the department within 60 days after the end of that year; the report must contain the following:

(A) the name, address, and telephone number of the stationary source;

(B) the annual emissions as calculated under (3) of this subsection;

(C) any other information that the owner or operator wishes to include in the report.

(g) An increase in emissions under (c)(3) or (4) of this section does not require a permit under that paragraph if a plantwide applicability limitation (PAL) is established for the

stationary source under 40 C.F.R. 52.21(aa), adopted by reference in 18 AAC 50.040.

(h) For the purposes of this section

(1) "baseline actual emissions" has the meaning given in 40 C.F.R. 52.21(b)(48), adopted by reference in 18 AAC 50.040, except that in that definition the term "major stationary source" is revised to read "stationary source within the meaning given in AS 46.14.990";

(2) "electric utility steam generating unit" has the meaning given in 40 C.F.R. 51.166(b)(30), as revised as of July 1, 2019 and adopted by reference;

(3) "net emissions increase" has the meaning given in 40 C.F.R. 52.21(b)(3) adopted by reference in 18 AAC 50.040, except that "net emissions increase" applies to

(A) any increase in emissions of an air pollutant at a stationary source; notwithstanding 40 C.F.R. 52.21(a)(2)(iv), as referenced in 40 C.F.R. 52.21(b)(3)(i)(*a*), "net emissions increase" is not restricted to a significant emissions increase or significant net emissions increase within the meaning of 40 C.F.R. 52.21(b)(3), (23), and (40), or to a major stationary source; and

(B) the calculation of whether a modification requires a minor permit under (c)(3) or (4) of this section, rather than whether the modification is a major modification;

(4) "projected actual emissions" means the maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated NSR pollutant in any one of the five 12-month periods following the date the unit resumes regular operation after the project, or in any one of the 10 years following that date, if the project involves increasing the emissions unit's design capacity or the potential to emit that regulated NSR pollutant and full utilization of the unit would result in an emissions increase or a net emissions increase greater than a threshold in (c)(3) of this section.

(5) "regulated NSR pollutant" has the meaning given in 40 C.F.R. 52.21(b)(50), adopted by reference in 18 AAC 50.040(h).

(i) For the purposes of this section, fugitive emissions will not be included for determining if a minor permit is required, unless the source belongs to any of the stationary source categories listed in 40 C.F.R. Part 51.165(a)(1)(iv)(C), adopted by reference in 18 AAC 50.040(i).

State effective: 4/16/2022; EPA approval: 8/9/2023, 88 FR 53793; EPA effective: 9/8/2023

18 AAC 50.508. Minor permits requested by the owner or operator.

An owner or operator may request a minor permit from the department for

(1) repealed 7/25/2008.

(2) repealed 7/25/2008.

(3) establishing or revising a plantwide applicability limitation (PAL) for a major stationary source; the provisions of 40 C.F.R. 52.21(aa), adopted by reference in 18 AAC 50.040, apply to a PAL established or revised under this chapter;

(4) establishing actual emission reductions from an existing stationary source if requested by that source's owner or operator to offset an increase in allowable nonattainment air pollutant emissions at a

(A) new major stationary source;

(B) major modification; or

(C) PAL major modification;

(5) establishing an owner requested limit (ORL) to avoid one or more permit classifications under AS 46.14.130 at a stationary source that will remain subject to at least one permit classification; ; a limitation approved under an ORL is an enforceable limitation for the purpose of determining

(A) stationary source-specific allowable emissions; and

(B) a stationary source's potential to emit; or

(6) revising or rescinding the terms and conditions of a Title I permit issued under this chapter, except as provided under 18 AAC 50.510.

State effective: 12/9/2010; EPA approval: 9/19/2014, 79 FR 56268; EPA effective: 10/20/2014

18 AAC 50.510. Minor permit – title V permit interface.

A term or condition established in a minor permit issued under 18 AAC 50.542 and identified in the minor permit as solely necessary to meet a Title V operating permit requirements to qualify as an operating permit administrative amendment under 18 AAC 50.542(e) and 40 C.F.R. 71.7(d), adopted by reference in 18 AAC 50.040(j), is considered a Title V permit or condition upon incorporation into a Title V permit. A subsequent revision to the term or condition may be made solely through the applicable Title V operating permit amendment or modification provisions of 18 AAC 50.326.

State effective: 12/9/2010; EPA approval: 9/19/2014, 79 FR 56268; EPA effective: 10/20/2014

18 AAC 50.540. Minor permit: application.

(a) Application information. An application for a stationary source-specific minor permit must provide all of the information required by this section, including all information required by the applicable listed forms, unless the department specifies that the provision of one or more specific items makes the provision of additional items unnecessary for the department's determination. Applications must be on department forms.

(b) General information. Each application must include the information prescribed by the *Stationary Source Identification Form*, included in the department's *Minor Permit Application Forms,* adopted by reference in 18 AAC 50.030.

(c) Minor permit for air quality protection. Except for a Port of Alaska stationary source, a permit application under 18 AAC 50.502 must include

(1) the information required in the following forms, included in the department's *Minor Permit Application Forms,* adopted by reference in 18 AAC 50.030:

(A) the *Emissions Unit Information Form*;

(B) the *Emission Summary Form*; and

(2) for a permit for construction, modification, or relocation of a stationary source, a demonstration in accordance with 18 AAC 50.215(b) – (d) that the proposed potential emissions from the stationary source will not interfere with the attainment or maintenance of the ambient air quality standards, except as provided under (*l*) of this section; the ambient demonstration must follow an approved modeling protocol if the department requests a modeling protocol for demonstrating compliance with ambient air quality standards; unless the department has made a finding in writing that the stationary source or modification does not need an ambient analysis to determine that construction and operation will not result in a violation of an ambient air quality standard, the application must include an ambient analysis for

(A) each air pollutant for which a permit is required under 18 AAC 50.502(c)(1), (3) or (4);

(B) sulfur dioxide, annual average PM-2.5, PM-10, and nitrogen dioxide for a portable oil and gas operation; or

(C) repealed 4/16/2022;

(D) an air pollutant for which the department requests an analysis for a stationary source classified under 18 AAC 50.502(b).

(d) Carbon monoxide source or modification. For construction that would increase carbon monoxide emissions by 100 TPY or more within 10 kilometers of a carbon

monoxide nonattainment area, an application must include a demonstration that the potential to emit carbon monoxide emissions from construction and operation of the stationary source or emissions increase from the modification will not cause or contribute to a violation of the ambient air quality standards for carbon monoxide.

(e) Port of Alaska. For a Port of Alaska stationary source, the application must include the information required in the department's *Air Quality Compliance Certification Procedures for Volatile Liquid Storage Tanks, Delivery Tanks, and Loading Racks*, adopted by reference in 18 AAC 50.030.

(f) repealed 7/25/2008.

(g) repealed 7/25/2008.

(h) Plantwide applicability limitation (PAL). An application for a minor permit establishing or revising a plantwide applicability limitation (PAL) must include the information listed in 40 C.F.R. 52.21(aa)(3), adopted by reference in 18 AAC 50.040. As the department considers necessary to evaluate impacts on ambient air quality standards, the department will require the application to include a demonstration that emissions under the PAL will not cause or contribute to a violation of ambient air quality standards.

(i) Offsetting emissions. An application for a minor permit for a limitation to establish offsetting emissions must specify the physical or operational limitations necessary to provide actual emission reductions of the nonattainment air pollutant; including

(1) a calculation of the expected reduction in actual emissions; and

(2) the emission limitation representing that quantity of emission reduction.

(j) Owner requested limits (ORLs). An application for a minor permit establishing an owner requested limit (ORL) under 18 AAC 50.508(5) must include the information and materials required under 18 AAC 50.225(b)(2) – (6) and (8).

(k) Revising or rescinding permit conditions. An application for a minor permit revising or rescinding terms or conditions of a Title I permit under 18 AAC 50.508(6) must include

(1) a copy of the Title I permit that established the permit term or condition;

(2) an explanation of why the permit term or condition should be revised or rescinded;

(3) the effect of revising or revoking the permit term or condition on

(A) emissions;

(B) other permit terms;

(C) the underlying ambient demonstration, if any; and

(D) compliance monitoring; and

(4) for a condition that allows an owner or operator to avoid a permit classification, the information required of an applicant for that type of permit, unless the revised condition would also allow the owner or operator to avoid the classification.

(l) One-hour nitrogen dioxide exemption. A permit applicant is not required to demonstrate compliance with the one-hour nitrogen dioxide standard in 18 AAC 50.010(5)(B), unless the department finds that the emissions have a reasonable likelihood of causing or significantly contributing to ambient concentrations that exceed the one-hour nitrogen dioxide standard, and makes a written request for a demonstration.

State effective: 4/16/2022; EPA approval: 8/9/2023, 88 FR 53793; EPA effective: 9/8/2023

18 AAC 50.542. Minor permit: review and issuance.

(a) Permit issuance procedure options. The department will use either the fast-track procedures in (b) and (c) of this section, or the procedures in (d) of this section to issue a stationary source-specific minor permit. The fast-track procedures are available for a permit classification under 18 AAC 50.502 if the application qualifies under (b) and (c) of this section, unless

(1) the stationary source is

(A) classified under 18 AAC 50.502(c) for carbon monoxide emissions;

(B) repealed 4/16/2022;

(C) in the Nikiski Industrial Area;

(D) on an offshore platform;

(E) in the Municipality of Anchorage;

(F) in the City of Fairbanks;

(G) within Fort Wainwright; or

(H) within Eielson Air Force Base; or

(2) a person requests a public comment period under (b)(1) of this section.

(b) Fast-track procedures. Fast-track procedures for minor permits under 18 AAC

50.502 are as follows:

(1) upon receiving a complete application the department will give notice using the Alaska Online Public Notice System established under AS 44.62.175, by mail or electronic mail to persons on a list maintained by the department, including any person who requests to be notified, and by other means the department finds necessary for informing the public; if a person requests to be sent notice by postal mail instead of electronic mail, the department will send the notice by postal mail; in the notice, the department will

(A) include a summary of the information provided by the applicant, and

(B) give any person 15 days to request a 30-day public comment period under (d) of this section; if a comment period is requested, the department will make a preliminary decision and issue a public notice under (d) of this section;

(2) if required by the department, the owner or operator shall apply online;

(3) for an air pollutant for which a permit is required under 18 AAC 50.502(c), or for an air pollutant for which the department requests an analysis for a stationary source classified under 18 AAC 50.502(b), the application must include a screening ambient air quality analysis in accordance with (c) of this section, unless the department has made a finding in writing that the stationary source or modification does not need an ambient air quality analysis to determine that construction and operation will not result in a violation of an ambient air quality standard;

(4) the fast-track procedures are available only if all predicted air pollutant concentrations meet the compliance criteria in (c)(2) of this section;

(5) the department will issue its permit determination in accordance with the approval criteria of (f) of this section within 30 days after receiving a complete application.

(c) Screening ambient air quality analysis. A screening ambient air quality analysis under (b)(3) of this section

(1) must

(A) follow a modeling protocol developed by the department or otherwise approved by the department that is suitable for fast-track permitting; the department will approve the protocol for a screening level modeling demonstration if it finds that the department would be able to adequately review the resulting modeling demonstration in the time available for fast-track permitting;

(B) use a model and screening meteorological data approved by the department for the fast-track procedure;

(2) is considered to show compliance with the ambient air quality standard for an air pollutant and averaging period if

(A) for a new stationary source or modification, the predicted ambient air concentration from the stationary source, excluding offsite or background contributions, does not exceed 50 percent of each ambient standard for PM-2.5, 67 percent of the ambient standard for PM-10, or 80 percent of each ambient standard for sulfur dioxide or nitrogen dioxide;

(B) for a modification, the predicted concentration resulting from the proposal is less than the significant impact level in Table 5 in 18 AAC 50.215(d);

(C) for a modification, if the owner or operator has completed a previous ambient analysis that adequately characterizes the stationary source as it existed before the modification, and the sum of the highest ambient air concentration from the previous analysis plus the highest predicted ambient air concentration resulting from the increase is less than the concentration described in (A) of this paragraph; or

(D) for a modification, if the owner or operator has completed a previous ambient analysis that adequately characterizes the stationary source as it existed before the modification, and the sum of the highest ambient air concentration from the previous analysis, plus the previous background concentration, plus the highest predicted ambient air concentration resulting from the increase is less than the ambient air quality standard in 18 AAC 50.010.

(d) Procedures that include a public comment period. The department will use the following procedures to issue a permit under 18 AAC 50.508 or to issue a permit under 18 AAC 50.502 for which the fast-track procedures in (b) and (c) of this section are not available:

(1) no later than 30 days after an application is determined or considered to be complete under AS 46.14.160 or additional information is submitted in accordance with AS 46.14.160(c), the department will make a preliminary decision to approve or deny the application; the department will provide notice and opportunity for public comment on the department's preliminary decision as follows:

(A) the department will provide at least 30 days for the public to submit comments;

(B) the department will give notice

(i) using the Alaska Online Public Notice System established under AS 44.62.175;

(ii) by mail or electronic mail to persons on a list maintained by the

department, including the EPA administrator and any person who requests to be notified; if a person requests to be sent notice by postal mail instead of electronic mail, the department will send the notice by postal mail; and

(iii) by other means the department finds necessary for informing the public;

(C) the department will make available for public inspection in at least one location in the affected area

(i) the information submitted by the owner or operator;

(ii) any department analysis on the effect on air quality;

(iii) the reasons for the department's preliminary approval or denial; and

(iv) if the department proposes to approve the application, a copy of the proposed permit;

(D) for a request under 18 AAC 50.508(6) to revise a construction permit issued under 18 AAC 50.306 – 18 AAC 50.316, the department will provide an opportunity for public hearing in accordance with 40 C.F.R. 51.166(q)(2)(v), adopted by reference in 18 AAC 50.040; and

(E) the department will make a preliminary decision to approve the application only if the application includes all information required by 18 AAC 50.540, and the department finds that the approval criteria of (f) of this section will be met; the department will include in a preliminary permit any conditions necessary to assure compliance with this chapter; and

(F) the department will request public comment on any alternative modeling approvals issued under 18 AAC 50.215(c)(2); this public comment period will coincide with the public comment period for the draft permit, to the extent practicable;

(2) the department will notify the applicant, and any person who commented on the department's preliminary decision, of the department's final decision to approve or deny the permit application; a person described in AS 46.14.200 may request an informal or adjudicatory hearing as prescribed in 18 AAC 15.195 – 18 AAC 15.340; in a notification of denial of an application, the department will include the reasons for denial.

(e) Adding a minor permit to a Title V permit by administrative amendment. An owner or operator may add the conditions of a minor permit to a Title V permit by administrative amendment if

(1) the minor permit is issued using procedures that satisfy the requirements of both this section and 18 AAC 50.326; and

(2) the permit contains terms and conditions that satisfy the requirements of both 18 AAC 50.544 and 18 AAC 50.326.

(f) Approval criteria. The department will

(1) deny a minor permit application for a stationary source or modification classified under 18 AAC 50.502 if the department finds that construction and operation will result in a violation of

(A) a requirement of 18 AAC 50.045 – 18 AAC 50.090; or

(B) an ambient air quality standard;

(2) deny a minor permit application for carbon monoxide emissions near a nonattainment area if the department finds that construction and operation of the stationary source will cause an ambient concentration that exceeds a carbon monoxide concentration in Table 5 in 18 AAC 50.215 at a location that does not or would not meet an ambient air quality standard for carbon monoxide;

(3) deny a minor permit for a Port of Alaska stationary source if the department finds that construction and operation of that source will result in a violation of a requirement of 18 AAC 50.045 – 18 AAC 50.090;

(4) repealed 7/25/2008.

(5) repealed 7/25/2008.

(6) approve a minor permit for establishing or revising a PAL, if the department finds that the emissions unit satisfies the criteria for a PAL in 40 C.F.R. 52.21(aa), adopted by reference in 18 AAC 50.040, and if the department required an ambient air quality analysis, that emissions under the PAL will not cause or contribute to a violation of an ambient air quality standard;

(7) approve a minor permit for a limitation requested under 18 AAC 50.508(4) to establish offsetting emissions, if the department finds that permanent, actual emission reductions of the nonattainment air pollutant will result from the limitations proposed in the application;

(8) approve a minor permit establishing an owner requested limit under 18 AAC 50.508(5), if the department finds that

(A) the stationary source is capable of complying with the limit; and

(B) the permit conditions are adequate for determining continuous compliance with the limit; and

(9) approve a request under 18 AAC 50.508(6) to revise or rescind a Title I permit term or condition, if the department finds that the permit will still require the owner or operator to comply with all applicable requirements of this chapter.

(g) Duration. A minor permit issued under this section remains in effect until changed by another Title I permit or by an action by the department under AS 46.14.280, except

(1) as provided in 40 C.F.R. 52.21, adopted by reference in 18 AAC 50.040, for a plantwide applicability limitation; and

(2) that an owner requested limit that avoids only a Title V permit remains in effect until the owner or operator requests in writing to revise or revoke the limit and, if the new limit no longer avoids the requirement for a Title V permit, obtains that permit.

State effective: 4/16/2022; EPA approval: 8/9/2023, 88 FR 53793; EPA effective: 9/8/2023

18 AAC 50.544. Minor permits: content.

(a) In each minor permit issued under 18 AAC 50.542, the department will

(1) identify the stationary source, the project, the permittee, and contact information;

(2) include the requirement to pay fees in accordance with 18 AAC 50.400 – 18 AAC 50.499;

(3) include any conditions established under 18 AAC 50.201; and

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

(5) include the standard permit conditions in 18 AAC 50.345, as applicable;

(6) include conditions as necessary to protect ambient air quality; and

(7) include, as needed, conditions required under 40 C.F.R. Part 71, as adopted by reference in 18 AAC 50.040(j) and 18 AAC 50.326 to accommodate an owner or operator request to add the conditions of a minor permit to a Title V permit by administrative amendment under 18 AAC 50.542(e).

(b) In each minor permit under 18 AAC 50.502(b), the department will include

(1) terms and conditions as necessary to ensure that the proposed stationary source or modification will meet the requirements of AS 46.14 and this chapter, including terms and conditions under AS 46.14.180 for

(A) installation, use, and maintenance of monitoring equipment;

(B) sampling emissions according to the methods prescribed by the department and at locations and intervals, and by procedures specified by the department;

(C) providing source test reports, monitoring data, emissions data, and information from analyses of any test samples;

(D) keeping records; and

(E) making periodic reports on process operations and emissions;

(2) a permit condition requiring the owner or operator to

(A) perform regular maintenance considering the manufacturer's or the operator's maintenance procedures;

(B) keep records of any maintenance that would have a significant effect on emissions; the records may be kept in an electronic format; and

(C) keep a copy of either the manufacturer's or the operator's maintenance procedures.

(c) In each minor permit under 18 AAC 50.502(c), the department will include

(1) terms and conditions as necessary to ensure that the proposed stationary source or modification will not cause or contribute to a violation of any ambient air quality standard or the standards set out in 18 AAC 50.110, or to impose a limit under 18 AAC 50.201, including terms and conditions under AS 46.14.180 for

(A) installation, use, and maintenance of monitoring equipment;

(B) sampling emissions according to the methods prescribed by the department and at locations and intervals, and by procedures specified by the department;

(C) providing source test reports, monitoring data, emissions data, and information from analyses of any test samples;

(D) keeping records; and

(E) making periodic reports on process operations and emissions;

(2) terms and conditions requiring performance tests for emission limits under 18 AAC 50.050 – 18 AAC 50.090; and

(3) terms and conditions requiring maintenance of equipment according to the manufacturer's or operator's maintenance procedures, including requirements to keep a copy of either the manufacturer's or the operator's maintenance procedures.

(d) For each stationary source that is not subject to Title V permitting under 18 AAC 50.326, the department will include in the minor permit the requirement for a periodic affirmation, in accordance with 18 AAC 50.205, of whether the stationary source is still accurately described by the application and minor permit, and whether the owner or operator has made changes that would trigger the requirement for a new permit under this chapter. In the minor permit, the department will set out a time period between required affirmations as appropriate to the stationary source regulated by the minor permit.

(e) Repealed 7/25/2008.

(f) In a minor permit that establishes or revises a plantwide applicability limitation (PAL), the department will include

(1) the contents listed in 40 C.F.R. 52.21(aa)(7), adopted by reference in 18 AAC 50.040; and

(2) conditions as the department considers necessary to prevent emissions under the PAL from causing or contributing to a violation of an ambient air quality standard.

(g) In each minor permit under 18 AAC 50.508(4) to establish offsetting emissions, the department will include terms and conditions to ensure that the stationary source will meet the criteria in 18 AAC 50.542(f)(7), including terms and conditions imposed under AS 46.14.180 for

(A) installation, use, and maintenance of monitoring equipment;

(B) sampling emissions according to the methods prescribed by the department and at locations, intervals, and by procedures specified by the department;

(C) providing source test reports, monitoring data, emissions data, and information from analyses of any test samples;

(D) keeping records; and

(E) making periodic reports on process operations and emissions.

(h) In each minor permit establishing an owner requested limit (ORL) under 18 AAC 50.508(5), the department will include terms and conditions that

(1) describe the ORL, including specific testing, monitoring, recordkeeping, and reporting requirements;

(2) list all equipment covered by the ORL; and

(3) describe each permit classification under AS 46.14.130 that the ORL allows the

owner or operator to avoid.

(i) In each minor permit under 18 AAC 50.508(6) that revises or rescinds terms or conditions of a Title I permit, the department will include terms and conditions as necessary to ensure that the permittee will construct and operate the proposed stationary source or modification in accordance with this chapter. If the limit

(1) made it possible for the owner or operator to avoid any preconstruction review under this chapter, the limit remains in effect until the owner or operator obtains

(A) a new construction permit or minor permit under this chapter as if the limit had never existed; or

(B) under this section or under 18 AAC 50.508, a new limit that allows the owner or operator to continue to avoid preconstruction review; or

(2) made it possible to avoid a Title V permit, the limit remains in effect until the owner or operator obtains

(A) a new Title V permit under this chapter as if the limit had never existed; or

(B) under this section or under a permit classified in 18 AAC 50.508, a new limit that allows the owner or operator to continue to avoid the need for the permit.

State effective: 12/9/2010; EPA approval: 9/19/2014, 79 FR 56268; EPA effective: 10/20/2014

18 AAC 50.546. Minor permits: revisions.

(a) The department will use the procedures of 18 AAC 50.540 – 18 AAC 50.544 to revise a minor permit, either at the request of the permittee or on the department's own initiative, in accordance with AS 46.14.280.

~~(b) Notwithstanding (a) of this section, the department may revise non-substantive elements of a minor permit without further administrative procedures.~~

State effective: 7/15/2008; EPA approval: 9/19/2014, 79 FR 56268; EPA effective: 10/20/2014

18 AAC 50.560. General minor permits.

(a) Criteria. The department may issue a general minor permit to allow construction or operation of stationary sources or emissions units that

(1) require a minor permit;

(2) involve the same or similar types of operation;

(3) involve the same type of emissions; and

(4) are subject to similar air quality control requirements.

(b) General minor permit issuance procedures. To issue a general minor permit, the department will provide notice and opportunity for public comment on the department's proposed permit by

(1) posting a public notice on the Alaska Online Public Notice System established under AS 44.62.175;

(2) sending a copy of the notice by mail or electronic mail to persons on a list maintained by the department, including any person who has requested to be notified; if a person requests to be sent notice by postal mail instead of electronic mail, the department will send the notice by postal mail;

(3) distributing the notice using other means the department finds necessary for informing the public;

(4) allowing the public at least 30 days to submit comments; and

(5) making available for public inspection in the affected area

(A) a description of the stationary sources that would qualify under the general minor permit;

(B) the results of any department analysis on the effect on air quality;

(C) the reasons for the department's proposed action;

(D) a copy of the proposed permit and of the proposed application or notification form;

(E) a description of how interested persons may comment on the proposed general minor permit, including the period during which the department will accept public comments; and

(F) the time and place of any public hearing; the department will schedule any public hearing no sooner than 30 days after the date the first notice was published.

(c) Application or notification forms. The department will issue an application or notification form with each general minor permit. This may include an online or electronic form. The forms will identify the information that an applicant must provide to operate under the general minor permit, including

(1) information identifying the stationary source and location of the stationary source, and contact information; as necessary to show that the stationary source meets

the qualifying criteria or a term or condition of the general minor permit, the department will require that location information required under this subsection or under (d) – (g) of this section include a map and scale drawing;

(2) any information that is necessary to determine that the stationary source qualifies for the general minor permit;

(3) identification of all equipment to be operated under the general minor permit; and

(4) a certification by the applicant that the stationary source is capable of complying with all permit requirements.

(d) Applying to construct or operate under a general minor permit. To construct or operate under a general minor permit, the owner or operator must submit the appropriate completed application or notification form for the specific stationary source type. In a general minor permit, the department will specify whether the applicant must submit a complete notification form and operate in compliance with the general minor permit, or whether the applicant must also obtain department approval under (e) of this section to operate under the general minor permit. If the general minor permit requires that the applicant get approval, the department will notify the owner or operator within 30 days after receipt of the application that

(1) the application is complete;

(2) additional information is necessary to make the application complete; or

(3) the stationary source does not qualify for the general permit.

(e) Approval to construct or operate under a general minor permit. Approval to construct or operate under the general minor permit is granted when the department finds the application complete. If the general minor permit does not require department approval, and if the stationary source meets all of the qualifying criteria and operates in compliance with the general minor permit, the owner or operator may construct or operate under the permit immediately after the department receives a completed notification form. The general minor permit authorizes construction or operation only for

(1) equipment identified in the application or notification; and

(2) a location identified under (c), (f), or (g) of this section.

(f) General minor permit content. In a general permit the department will set out

(1) criteria that must be met in order for a stationary source to qualify under the general minor permit;

(2) a requirement to notify the department of the physical location of the stationary source before commencing construction or operation under the general minor permit,

if the location is not provided in the application or notification;

(3) requirements in accordance with 18 AAC 50.544;

(4) for portable stationary sources, a notification form and procedures for a change in location; and

(5) any other terms and conditions that are necessary to assure that the stationary source continues to meet the qualifying criteria of the general minor permit.

(g) Relocation. A portable stationary source is authorized to operate under a general minor permit at additional locations not identified in the permit application or notification if the

(1) permittee notifies the department by submitting a completed change of location form following the procedures specified in the permit; and

(2) stationary source will continue to meet all of the permit's qualifying criteria at each location.

State effective: 9/15/2018; EPA approval: 8/29/2019, 84 FR 45419; EPA effective: 9/30/2019

18 AAC 50 Article 7. Transportation Conformity.

18 AAC 50.700. Purpose.

(a) The purpose of 18 AAC 50.700 - 18 AAC 50.750 is to ensure that a transportation plan, transportation improvement program, revisions to the *State Air Quality Control Plan* adopted by reference in 18 AAC 50.030, including those portions in it that are federally approved and recognized as the state implementation plan, or other federal action that affects transportation within a carbon monoxide, nitrogen dioxide, ozone, PM-2.5, or PM-10 nonattainment or maintenance area located in the state will not hinder the attainment or maintenance of the national ambient air quality standards in that area if

(1) the plan, program, project, or action is federally funded or federally approved; or

(2) the plan, program, project, or action is non-federally funded but is a regionally significant project that is funded, adopted, or approved by a current or prior recipient of funds under 23 U.S.C. (highways) or 49 U.S.C. 5301 - 5340 (public transportation).

(b) The provisions of 18 AAC 50.700 - 18 AAC 50.750 set out the policy, criteria, and consultation procedures for demonstrating and assuring conformity of transportation activities described under (a) of this section, for inclusion in the *State Air Quality Control Plan* adopted by reference in 18 AAC 50.030.

State effective: 4/17/2015; EPA approval: 9/8/2015, 80 FR 5378; EPA effective: 11/9/2015

18 AAC 50.705. Applicability.

(a) The provisions of 18 AAC 50.700 - 18 AAC 50.750 apply to

(1) a transportation plan, transportation improvement program, or other federal transportation project that is

(A) located within a carbon monoxide, nitrogen dioxide, ozone, PM-2.5, or PM-10 nonattainment or maintenance area in the state; and

(B) funded or requires approval under 23 U.S.C. or 49 U.S.C. 5301 - 5340;

(2) a transportation plan, transportation improvement program, or other federal transportation project that is non-federally funded but that is a regionally significant project funded, adopted, or approved by a current or prior recipient of funds designated under 23 U.S.C. or 49 U.S.C. 5301 - 5340; or

(3) revisions to the *State Air Quality Control Pla*n adopted by reference in 18 AAC 50.030, including the state implementation plan, that affect transportation.

(b) The sponsoring agency has the obligation to meet the applicable requirements of 18 AAC 50.700 - 18 AAC 50.750. For purposes of 18 AAC 50.700 - 18 AAC 50.750, the sponsoring agency is the agency that

(1) receives or manages federal money for the transportation plan, transportation improvement program, or other federal transportation project as described in (a) of this section;

(2) develops the transportation plan, transportation improvement program, or other federal transportation project as described in (a) of this section; or

(3) funds, adopts, or approves a non-federal, regionally significant project and is a current or prior recipient of funds under 23 U.S.C. or 49 U.S.C. 5301 - 5340.

State effective: 4/17/2015; EPA approval: 9/8/2015, 80 FR 53735; EPA effective: 11/9/2015

18 AAC 50.712. Agency responsibilities.

Representatives of the department, the Department of Transportation and Public Facilities, metropolitan planning organizations, and local and regional air quality and transportation agencies recognized by the state shall undertake an interagency consultation process with each other and with the local or regional offices of the United States Environmental Protection Agency and the United States Department of Transportation, Federal Highway Administration (FHWA) and Federal Transit

Administration (FTA) on the development of the state implementation plan, transportation plans, transportation improvement programs, and associated conformity determinations in accordance with the responsibilities and procedures of 18 AAC 50.700 - 18 AAC 50.750 and the *State Air Quality Control Plan,* Volume II, Section III.I.3.

State effective: 4/17/2015; EPA approval: 9/8/2015, 80 FR 53735; EPA effective: 11/9/2015

18 AAC 50.715. Interagency consultation procedures.

(a) Before issuing a final conformity determination or transportation-related state implementation plan under 18 AAC 50.700 - 18 AAC 50.750, the sponsoring agency described in 18 AAC 50.705(b), shall

(1) contact the office of the local governing body to determine if that office is aware of any plans for construction of a regionally significant project that is not funded under 23 U.S.C. (Highways) or 49 U.S.C. 5301 - 5340, including any project for which alternative locations, design concept and scope, or the no-build option are still being considered;

(2) prepare a preliminary interagency discussion draft, a public review draft, and a final draft of the conformity determination or transportation-related state implementation plan revision through the interagency consultation process described in (b) - (g) of this section with staff of

(A) the department;

(B) the local air quality planning agency or government;

(C) the Department of Transportation and Public Facilities;

(D) the local transportation committee, agency, or government;

(E) any agency created under state law that sponsors or approves transportation projects;

(F) the United States Environmental Protection Agency;

(G) the United States Department of Transportation, Federal Highway Administration (FHWA);

(H) the United States Department of Transportation, Federal Transit Administration (FTA);

(I) the metropolitan planning organization and any other regional transportation planning organization; and

(J) any participant listed in the *State Air Quality Control Plan*, Volume II, Section III.I.3; and

(3) make the public review draft of the conformity determination or transportation-related state implementation plan revision available for public review and comment as required in 18 AAC 50.720.

(b) A staff member of the responsible agency shall

(1) consult with staff of the agencies listed in (a)(2) of this section to prepare a preliminary interagency discussion draft of the conformity determination or transportation-related state implementation plan revision, including necessary supporting information;

(2) ensure that all documents, including transportation-related state implementation plan revisions, and information relevant to the preliminary interagency discussion draft are available to staff from the participating agencies; and

(3) consider the comments of staff from participating agencies and respond in writing to those comments in a timely, substantive manner before making a final decision on the preliminary interagency discussion draft; written agency comments and written responses must be included in the record of any conformity decision or action or transportation-related state implementation plan revision.

(c) In preparing the preliminary interagency discussion draft, a staff member of the responsible agency shall consult with the staff of the agencies listed in (a)(2) of this section to

(1) evaluate and choose a traffic demand model and associated methods and assumptions to be used in a hot-spot analysis or a regional emissions analysis;

(2) determine which minor arterials and other projects should be considered regionally significant projects for purposes of a regional emissions analysis, in addition to those functionally classified as principal arterial or higher of fixed guide-way systems or extensions that offer an alternative to regional highway travel;

(3) determine which projects should be considered to have a significant change in design concept and scope from the transportation plan or transportation improvement program;

(4) discuss whether a project that is otherwise exempt from the requirements of 18 AAC 50.700 - 18 AAC 50.750 under 40 C.F.R. 93.126 and 40 C.F.R. 93.127, revised as of July 1, 2013, and adopted by reference, should be treated as nonexempt if potential regional emissions impacts or other adverse emissions impacts might exist for any reason;

(5) determine, as required by 40 C.F.R. 93.113(c)(1), revised as of July 1, 2013, and

adopted by reference, whether past obstacles to implementation of a transportation control measure that is behind the schedule established in the state implementation plan have been identified and are being overcome, and whether state and local agencies with influence over approvals or funding for transportation control measures are giving maximum priority to approval or funding for transportation control measures to be initiated by the sponsoring agency in accordance with 18 AAC 50.700 – 18 AAC 50.750 and the State Air Quality Control Plan, Volume II, Section III.I.3; the interagency consultation process must also consider whether delays in transportation control measure implementation necessitate a revision to the state implementation plan to remove or to substitute a transportation control measure or other emission reduction measures;

(6) determine, as required by 40 C.F.R. 93.121, revised as of July 1, 2013 and adopted by reference,

(A) that a regionally significant project

(i) is included in a regional emissions analysis supporting the currently conforming transportation improvement program's conformity determination, even if the project is not included in the transportation improvement program for the purposes of project selection or endorsement; and

(ii) design concept and scope have not changed significantly from those included in the transportation plan, transportation improvement program, or regional emissions analysis; or

(B) that, based on the requirements for a project that is not from a conforming transportation plan and transportation improvement program, as specified in 40 C.F.R. 93.118 and 40 C.F.R. 93.119, revised as of July 1, 2013, and adopted by reference,

(i) there is a currently conforming transportation plan and transportation improvement program, and a new regional emissions analysis that includes the regionally significant project; and

(ii) the currently conforming transportation plan and transportation improvement program will still conform if the regionally significant project is implemented;

(7) identify, as required by 40 C.F.R. 93.123(b), revised as of July 1, 2013, and adopted by reference, projects located at sites

(A) within a PM-10 or PM-2.5 nonattainment or maintenance area identified in 18 AAC 50.015(b)(3) or (e); and

(B) that have vehicle and roadway emission and dispersion characteristics essentially identical to those at sites that have air quality violations verified by

monitoring, and that, therefore, require a quantitative PM-10 or PM-2.5 hot-spot analysis; and

(8) notify staff of participating agencies of any revision or amendment to a transportation plan or transportation improvement program that merely adds or deletes an exempt project listed in 40 C.F.R. 93.126 and 93.127, revised as of July 1, 2013 and adopted by reference; and

(9) develop a list of transportation control measures for inclusion in the state implementation plan and distribute that list to those agencies described in (a)(2) of this section.

(d) In addition to the consultation described in (c) of this section, a staff member of the sponsoring agency shall consult with staff of the state and local agencies listed in (a)(2) of this section to

(1) evaluate events that will trigger new conformity determinations in addition to those triggering events established in 40 C.F.R. 93.104, revised as of July 1, 2013, and adopted by reference;

(2) consider an emissions analysis for transportation activities that extend beyond the boundaries of a local governing body, nonattainment area, or air basin;

(3) determine the design, schedule, and funding of research and data collection efforts and regional transportation model development by the local governing body, such as household or travel transportation surveys;

(4) ensure that plans for construction of regionally significant projects that are not FHWA or FTA projects, including projects for which alternative locations, designs concept and scope, or the no-build option are still being considered and including all those projects by recipients of funds designated under 23 U.S.C., are disclosed to the metropolitan planning organization on a regular basis and to ensure that any changes to those plans are disclosed within 10 business days;

(5) request that participants in the interagency consultation process identify all non-FHWA and non-FTA transportation projects and their design concept and scope, including those projects where detailed design features have not yet been decided, to determine which projects are regionally significant projects for regional emissions modeling; a person who is "a recipient of funds designated under title 23 U.S.C. or the Federal Transit Laws" within the meaning given the term in 40 C.F.R. 93.101, revised as of July 1, 2013, and adopted by reference, shall disclose to the metropolitan planning organization information regarding all non-FHWA and non-FTA regionally significant projects; any changes in these plans shall be disclosed within 10 business days; and

(6) choose conformity tests and methodologies for isolated rural nonattainment and maintenance areas.

(e) If the metropolitan planning area does not include the entire nonattainment or maintenance area, the interagency consultation must include staff of the local governing body and the Alaska Department of Transportation and Public Facilities to determine conformity of all projects outside the metropolitan planning area and within the nonattainment or maintenance area.

(f) After completing the interagency consultation process, the sponsoring agency shall prepare the public review draft of the conformity determination, based on changes made to the preliminary draft during the consultation process, and shall make the public review draft available for public review and comment as required in 18 AAC 50.720.

(g) After opportunity for public review and comment on the public review draft of the conformity determination, the sponsoring agency shall

(1) prepare a final draft of the conformity determination in consultation with staff of the participating agencies; and

(2) after the consultation described in (1) of this subsection, issue the final conformity determination to the agencies listed in (a)(2) of this section and provide the supporting information upon request.

(h) Repealed 4/17/2015.

(i) In this section "business day" means a day other than Saturday, Sunday, or a state or federal holiday.

State effective: 3/2/2016; EPA approval: 8/28/2017, 82 FR 40712; EPA effective: 9/27/2017

18 AAC 50.720. Public involvement.

(a) The sponsoring agency described in 18 AAC 50.705(b) shall establish a public involvement process to provide opportunity for public review and comment on the public review draft of the conformity determination or transportation-related state implementation plan revision before the agency issues a final conformity determination or transportation-related state implementation plan revision. As required under 40 C.F.R. 93.112, revised as of July 1, 2013, and adopted by reference, the public involvement process must be consistent with the requirements of 40 C.F.R. 93.105(e), revised as of July 1, 2013, and adopted by reference, and 23 C.F.R. 450.316(a), revised as of July 1, 2014, and adopted by reference.

(b) The sponsoring agency shall

(1) subject to (d) of this section,

(A) receive written comments on the public review draft of the conformity determination or transportation-related state implementation plan revision; and

(B) hold a public hearing or meeting

(i) for a transportation plan, transportation improvement program, or transportation-related state implementation plan revision;

(ii) for a project that is not included in a transportation plan, transportation improvement program, or transportation-related state implementation plan revision, but that is within a designated nonattainment area listed under 18 AAC 50.015(b) or designated maintenance area listed under 18 AAC 50.015(d); or

(iii) if a written comment received under (A) of this paragraph requests a public hearing or meeting for a regionally significant project;

(2) consider all comments received and prepare a written summary analysis of significant comments; and

(3) specifically address in the summary analysis all public comments concerning known plans for a regionally significant project that may not have been properly reflected in the emissions analysis used to support a proposed conformity finding for a transportation plan or transportation improvement program, regardless of whether the regionally significant project is receiving federal funding or approval.

(c) Opportunity for public involvement under this section must include access to information, emissions data, analyses, models, and modeling assumptions used to perform a conformity determination or transportation-related state implementation plan revision.

(d) If a project for which the provisions of (a) – (c) of this section apply is also subject to a public involvement process under 42 U.S.C. 4321 - 4370b (National Environmental Policy Act), compliance with the public involvement process under that law constitutes compliance with (a) – (c) of this section.

(e) Charges imposed for inspecting and copying of information, emissions data, analyses, models, and modeling assumptions used to perform a conformity determination or transportation related state implementation plan revision must be consistent with AS 40.25.110 and 40.25.115.

State effective: 3/2/2016; EPA approval: 8/28/2017, 82 FR 40712; EPA effective: 9/27/2017

18 AAC 50.740. Written commitments.

(a) A conformity determination on the transportation plan or transportation improvement program may not include emission reduction credits from any control measures that are not included in the transportation plan or transportation improvement program and that do not require regulatory action in the regional emission analysis, unless the metropolitan planning organization, the Department of Transportation and Public Facilities, FHWA, or FTA obtains, for inclusion in the conformity determination, written commitments as defined in 40 C.F.R. 93.101, revised as of July 1, 2013, and adopted by reference, from the appropriate entities to implement those control measures. Before a conformity determination on the transportation plan or transportation improvement program may be approved, a metropolitan planning organization or the Department of Transportation and Public Facilities must ensure that project-level mitigation or control measures included in the project design concepts and scopes are appropriately identified in the regional emissions analysis. The written commitments to implement those mitigation or control measures must be fulfilled by the appropriate entities.

(b) Before a project-level conformity determination for a transportation project may be approved, the project sponsor must include written commitments as defined in 40 C.F.R. 93.101, adopted by reference in (a) of this section, to implement any project-level mitigation or control measures in the construction or operation of the project that are identified for that project as part of NEPA process completion as defined in 40 C.F.R. 93.101, revised as of July 1, 2013, and adopted by reference. Written commitments must be obtained before those project level mitigation or control measures are used in a project-level hot-spot analysis. The written commitments to implement those project level mitigation or control measures must be fulfilled by the appropriate entities.

(c) In this section, "project sponsor" means any entity that owns an equity interest in the transportation project, or holds the permits the department determines are essential to construct or operate the transportation project.

State effective: 4/17/2015; EPA approval: 9/8/2015, 80 FR 53735; EPA effective: 11/9/2015

18 AAC 50.745. Resolving conflicts.

(a) If during the interagency consultation process under 18 AAC 50.700 – 18 AAC 50.750 a conflict arises between state agencies or between state and local agencies, and the conflict cannot be resolved by the heads of the involved agencies, the department will refer the conflict to the governor for resolution. A conformity determination that is the subject of conflict resolution under this section must have the governor's concurrence to be final.

(b) The department will make the referral to the governor not later than 14 calendar days after notification or a determination that the conflict cannot be resolved. The 14-day period starts when the metropolitan planning organization or the Department of Transportation and Public Facilities confirms receipt of the comments of the department. The department will provide the participating agencies under 18 AAC 50.715(a)(2) with a copy of its referral to the governor.

(c) If the department does not make a referral to the governor during the 14-day period described in (b) of this section, the sponsoring agency described in 18 AAC 50.705(b), metropolitan planning organization, or Department of Transportation and Public Facilities may proceed with the final conformity determination.

(d) Not later than 14 days after the metropolitan planning organization notifies the department of the resolution of all comments on a proposed conformity determination or other policy decision during the interagency consultation process under 18 AAC 50.700 – 18 AAC 50.750, and if the Department of Transportation and Public Facilities disputes those comments, the Department of Transportation and Public Facilities shall refer the proposed conformity determination or other policy decision to the governor for resolution. The 14-day period starts when the metropolitan planning organization has confirmed receipt by the department of the resolution of the comments of the Department of Transportation and Public Facilities.

(e) If the Department of Transportation and Public Facilities makes a referral to the governor, the final conformity determination or other final policy decision must have the concurrence of the governor.

(f) The Department of Transportation and Public Facilities shall provide the metropolitan planning organization and the department with a copy of the referral to the governor under (d) of this section. If the Department of Transportation and Public Facilities does not make a referral to the governor during the 14-day period described in (d) of this section, the metropolitan planning organization may proceed with the final conformity determination or other final policy decision.

(g) The governor may delegate the role of resolving the conflict under this section and deciding whether to concur in the conformity determination to a state official or agency other than

(1) the department;

(2) the Department of Transportation and Public Facilities; or

(3) a state transportation board or commission.

State effective: 4/17/2015; EPA approval: 9/8/2015, 80 FR 53735; EPA effective: 11/9/2015

18 AAC 50.750. Exempt projects.

Notwithstanding the other requirements of 18 AAC 50.700 – 18 AAC 50.750, highway and transit projects of the types listed in Table 2 of 40 C.F.R. 93.126, revised as of July 1, 2013, and adopted by reference, are exempt from the requirement to determine conformity. Those projects may proceed toward implementation even in the absence

of a conforming transportation plan and transportation improvement program. A particular action of the type listed in Table 2 of 40 C.F.R. 93.126 is not exempt if the agencies listed in 18 AAC 50.715(a)(2) concur that it has potentially adverse emissions impacts for any reason. Metropolitan planning organizations must ensure that exempt projects do not interfere with transportation control measure implementation.

State effective: 4/17/2015; EPA approval: 9/8/2015, 80 FR 53735; EPA effective: 11/9/2015

18 AAC 50 Article 9. General Provisions.

18 AAC 50.900. Small business assistance program.

(a) The purpose of the small business assistance program established under AS 46.14.300 is to help small businesses in the state comply with state and federal air quality laws. The department's *The Alaska Small Business Assistance Program,* adopted by reference in 18 AAC 50.030, describes the small business assistance program.

(b) Subject to AS 46.14.300(c) and 46.14.310, only the owner or operator of a "small business facility," as that term is defined in AS 46.14.990, is eligible to receive the services of the small business assistance program.

(c) The owner or operator of an eligible small business facility may request a change to a requirement under this chapter that

(1) is a work practice or technological method of compliance; or

(2) sets a schedule of milestones preceding a date for implementing a work practice or technological method of compliance.

(d) A change described in (c) of this section may be requested as follows:

(1) if the requested change requires an amendment of a provision of this chapter, the request must be submitted under AS 44.62.220 and must include

(A) a description of the provision of this chapter to be amended:

(B) a description of the proposed amendment to be adopted; and

(C) an explanation of the need for the proposed change and how the change can adequately substitute for or replace the requirement to be changed; or

(2) if the requested change requires a revision to a permit term or condition that is not expressly required by this chapter, the request may be submitted as an application for a minor or significant permit modification under 40 C.F.R. 71.7(e), adopted by reference in 18 AAC 50.040, and subject to 18 AAC 50.326.

(e) The department will schedule a proposed amendment to this chapter submitted under (d)(1) of this section for public hearing as provided in AS 44.62.230 if the change would not cause a violation of

(1) the Clean Air Act;

(2) a federally-enforceable requirement; or

(3) state law.

State effective:10/1/2004; EPA approval: 8/14/2007, 72 FR 45378; EPA effective: 9/13/2007

18 AAC 50.990. Definitions.

In this chapter

(1) "actual emissions" has the meaning given in 40 C.F.R. 52.21(b)(21), adopted by reference in 18 AAC 50.040;

(2) "administrator" means the administrator of the United States Environmental Protection Agency, except as otherwise provided in 18 AAC 50.306 – 18 AAC 50.326;

(3) "air pollutant" has the meaning given in AS 46.14.990;

(4) "air curtain incinerator" means a device in which large amounts of combustible materials are burned in a rectangular containment equipped with an overfire air system;

(5) "air pollution" has the meaning given in AS 46.03.900;

(6) "air pollution control equipment" means equipment or a portion of equipment designed to reduce the emissions of an air pollutant to the ambient air;

(7) "air quality control requirement" means any obligation created by AS 46.14, this chapter, or a term or condition of a preconstruction permit issued by the department before January 18, 1997;

(8) "allowable emissions" has the meaning given in 40 C.F.R. 52.21(b), except that for the purposes of establishing or revising a plantwide applicability limitation (PAL) under 40 C.F.R. 52.21(aa), adopted by reference in 18 AAC 50.040,

(A) "allowable emissions" means the emissions rate of an emissions unit calculated considering any emission limitation that is enforceable as a practical matter on the emissions unit's potential to emit; and

(B) in the definition of "potential to emit" in 40 C.F.R. 51.166(b), the words "or enforceable as a practical matter" are added after "federally enforceable", as provided in 40 C.F.R. 51.166(w)(2)(ii)(*b*);

(9) "ambient air" has the meaning given in AS 46.14.990;

(10) "ambient air quality standards" has the meaning given in AS 46.14.990;

(11) "approved" means approved by the department;

(12) "asphalt plant" means a stationary source that manufactures asphalt concrete by heating and drying aggregate and mixing asphalt cements; "asphalt plant" includes any combination of dryers, systems for screening, handling, storing, and weighing dried aggregate, systems for loading, transferring, and storing mineral filler, systems for mixing, transferring, and storing asphalt concrete, and emission control systems within the stationary source;

(13) "assessable emission" has the meaning given in AS 46.14.250(h)(1);

(14) "begin actual construction" has the meaning given in 40 C.F.R. 52.21(b)(11), adopted by reference in 18 AAC 50.040;

(15) "black smoke" means smoke having the color of emissions produced by the incomplete combustion of toluene in the double wall combustion chamber of a smoke generator;

(16) "Btu" means British thermal unit;

(17) "building, structure, facility, or installation" has the meaning given in AS 46.14.990;

(18) "casting off" means the first release of a line securing a vessel to shore as part of the process of leaving berth;

(19) "Class I area," "Class II area," and "Class III area" mean an area designated in 18 AAC 50.015, Table 1, as Class I, Class II, or Class III respectively;

(20) "Clean Air Act" means 42 U.S.C. 7401 - 7671q, as amended through November 15, 1990;

(21) repealed 7/25/2008.

(22) "coal preparation plant" means a stationary source that prepares coal by breaking, crushing, screening, wet or dry cleaning, or thermal drying, and that processes more than 200 tons per day of coal; "coal preparation plant" includes any combination of thermal dryers, pneumatic coal-cleaning equipment, coal processing

and conveying equipment, breakers and crushers, coal storage systems, and coal transfer systems within the stationary source;

(23) “commissioner” means the commissioner of environmental conservation;

(24) “conservation vent” means a vent containing a pressure-vacuum valve designed to minimize emissions of vapors from a storage tank due to changes in temperature and pressure;

(25) “construct” or “construction” has the meaning given to “construction” in AS 46.14.990;

(26) “construction permit” has the meaning given in AS 46.14.990;

(27) “delivery tank” means the tank portion of a tank truck, tank trailer, or rail tank car; “delivery tank” does not include a tank of less than 2,500 gallons used to test or certify metering devices;

(28) “department” means the Department of Environmental Conservation;

(29) “emission” has the meaning given in AS 46.14.990;

(30) “emission limitation” has the meaning given in AS 46.14.990;

(31) “emission standard” has the meaning given in AS 46.14.990;

(32) “emission unit” has the meaning given in AS 46.14.990;

(33) “EPA” means the United States Environmental Protection Agency;

(34) “excess emissions” means emissions of an air pollutant in excess of any applicable emission standard or limitation;

(35) repealed 4/1/2010;

(36) “expected number” as that term is used in 18 AAC 50.010(1)(B), has the meaning given in 40 C.F.R. Part 50, Appendix K, sec. 2.1, adopted by reference in 18 AAC 50.035; and

(37) “federal administrator” has the meaning given in AS 46.14.990 and includes the federal administrator’s designee;

(38) “fire service” means a

(A) fire department registered with the state fire marshal under 13 AAC 52.030; and

(B) wildland fire suppression organization within the Department of Natural Resources, United States Forest Service, or United States Bureau of Land Management/Alaska Fire Service;

(39) "fuel-burning equipment" means a combustion device capable of emission; "fuel-burning equipment" includes flares; "fuel-burning equipment" does not include mobile internal combustion engines, incinerators, marine vessels, wood-fired heating devices, or backyard barbecues;

(40) "fugitive emissions" has the meaning given in 40 C.F.R. 51.166(b)(20), as revised as of July 1, 2019, and adopted by reference;

(41) "gasoline distribution facility" means a stationary source that stores fuel including gasoline and that transfers gasoline from storage tanks to delivery tanks;

(42) "good engineering practice stack height"

(A) for stack heights exceeding 213 feet, has the meaning given in 40 C.F.R. 51.100(ii), as revised as of July 1, 2019, and adopted by reference; or

(B) for all other stack heights, means the actual physical height of the stack;

(43) "grate cleaning" means removing ash from fireboxes;

(44) "hazardous air pollutant" has the meaning given in AS 46.14.990;

(45) "hazardous air pollutant major source" has the meaning given for the term "major source" in 40 C.F.R. 63.2, adopted by reference in 18 AAC 50.040;

(46) "hazardous waste" means a waste within the scope of 18 AAC 62.020;

(47) "impairment of visibility" means any humanly perceptible change in visibility from that which would have existed under natural conditions; in this paragraph, "change in visibility" includes light extinction, atmospheric discoloration, and any other change in visual range, contrast, or coloration;

(48) "incinerator" means a device used for the thermal oxidation of garbage or other wastes, other than a wood-fired heating device, including an air curtain incinerator burning waste other than clean lumber, wood wastes, or yard wastes;

(49) "industrial process" means the extraction of raw material or the physical or chemical transformation of raw material in either composition or character;

(50) "lowest achievable emission rate" or "LAER" has the meaning given in 40 C.F.R. 51.165(a)(1)(xiii), adopted by reference in 18 AAC 50.040;

(51) "maintenance area" means a geographical area that EPA previously designated

as a nonattainment area and subsequently designated as an "attainment area" under 42 U.S.C. 7407(d)(3) (Clean Air Act, sec. 107(d)(3));

(52) “major stationary source” means

(A) for the purposes of 18 AAC 50.306, a stationary source or physical change that meets the definition of “major stationary source” under 40 C.F.R. 51.166(b)(1);

(B) for the purposes of 18 AAC 50.311, a stationary source or physical change that meets the definition of “major stationary source” under 40 C.F.R. 51.165(a)(1)(iv);

(53) “major modification” means

(A) for the purposes of 18 AAC 50.306, a change that meets the definition of “major modification” under 40 C.F.R. 51.166(b)(2);

(B) for the purposes of 18 AAC 50.311, a change that meets the definition of “major modification” under 40 C.F.R. 51.165(a)(1)(v);

(54) “make fast to the shore” means to secure the last line necessary to secure a vessel in its berth;

(55) “marine vessel” means a seagoing craft, ship, or barge;

(56) “maximum achievable control technology” or “MACT” means a maximum achievable control technology emission limitation defined in 40 C.F.R. 63.51, adopted by reference in 18 AAC 50.040, for a new or existing source;

(57) “maximum true vapor pressure” means the equilibrium partial pressure exerted by a stored liquid at the local maximum monthly average temperature reported by the National Weather Service;

(58) “minor permit” means a permit issued under 18 AAC 50.502 – 18 AAC 50.560;

(59) “modification” or “modify” has the meaning given to “modification” in 42 U.S.C. 7411(a) (Clean Air Act, sec. 111(a));;

(60) “Nikiski Industrial Area” means the area of the Kenai Peninsula within Sections 21, 22, 27, and 28, Township 7 North, Range 12 West, Seward Meridian;

(61) “nonattainment air pollutant” means the air pollutant for which a particular area has been designated by the federal administrator as nonattainment in 40 C.F.R. 81.302;

(62) “nonattainment area” means, for a particular air pollutant, an area designated as nonattainment for that air pollutant;

(63) “nonroad engine” has the meaning given in 40 C.F.R. 89.2, as revised as of September 18, 2007, adopted by reference;

(64) “nonroutine repair” means an immediate repair to correct an unavoidable emergency or malfunction;

(65) “open burning”

(A) means the burning of a material that results in the products of combustion being emitted directly into the ambient air without passing through a stack, flare, vent, or other opening of an emissions unit from which an air pollutant could be emitted;

(B) does not include

(i) a campfire;

(ii) a barbecue;

(iii) a ceremonial fire;

(iv) the use of a candle;

(v) the use of a cigar, cigarette, or pipe;

(vi) the use of celebratory fireworks;

(66) “operator” has the meaning given in AS 46.14.990;

(67) “organic vapors” means any organic compound or mixture of compounds evaporated from volatile liquid or any organic compound or mixture of compounds in aerosols formed from volatile liquid;

(68) “ORL” means owner requested limit;

(69) “owner” has the meaning given in AS 46.14.990;

(70) “PAL major modification” has the meaning given in 40 C.F.R.52.21(aa)(2)(viii), adopted by reference in 18 AAC 50.040;

(71) “particulate matter”

(A) except as provided in paragraph (B) of this paragraph, means a material, except water, that is or has been airborne and exists as a liquid or solid at standard conditions;

(B) with respect to meeting emissions standards in 18 AAC 50.077,

(i) has the meaning given in 40 C.F.R. 60.531 (Subpart AAA), revised as of July 1, 2017, and adopted by reference;

(ii) includes total particulate matter as defined in the definition of "particulate matter" in 40 C.F.R. 60.531;

(72) “permit” includes all of the elements described in the definitions of "construction permit" and "operating permit" in AS 46.14.990, and the same elements as they occur in a minor permit under AS 46.14.130(c);

(73) “person” has the meaning given in AS 46.14.990;

(74) “petroleum refinery” means a stationary source engaged in the distillation of petroleum or re-distillation, cracking, or reforming of unfinished petroleum derivatives;

(75) “plantwide applicability limitation” or “PAL” means an emission limitation expressed in tons per year, for an air pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in accordance with 40 C.F.R. 52.21(aa), adopted by reference in 18 AAC 50.040;

(76) “PM-10” means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers;

(77) repealed 7/25/2008;

(78) “Port of Alaska stationary source” means a stationary source located in the Port of Alaska that contains one or more emissions units subject to a standard in 18 AAC 50.085 or 18 AAC 50.090;

(79) “potential emissions” has the meaning given to the term "potential to emit" in AS 46.14.990;

(80) “potential to emit” has the meaning given in AS 46.14.990;

(81) “ppm” means parts per million;

(82) “practical means available” means, when approving the open burning of liquid hydrocarbons produced during oil or gas well testing, that all alternative disposal methods will have been analyzed and, where an environmentally acceptable procedure exists, that procedure will be required;

(83) “project” means a physical change or change in the method of operation of an existing stationary source;

(84) “PSD” means prevention of significant deterioration;

(85) “PSD permit” means a permit required under 18 AAC 50.306;

(86) “putrescible garbage” means material capable of being decomposed with sufficient rapidity to cause nuisance or obnoxious odors;

(87) “rated capacity” means the maximum sustained capacity of the equipment based on the fuel or raw material, or combination of fuels or raw materials, that is actually used and gives the greatest capacity;

(88) “reconstruct” and “reconstruction” have the meaning given “reconstruction” in 40 C.F.R. 63.2, adopted by reference in 18 AAC 50.040, except that for purposes of 18 AAC 50.260 “reconstruction has the meaning given in 40 C.F.R. 51.301, adopted by reference in 18 AAC 50.260(a);

(89) “reduction in visibility” means the obscuring of an observer's vision;

(90) “regionally significant project” has the meaning given in 40 C.F.R. 93.101 adopted by reference in 18 AAC 50.710;

(91) “regulated air pollutant” has the meaning given in AS 46.14.990;

(92) repealed 11/9/2014;

(93) “responsible official” means

(A) for a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or a duly-authorized representative of that person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit under AS 46.14 or this chapter, and

(i) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million in second quarter 1980 dollars; or

(ii) the delegation of authority to the representative is approved in advance by the department;

(B) for a partnership or sole proprietorship, a general partner or the proprietor, respectively; and

(C) for a public agency, a principal executive officer or ranking elected official; for the purposes of this chapter, a principal executive officer of a federal agency includes the chief executive officer with responsibility for the overall operations of a principal geographic unit in this state;

(94) "reviewing authority" means the department;

(95) "rig day" means each calendar day that a single drill rig is drilling or testing an oil or gas well in normal operation or standby service; "rig day" does not include a day when

(A) equipment is not operating; or

(B) only light plants are operating;

(96) "scheduled maintenance" means activities planned in advance designed to keep equipment in good working order;

(97) "shutdown" means performing all activities necessary to cease operation of a source;

(98) "small business facility" has the meaning given in AS 46.14.990;

(99) "smolder" means to burn and smoke without flame;

(100) "soot-blowing" means using steam or compressed air to remove carbon from a furnace or from a boiler's heat transfer surfaces;

(101) "stack" has the meeting given in AS 46.14.990;

(102) "standard conditions" means dry gas at 68^{o} F and an absolute pressure of 760 millimeters of mercury;

(103) "startup" means

(A) for an internal combustion engine aboard a marine vessel, the point in time that emissions begin to exit from the vessel as a result of igniting the engine; and

(B) for all other sources, the setting into operation of a source for any reason;

(104) "state air quality control plan" means the plan adopted by reference in 18 AAC 50.030;

(105) "stationary source" has the meaning given in AS 46.14.990;

(106) "technology-based emission standard" means

(A) a best available control technology standard with the meaning given in 40 C.F.R. 52.21(b)(12), adopted by reference in 18 AAC 50.040;

(B) a lowest achievable emission rate (LAER) standard;

(C) a maximum achievable control technology standard established under 40 C.F.R. Part 63, Subpart B, adopted by reference in 18 AAC 50.040(c);

(D) a standard adopted by reference in 18 AAC 50.040(a) or (c); and

(E) any other similar standard for which the stringency of the standard is based on determinations of what is technologically feasible, considering relevant factors;

(107) "temporary construction activity" means construction that is completed in 24 months or less from the date construction begins; "temporary construction activity" includes any period of inactivity during that 24-month period;

(108) "thermal soil remediation unit" means a stationary source that causes contaminants to be desorbed from soils by heating the soil in a kiln;

(109) "Title I permit" means a

(A) permit issued under 18 AAC 50.306, 18 AAC 50.311, 18 AAC 50.316, or 18 AAC 50.502 – 18 AAC 50.560;

(B) construction permit issued before October 1, 2004; or

(C) permit to operate issued before January 18, 1997;

(110) "Title V permit" means a permit required by AS 46.14.130(b);

(111) "Title V source" means a stationary source classified as needing a permit under AS 46.14.130(b);

(112) "TPY" has the meaning given in AS 46.14.990;

(113) "total suspended particulate" or "TSP" means particulate matter as measured by a method specified in the department's *Air Quality Assurance Manual for Ambient Air Quality Monitoring*, adopted by reference in 18 AAC 50.030;

(114) "uncontaminated fuel" means a hydrocarbon fuel, excluding propane, that does not contain used oil, crude oil, or a hazardous waste;

(115) "upset" means the sudden failure of equipment or a process to operate in a normal and usual manner.

(116) “vapor collection system” means all equipment, ducts, piping, valves, and fittings necessary to prevent organic vapors displaced at a loading rack from being emitted into the atmosphere;

(117) “vapor-laden delivery tank” means a delivery tank that is being loaded with volatile liquid or that was loaded with volatile liquid during the immediately preceding load;

(118) “volatile liquid” means a liquid compound or mixture of compounds that exerts a maximum true vapor pressure of 0.5 pounds per square inch or more;

(119) “volatile liquid loading rack” means all equipment, loading arms, piping, meters, and fittings used to fill delivery tanks with volatile liquid;

(120) “volatile liquid storage tank” means any stationary storage vessel that contains a volatile liquid;

(121) “volatile organic compound” or “VOC” has the meaning given in 40 C.F.R. 51.100(s), as revised as of July 1, 2019, and adopted by reference;

(122) “weighing anchor” means to begin heaving in the anchor with intent to retrieve it and get underway, regardless of how the chain tends when heaving in begins;

(123) “wood-fired heating device”

(A) means a device designed or used for wood combustion so that usable heat is derived for the interior of a building;

(B) includes

(i) wood-fired or pellet-fired stoves;

(ii) woodstoves;

(iii) fireplaces;

(iv) wood-fired forced air furnaces;

(v) masonry heaters;

(vi) wood-fired or pellet-fired cooking stoves;

(vii) wood-fired hydronic heaters; and

(viii) combination fuel furnaces or boilers that burn wood;

(C) does not include a device that is primarily a part of an industrial process and

incidentally provides usable heat for the interior of a building.

(124) “portable oil and gas operation” means an operation that moves from site to site to drill or test one or more oil or gas wells, and that uses drill rigs, equipment associated with drill rigs and drill operations, well test flares, equipment associated with well test flares, camps, or equipment associated with camps; “portable oil and gas operation” does not include well servicing activities; for the purposes of this paragraph, “test” means a test that involves the use of a flare;

(125) “well servicing activities” means the use of portable equipment for servicing existing oil and gas wells that only stays on site for short and varying periods of time; “well servicing activities” includes the use of

(A) coiled tubing units;

(B) well frac units;

(C) well slickline units;

(D) well hot oil units;

(E) well wireline units.

(126) “PAL pollutant” means the pollutant for which a plantwide applicability limitation (PAL) is established at a major stationary source;

(127) “regional administrator” means the administrator of Region X of EPA;

(128) “PM-2.5” means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers;

(129) “ozone” means a colorless gas that has a pungent odor and the molecular form O_3;

(130) “transportation improvement plan” has the meaning given in 40 C.F.R. 93.101, revised as of July 1, 2013, and adopted by reference;

(131) “CO_2 equivalent emissions (CO_2e)” has the meaning given in 40 C.F.R. 52.21, adopted by reference in 18 AAC 50.040;

(132) “greenhouse gases” has the meaning given in 40 C.F.R. 52.21, adopted by reference in 18 AAC 50.040;

(133) “campfire” means an open fire that is

(A) less than three feet in diameter;

(B) used for cooking, personal warmth, lighting, ceremonial, or aesthetic purposes;

(C) hand-built; and

(D) not associated with a debris disposal activity;

(134) “dry wood” means wood with a moisture content of 20 percent or less;

(135) “hydronic heater”

(A) means an outdoor or indoor fuel burning device, that may be equipped with a heat storage unit, and that heats building space by means of the distribution, typically through pipes, of fluid that is typically water or a mixture of water and antifreeze and that is heated in the device;

(B) does not include a forced-air furnace;

(l36) “manufactured compressed wood log” means a log that has been made from 100 percent compressed sawdust, wood chips, or other organic material and that does not have additives;

(137) “masonry heater” means a heating appliance that

(A) is constructed of concrete or solid masonry that is designed to absorb and store heat from a solid fuel fire built in the firebox by routing the exhaust gases through internal heat exchange channels in which the flow path downstream of the firebox may include flow in a horizontal or downward direction before entering the chimney; and

(B) delivers heat by radiation from the masonry surface of the heater;

(138) “solid fuel-fired heating device”

(A) means a device used for wood or coal combustion so that usable heat is derived for the interior of a building;

(B) includes

(i) wood-fired heating devices;

(ii) coal-fired stoves;

(iii) coal-fired forced air furnaces;

(iv) coal-fired cooking stoves;

(v) coal-fired hydronic heaters; and

(vi) combination fuel furnaces or boilers that burn wood and coal;

(C) does not include a device that is

(1) primarily a part of an industrial process and incidentally provides usable heat for the interior of a building; or

(2) is a cogeneration boiler that provides both steam for electrical generation and steam for a centralized heat distribution system;

(139) "wet wood" means wood with moisture content of more than 20 percent;

(140) "woodstove" has the meaning given in "wood heater" in 40 C.F.R. 60.531; the definition of "wood heater" in 40 C.F.R. 60.531, as revised as of July l, 2015, is adopted by reference.

(141) "design concept" has the meaning given in 40 C.F.R. 93.101, revised as of July 1, 2013, and adopted by reference;

(142) "design scope" has the meaning given in 40 C.F.R. 93.101, revised as of July 1, 2013, and adopted by reference;

(143) "FHWA" means the United States Department of Transportation, Federal Highway Administration;

(144) "FTA" means the United States Department of Transportation, Federal Transit Administration;

(145) "hot-spot analysis" has the meaning given in 40 C.F.R. 93.101, revised as of July 1, 2013, and adopted by reference;

(146) "isolated rural nonattainment and maintenance areas" has the meaning given in 40 C.F.R. 93.101, revised as of July 1, 2013, and adopted by reference;

(147) "metropolitan planning organization" has the meaning given in 40 C.F.R. 93.101, revised as of July 1, 2013, and adopted by reference;

(148) "transportation control measure" has the meaning given in 40 C.F.R. 93.101, revised as of July 1, 2013, and adopted by reference.

(149) "BACM" has the meaning given the term "best available control measures (BACM)" in 40 C.F.R. 51.1000, as revised as of July 1, 2017, adopted by reference;

(150) "BACT"

(A) except as provided in (B) of this paragraph, has the meaning given the term "best available control technology" in 40 C.F.R. 52.21 (b), adopted by reference in 18 AAC 50.040;

(B) with respect to a nonattainment area plan for a nonattainment area that under 42 U.S.C. 7513 and 7602 EPA has designated “serious” for PM-2.5, has the meaning given the term “best available control technology” in 40 C.F.R. 52.21 (b), adopted by reference in 18 AAC 50.040, except that BACT applies only to direct emissions of PM-2.5 and to PM-2.5 plan precursors;

(151) “RACT” has the meaning given the term "reasonably available control technology (RACT)" in 40 C.F.R. 51.100(o), as revised as of July 1, 2019, adopted by reference.

(152) “catalytic oxidizer” means an emission control device that employs a catalyst fixed onto a substrate to oxidize air pollutants in an exhaust stream;

(153) “charbroiler” means a cooking device composed of a grated grill and a heat source, where food resting on the grated grill cooks as the food receives direct heat from the heat source or a radiant surface;

(154) “chain-driven charbroiler” means a semi-enclosed charbroiler designed to mechanically move food on a grated grill through the broiler;

(155) “used oil” means any petroleum product that has been refined from crude oil, in whole or in part, or any synthetic oil that is contaminated by physical or chemical impurities as the result of use; used oil is a free-flowing liquid at standard temperature and pressure and has a flash point of greater than 100 degrees Fahrenheit; used oil includes oils used as lubricants, heat transfer fluids, hydraulic fluids; used oil does not include materials derived from crude or synthetic oils that are fuels, such as gasoline, jet fuel, or diesel fuel, or cleaning agents or solvents, such as naphtha or mineral spirits.

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