



**Alaska Department of Environmental Conservation
Title V Program Review
(3rd Round)**

EPA Region 10
May 20, 2026

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- 1 Region 10 Program Review Kickoff Letter and Information Request to ADEC, January 10, 2025
- 2 ADEC Program Review Information Request Response, February 2025
- 3 Title V Operating Permit System Data Summary as Reported by ADEC January 2026 (revised February 13, 2026)

Executive Summary

In the third-round title V permit program review, the U.S. Environmental Protection Agency (the EPA or we/us) Region 10 finds that the Alaska Department of Environmental Conservation (ADEC or “the Department”) runs a strong program, especially given the unique geographical and industrial landscape of the state of Alaska. The Department’s permitting and support staff are technically proficient, motivated and cohesive. The permitting team works together to continuously improve the program.

After reviewing the 2015 second round report, we identified nine concerns that appeared to be unresolved at that time.¹ Six of them had been identified in the 2006 first round report and three were new concerns in the second-round report.² Of these nine existing concerns, we determined that six had been resolved, one is still an issue, and one still demands attention. We are not commenting on the remaining issue. Section II of this report includes discussion of these concerns. In particular:

- ADEC’s title V permit writers have limited opportunities for training, especially the type of in-person training that permit writers at other state programs take for granted. We urge Alaska to make more funds available for out-of-state travel to Region 10’s biennial permit workshops and other essential training and networking opportunities. See concern G-1.
- ADEC’s statements of basis (SoB) have improved considerably but could include better explanations of the applicability (or inapplicability) of requirements to individual emission units. See concern A-2.
- Although we continue to emphasize the importance of collecting adequate fees to cover both direct and indirect title V expenses as well as the requirement to only spend title V fees on title V expenses, we understand that ADEC is currently reviewing its fee structure. Therefore, we are not reviewing title V fees in this report. See concern G-2.

During permit review, staff interviews and document review, we identified both positive findings (“good practices”), as well as concerns (“concerns/growth points”), which we discuss in section III of this report. Thirty new findings, 21 of them positive, are discussed in section III. Significant among the findings:

- In some of the permits we reviewed, ADEC permit writers used paraphrasing to incorporate federal standards. When done correctly, which appears to be the case, this makes the permit more comprehensible and increases the likelihood of compliance. However, part 70 requires the permit to identify when regulatory language has changed. Also, we recommend including a clause in the permit specifying that the language of the cited regulation takes precedence over paraphrasing. See finding A-15.
- ADEC has developed general permits for common source types. Although an optional part of the operating permit program, developing general permits increases both permit consistency and program efficiency in the long run. See findings B-1 and B-2.

¹ This count is not identical to what appears in section IV of the 2015 report. We reviewed the 2015 report with fresh eyes.

² There were no positive findings in the second-round report. That probably reflects more on us than it does on anyone else.

- The Department’s understanding of the Compliance Assurance Monitoring (CAM) program has improved significantly since the second-round report and permits generally discuss CAM applicability.³ When the Department determines that a CAM plan is required, the plan includes the required elements, and the permit includes a condition to make it legally enforceable. However, the CAM plans we reviewed generally included terms or calculation methods that were not defined in the permit itself. Also, when the Department determined that CAM did not apply for a non-trivial reason, the explanation was often cursory. See findings C-1 through C-4.
- Recently, we have noticed an increase in ADEC’s permit renewal backlog. In the past few years, ADEC has had the lowest permit renewal backlog of statewide permit issuing authorities in Region 10. We hope that the Department will prioritize issuing permits and return to form soon. See finding E-4.
- ADEC has invested effectively in both public facing and internal databases. We encourage the Department to continue to do so. See findings E-3 and G-5.
- ADEC enhances the use of its permits as compliance tools by including a standard section on test methods in all permits and by providing notification forms as attachments to the permit. See findings F-1 through F-3.
- ADEC has prepared permit application forms for several common types of emission units and control equipment. Although not required by part 70, preparing these optional equipment-specific application forms increases the likelihood of receiving a complete application, thus decreasing processing time. However, ADEC’s Form D1 (summary of emissions) does not include PM_{2.5} or lead, which meet the definition of “regulated air pollutant” in part 70. Also, the blank lines instruct the applicant to list individual HAPs (hazardous air pollutants), when there may be other air pollutants regulated by part 70. We encourage ADEC to continue maintaining and developing equipment specific application forms and we request corrections to Form D1. See findings I-1 and I-2.

I. Introduction

This report documents the third review of ADEC’s title V permitting program. A title V program is an operating permitting program for stationary sources with the potential to emit criteria air pollutants or hazardous air pollutants above major source thresholds as well as other categories of stationary sources of air pollution as designated by the Administrator of the EPA.⁴ Conditions from construction permits, the state implementation plan, and other applicable requirements are cataloged in the title V permit for ease of implementation.⁵ The EPA completed ADEC’s first title V program review in September 2006. The second-round report was completed in September 2015.

ADEC’s Title V Program

ADEC is a state air pollution control agency with jurisdiction throughout Alaska. The EPA, Region 10 is the title V permitting authority in Indian country, within the 1959 boundaries of Denali National Park, and on the outer continental shelf (more than 3 miles off the Alaska coastline),

³ The CAM Rule is found in 40 CFR part 64.

⁴ See 40 CFR 70.3 for applicability requirements of state operating permit programs.

⁵ See 40 CFR 70.6 for permit content requirements of state operating permit programs.

except off the coast of North Slope Borough where the Department of Interior’s Bureau of Ocean Energy Management issues air permits.⁶

Alaska’s title V regulation is found in Chapter 50 of Title 18 in the Alaska Administrative Code. Region 10 granted Alaska interim approval of its title V program, effective December 5, 1996, and full approval, effective November 30, 2001.⁷ No revisions to Alaska’s program have been approved since 2001.

According to its most recent Title V Operating Permit System report, covering the second half of 2025, Alaska has 133 active title V permits associated with 138 title V sources.

In its February 2025 response to Region 10’s kickoff letter, ADEC identified 14 active employees who do at least some work on title V permits, nine of whom it identified as permit writers. One position, a permit intake clerk, was described as “in recruitment.” All staff identified as permit writers are place-based in either the Anchorage or Juneau offices. Other staff may be located in Fairbanks as well as the Anchorage and Juneau offices.

Each permit is accompanied by an SoB that explains the technical and legal basis for the permit.

Program Review Objective and Overview

The EPA initiated title V program reviews in response to recommendations in a 2002 Office of the Inspector General audit. The general objective of broader program reviews (as opposed to individual permit reviews) is to identify good practices that other agencies can learn from, document areas needing improvement and learn how the EPA can help improve state and local title V programs and expedite permitting.

The EPA set an aggressive initial national goal of reviewing all state and local title V programs with ten or more title V sources. ADEC was one of ten title V programs in Region 10 reviewed between 2004 and 2007. Below is the list of agencies in Region 10 reviewed in the first round along with the final report date and an approximate number of title V sources they regulated when reviewed:

<u>Permitting Authority (first round)</u>	<u>Report Date</u>	<u>Permits</u>
Idaho Department of Environmental Quality	January 2004	59
Oregon Department of Environmental Quality	June 2006	111
Lane Regional Air Protection Agency (OR)	June 2006	19
Spokane Regional Clean Air Agency (WA)	August 2006	10
Puget Sound Clean Air Agency (WA)	September 2006	35
Washington Department of Ecology	September 2006	27
Northwest Clean Air Agency (WA)	September 2006	21
Alaska Department of Environmental Conservation	September 2006	158
Olympic Region Clean Air Agency (WA)	September 2007	15
Southwest Clean Air Agency (WA)	September 2007	12

In response to a 2005 follow-up review by the Office of Inspector General, the EPA also committed to repeat the reviews of all title V programs with 20 or more title V sources every

⁶ The Metlakatla Reservation on Annette Island is the only place in Alaska that meets the definition of Indian country in 18 U.S.C. 1151.

⁷ See appendix A to 40 CFR part 70.

four years beginning in 2007. The original, second-round commitment covered each of the four state programs in Region 10 (Alaska, Idaho, Oregon and Washington) as well as two local agencies in Washington (Puget Sound Clean Air Agency and Northwest Clean Air Agency). In September 2016, we fulfilled that commitment and decided to continue second-round reviews for the remaining agencies that were reviewed in the first round but not yet reviewed for a second time.

Below is the list of agencies reviewed in the second round along with the final report date. All of the program review reports can be found on Region 10's air permitting website.⁸

<u>Permitting Authority (second round)</u>	<u>Report Date</u>
Idaho Department of Environmental Quality	September 2007
Puget Sound Clean Air Agency (WA)	September 2008
Northwest Clean Air Agency (WA)	September 2013
Washington Department of Ecology	September 2014
Alaska Department of Environmental Conservation	September 2015
Oregon Department of Environmental Quality	September 2016
Lane Regional Air Protection Agency (OR)	September 2017
Spokane Regional Clean Air Agency (WA)	November 2018
Southwest Clean Air Agency (WA)	November 2019
Olympic Region Clean Air Agency (WA)	September 2020

In the first round of title V program reviews, EPA covered all major elements of a title V program. In the second round of program reviews, EPA focused on previously identified issues specific to each permitting authority's implementation of its permitting program. We also considered permit issuance progress, resources, CAM,⁹ and how permitting authorities have integrated new requirements and rules into their permits and program. Region 10 asked each permitting authority to provide a response to each of the first-round program reviews, stating how the agency planned on addressing Region 10's comments. The focused approach used in the second round has been carried forward during the third round of reviews to determine how the permitting authority implemented the previous recommendations. The review also evaluated management of resources and permit issuance. Below is a list of agencies reviewed to date in the third round along with the final report date.

<u>Permitting Authority (third round)</u>	<u>Report Date</u>
Puget Sound Clean Air Agency (WA)	September 2021
Washington Department of Ecology	September 2022
Idaho Department of Environmental Quality	September 2023
Benton Clean Air Agency (WA, first round)	September 2024
Yakima Regional Clean Air Agency (WA, first round)	September 2024

To prepare for the third-round review, Region 10 sent a letter on January 10, 2025, requesting specific information from ADEC (Attachment 1). Region 10 reviewed ADEC's emailed responses (Attachment 2) which included a staff list and an update on the concerns raised in 2015. Region

⁸ <https://www.epa.gov/caa-permitting/permit-program-reviews-epa-region-10>

⁹ When a CAM plan is required, it is frequently not due until the permit is renewed. There were not many CAM plans during the first round of program reviews.

10 also reviewed the permit issuance data that ADEC reported to the Title V Operating Permits System (Attachment 3) and a selection of recently issued title V permits.

To assure a fair sample of ADEC permits to review, Region 10 selected permits written by several permit writers, covering different industrial sectors and, except for the Trident Seafoods permit that was reviewed in the previous report, were issued fairly recently.

<u>Permit No.</u>	<u>Company Name & Location</u>	<u>Date Issued</u>
AQ0232TVP04P	Trident Seafoods, Sand Point	4/2/20
AQ1081TVP04P	Carlisle Construction Materials (Insulfoam), Anchorage	10/17/24
AQ0318TVP05P	United States Space Force, Clear Space Force Station	12/19/23
AQ0014TVP03P	Jarvis St. Diesel Plant, Sitka	9/8/23
AQ0053TVP04P	Fairbanks Gold Mining, Fort Knox Mine, Fairbanks Mining District	8/14/23

Because none of the five selected permits included either a CAM plan or a detailed discussion explaining CAM applicability, we reviewed the following permits only considering CAM.¹⁰

<u>Permit No.</u>	<u>Company Name & Location</u>	<u>Date Issued</u>
AQ1190TVP03	Alaska Electric and Energy Cooperative, Nikiski Combined Cycle Plant, Kenai	12/29/21
AQ1271TVP02	Alaska Electric Light & Power, Juneau	2/8/24
AQ1385TVP02	BlueCrest Alaska Operating LLC, Cosmopolitan Project (Cook Inlet)	9/28/23
AQ0741TVP04	Cook Inlet Energy, Kustatan Production Facility (Cook Inlet)	12/23/24
AQ1201TVP02	Hilcorp Alaska, Point Thomson Production Facility (North Slope)	3/5/24
AQ0323TVP05	Naknek Power Plant	7/30/24
AQ1459TVP02	TDX Power, TNSG North Power Plant, Deadhorse	12/6/23
AQ0088TVP05	UniSea, Inc., Dutch Harbor Seafood Processing Plant	11/20/24

Region 10 conducted in-person interviews with ADEC permitting staff on April 24, 2025. The purpose of the interviews was to clarify and discuss what was learned from the permit reviews and other information provided, to get a better understanding of ADEC permitting staff's knowledge of the air program, and to allow them to ask the EPA questions. The meeting also included a discussion of permit issuance progress, program resources, general program implementation, and specific issues identified during the previous review of ADEC's program.

II. Evaluation of Progress Since 2nd Round Program Review

In the initial title V program review, completed in September 2006, Region 10 organized observations into nine separate topic areas labeled A through I. The second and third program reviews use the same labeling of identified concerns to maintain a consistency between the reports. The nine topic areas are:

¹⁰ A detailed CAM discussion may only be required under certain circumstances (e.g., higher emitting units with add-on controls).

Section A: Title V Permit Preparation and Content
Section B: General Permits
Section C: Monitoring:
Section D: Public Participation and Affected State Review
Section E: Permit Issuance / Revision / Renewal
Section F: Compliance
Section G: Resources and Internal Management Support
Section H: Title V Benefits¹¹
Section I: Document Review (Rules/Forms/Guidance)

In this section of the report, Region 10 reviews progress of those concerns that were considered unresolved or were identified as new concerns in the 2015 report. The concerns have been recoded (starting with “A-1”) in this report, but the discussion includes their identifying codes from earlier reports. EPA concerns from previous reports and ADEC responses have been copied verbatim without editing or correction which results in stylistic inconsistencies.¹²

Section A. Title V Permit Preparation and Content

A-1 2006 EPA concern (A-3): Emission limits in Alaska permits are not linked to specific test methods. Emission limits are defined in part by a specific quantification method. In the absence of such a linkage, an emission limit lacks specificity. Different test methods or quantification methods can yield different results, making the emission limit either too stringent or too lenient. When renewing permits, Alaska should ensure that each emission limit is accompanied by a test or quantification method.

2007 ADEC Response: Region 10 based this concern on SIP standards for fuel burning emission units that burn natural gas. Alaska clarified to Region 10 staff that Alaska does not require any particulate matter testing or visible emission readings for gas fuel burning equipment. Instead, Alaska only requires maintaining records showing that equipment burns gas fuel. There is no test method necessary to maintain such records for continuous compliance. Alaska has no documented concern for these SIP standards with units that burn gas fuel nor does Alaska require testing.

Round 2 Evaluation: Based on our review of recently-issued permits, some permits still have some limits, unassociated with natural gas firing, that do not specify how to demonstrate compliance. In most examples, there were no associated testing requirements; however, Region 10 still sees the utility of specifying the methods in the permit just in case future compliance concerns arise and testing is necessary. Though Region 10 sees this as a minor issue (given the permits reviewed), we would like to see Alaska ensure more consistency when specifying the compliance method for all limits.

¹¹ Because there were no concerns related to title V benefits in the first-round reports, this section does not seem to have carried over to the second-round report. We continue to believe that the title V permit program has benefits, however.

¹² For example, one author may write out “statement of basis” where another may use the abbreviation “SoB.” Some authors may capitalize “Title V” or “Part 70” which is not the current preference of the EPA’s Office of Air and Radiation.

Round 3 Evaluation: Based on our review of recently issued permits, we believe that this is no longer a concern. ADEC includes monitoring and testing requirements associated with each emission limit. In addition, each permit includes a section that specifies general source testing methods associated with all regulated air pollutants.

A-2 2006 EPA Concern (A-4): In many cases, explanations of decisions made in the permitting process are either cursory or entirely missing. The purpose of the statement of basis is to memorialize rationale for arriving at these decisions. Examples of such decisions include applicability determinations, monitoring requirements, gap-filling and use of the permit shield. In some cases, sections of the standard conditions have been omitted from a permit with no explanation. In the absence of such descriptions, it is hard to draw any conclusion on the appropriateness of some of the permitting decisions. For example, in one permit action, the Title V statement of basis reversed a prior determination that 40 CFR 60, Subpart VV applied to a source with no explanation of the basis for such a reversal. In all future statements of basis, Alaska should more completely explain decisions made in development of each permit.

2007 ADEC Response: *Alaska agrees to improve documentation in future statements of basis regarding applicability determinations, monitoring requirements gap filling, and use of the permit shield.*

Short-term Plan: During the renewal process, Title V staff will document in the statement of basis if a standard not previously identified is now applicable, the information on why and how applicability was determined

- *Resources: Title V staff, office supervisor, section manager*
- *Estimated time: an average of 16 hours per permit*
- *Estimated Timeline: DEC will implement this change immediately. Alaska will complete this change by 2015, when DEC completes the third round of permit renewals for all regulated Title V sources in the State.*

Long-term Plan: The Technical Services Section in conjunction with Title V Section, as part of the Quality Management System will develop an applicability determination procedure to review federal standards (MACT, NESHAPs and NSPS) for all permits. During the renewal process, Title V staff will use this to determine applicability. The procedure will include a road map to aid Title V staff with future applicability determinations. Since federal standards are constantly undergoing changes, this process must have extreme flexibility to allow for these changes in the road map.

- *Resources: Technical Services staff, Title V staff, office supervisor, section manager*
- *Estimated time: 60 hours*
- *Estimated Timeline: October 2008.*

Round 2 Evaluation: Based on our review of recently-issued permits, Alaska's statement of basis can still be improved with better explanations regarding compliance assurance

monitoring (see concern C.1¹³), hazardous air pollutant emissions (see concern A.9¹⁴) and decisions regarding compliance determination methods. While Alaska’s statements of basis are generally very informative and thorough, there is room for more details and better consistency from permit to permit.

Round 3 Evaluation: Although we see continuing improvement in ADEC’s SoBs, there is still room for improvement. In particular, ADEC could better explain the applicability (or inapplicability) of certain requirements to individual emission units.

ADEC’s standard format for its SoBs includes a section explaining “non-applicable requirements” followed by a section called “statement of basis for permit conditions” – each section literally doing what its name says. These sections provide a great deal of useful information. Because ADEC has knowledgeable permit writers who are open to communicating with each other and, as we learned during staff interviews, ADEC implements effective permit review procedures, this information is generally accurate.

Because ADEC regulates many sources that include numerous engines, turbines, boilers, storage tanks, and other classes of emission units that are potentially subject to the same requirements except that they differ in size, age, mode of operation, and other factors, we strongly recommend replacing the SoB section titled “non-applicable requirements” with a section that discusses the applicability of requirements more generally.¹⁵

In the SoB for Trident Seafoods (No. AQ0232TVP04), NESHAP JJJJJ: National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial and Institutional Boilers Area Sources is listed in the “non-applicable requirements” section. In this case, NESHAP JJJJJ is only a “non-applicable requirement” for the fish meal dryer (EU ID 8). NESHAP JJJJJ does, in fact, apply to three small, oil-fired boilers at the facility (EU ID 9-11). Although applicability of NESHAP JJJJJ to these boilers is not addressed in this section of the SoB, the requirements appear in the permit and are discussed in the section of the SoB called “statement of basis for permit conditions.” A brief discussion or an applicability table of NESHAP JJJJJ would add clarity to the SoB.

The permit for the United States Space Force’s Clear Space Force Station (No. AQ0318TVP05) includes nine boilers. All of them are subject to the area source NESHAP (NESHAP JJJJJ), and three of them are subject to the NSPS for small steam generating units (NSPS Dc). The permit also identifies about 20 compression ignition engines. According to the permit’s table of contents, all of them are subject to NESHAP ZZZZ and most – but not all of them – are subject to NSPS IIII. There are also two bulk gasoline tanks. The permit does not contain any of the tank standards in part 60. The section of the SoB called “non-applicable requirements” only addresses the CAM Rule (40 CFR part 64) and the chemical accident prevention provisions (40 CFR part 68).

The permit for TDX North Slope Generating, LLC’s TNSG North power Plant (No. AQ1459TVP02) identifies four turbine generators. Two of them, constructed in 2000, are

¹³ In the body text of the second-round report, findings were often referred to using a period (C.1) although they were labeled in the report using hyphens (C-1). We hope this does not cause any confusion.

¹⁴ This concern (A.9) was considered resolved in the 2015 program review and does not appear in this report.

¹⁵ Region 10’s SoB’s, for example, include a section called “Regulatory Analysis.”

subject to NSPS GG. Two of them, constructed in 2014, are subject to the more recent NSPS KKKK. The section of the SoB called “non-applicable requirements” does not discuss the applicability or inapplicability of either standard.

Furthermore, we noticed that when a permit included one or more pollutant-specific emission units, as defined in 40 CFR 64.1, that was either subject to CAM or required an explanation why CAM did not apply, the SoB generally did not address other pollutant-specific emission units.¹⁶

In each of these cases, writing a book is not necessary to establish why or how these standards do or do not apply. Furthermore, addressing standards that obviously do not apply (e.g., the NSPS and NESHAP that apply to turbines when a source has no turbines) is clearly not necessary. However, we believe that having a section of the SoB that discusses regulatory applicability more generally rather than “non-applicable standards” will give permit writers more flexibility to explain the applicability of certain standards and CAM to individual emission units simply and clearly in a few sentences or using well-crafted tables.

A-3 2006 EPA Concern (A-5): It appears that Alaska revises construction permits through issuance of Title V permits. Although EPA guidance does account for determinations in the Title V permitting process that permit terms in a construction permit need not be carried over if they are obsolete or call for actions that have been completed, Alaska’s description in the statement of basis indicates that revisions were undertaken in the interests of “permit hygiene” rather than because of obsolete permit requirements. If such actions are intended to be parallel processing of a Title V permit and a modification to the construction permit, that needs to be made clearer, the authority and process for each permitting program must be cited and followed, and the construction permit must in fact be revised. Alaska should desist from using Title V permits to modify construction permit requirements.

2007 ADEC Response: *Addressed to Region 10’s satisfaction, Alaska previously corrected this concern in October 2004 through changes in its Title I permitting program. Alaska is willing to discuss its plan to take no further action on this concern since Alaska established regulations in 2004 to revise construction permit terms only through a Title I process. See 18 AAC 50 Article 5.*

Round 2 Evaluation: None of the permits reviewed as part of this program review appear to contain prevention of significant deterioration-originating limits (or other construction permit limits) that were altered solely through the Title V permit process. However, in 2014, Region 10 objected to the issuance of an Alaska permit because Alaska attempted to change a prevention of significant deterioration emission limit through the Title V permit process. Rather than fix and re-propose the permit, Alaska chose to withdraw the proposed permit. Region 10 has not yet decided to take over that permit and issue it with the necessary correction. Alaska is still considering options to resolve the objection. During the onsite interviews, Alaska indicated that 12 administratively extended permits are being held up by this same issue. Alaska’s current

¹⁶ We can provide examples of SoBs with more thorough CAM applicability tables and discussion.

backlog of administratively extended permits is a significant concern (see New Concern #1).¹⁷ Either Alaska or Region 10 should resolve this problem and issue the held-up permits.

Round 3 Evaluation: Region 10 believes that ADEC has resolved this issue. Based on the permits we reviewed, it appears that ADEC does not change PSD and NSR conditions through the title V process. During interviews we found permit writers to be knowledgeable about the distinctions between the two programs.

- A-4 Round 2 New Concern #3: Annual synthetic minor limits must be enforceable as a practical matter. To be practically enforceable, owner-requested annual emission limits must be accompanied by production limits or the emission factors used to confirm compliance. In a couple of permits reviewed, annual prevention of significant deterioration-avoidance production limits were not accompanied by emission limits. In another, annual hazardous air pollutant emission limits did not include production limits or emission factors and lacked clarity regarding the compliance determination technique. Three permits contained annual limits intended to make an otherwise applicable regulatory program inapplicable, and all three had an issue with practical enforceability. Finally, where monitoring and reporting of hazardous air pollutants was included in the permit, the procedure for confirming compliance was not very clear. Alaska must ensure that synthetic minor limits are practically enforceable.

Round 3 Evaluation: Based on our permit review, we found that when ADEC includes an owner requested limit (ADEC's name for a voluntary limit on emissions, often called a synthetic minor limit) in a title V permit, the Department specifies the equipment subject to the limit, sets fuel limits, limits on hours of operation, or other practicably enforceable limitations on emissions, and establishes associated monitoring, recordkeeping, and reporting requirements. When necessary, the Department writes emission factors, equations, and schedules (e.g., monthly or rolling 12-month) into the permit so the permittee will understand how to calculate total emissions across multiple emission units. Frequently, the Department includes a permit condition that sets a "trigger" emissions level, requiring the permittee to perform a source test to confirm emission factors or establish new ones to determine whether the limit has been exceeded.

Based on these practices, Region 10 has determined that this issue is no longer a concern.

Section B. General Permits

There are no unresolved concerns related to general permits from the 2015 report.

Section C. Monitoring

- C-1 2006 EPA Concern (C-1): Alaska indicates that the Compliance Assurance Monitoring program only applies to emission units with controlled emissions in excess of 100 tons per year. In actuality, the emissions threshold applicability criteria in 40 CFR Part 64 indicates that CAM applies to emission units with a potential pre-control device

¹⁷ New Concern #1 from the 2015 report is now concern E-1

emissions of at least the major source threshold for the pollutant of concern. Alaska should review CAM applicability determinations in all permits and reopen and revise those permits where CAM applicability was incorrectly applied.

2007 ADEC Response: *Alaska agrees that this concern requires an action plan to immediately update Alaska's procedures consistent with 40 CFR 71 provisions now incorporated by reference in 18 AAC 50.040.*

Short-term Plan: During permit renewals, Title V staff will review Compliance Assurance Monitoring rules and guidance, determine emission unit applicability and include the appropriate information in the statement of basis whether an emission unit at the source requires a CAM plan and each applicable permit term associated with the permittee's plan.

- Resources: Title V staff, office supervisor, section manager
- Estimated time: 30 hours per permit
- Estimated Timeline: Alaska will implement this change immediately. Alaska will complete implementation by 2015, when Alaska completes the third round of permit renewals for all regulated Title V sources in the State

Long-term Plan: The Technical Services Section in conjunction with Title V Section, as part of the Quality Management System will update permit writing procedures. During the renewal process, Title V staff will use this to draft permits and permit renewals. The procedure will include guidance to document Title V sources pertinent compliance history.

- Resources: Technical Services staff, Title V staff, office supervisor, section manager
- Estimated time: 140 hours, already accounted for in item A-6.
- Estimated Timeline: May 2009

Round 2 Evaluation: Based on a review of recently-issued permits and as mentioned in Concern A-4, CAM applicability decisions should be explained better. Few permits described existing control equipment, something that could easily be added to the emission unit table in each permit and/or statement of basis. No permits presented the potential to emit at an emission unit level of detail to support claims that the pollutant-specific emission unit had pre-control and post-control potential emissions less than the regulatory thresholds. Very few permits specifically addressed hazardous air pollutant emissions in the CAM applicability explanations. Two permits noted the existence of flares; when used to destruct pollutants, flares are control devices that should be evaluated for CAM applicability. Certain applicable requirements are exempt from CAM; however, an emission unit subject to those same exempt requirements may still be subject to CAM for other, non-exempt requirements such as SIP emission limits. None of the permits addressed opacity requirements, which are surrogate limits on particulate emissions and potentially subject to CAM. During the interviews, Region 10 staff suggested Alaska review the tabular approaches several permitting authorities are now using to document CAM applicability. When an emission unit is subject to CAM, all of the general CAM requirements in Part 64 must be included in the permit complete with

citations to the CAM rules. Alaska should provide internal training on CAM and enhance how CAM is addressed in their permit and statement of basis guidance.

Round 3 Evaluation: Based on our review of recently issued permits, we believe that permit writers at ADEC have a strong basic understanding of the general criteria for CAM applicability. Therefore, this is no longer a concern. However, we believe there is still room for improvement when a permit requires a CAM plan or detailed discussion of CAM applicability for one or more pollutant-specific emission units. See the new findings in the monitoring section (Section III.C) of this report.

C-2 2006 EPA Concern (C-5): In many instances, where Alaska requires the permittee to conduct specific monitoring of emission units or effluent streams, the permit does not specify the monitoring or test methods or other procedures to be used by the permittee. Whenever monitoring or testing is required, the permit should specify the test methods or procedures to be used for the required monitoring.

2007 ADEC Response: *Alaska agrees and proposes from this point forward to compare Title I monitoring, record keeping, and reporting with Part 71 periodic MR&R requirements, testing, and monitoring procedures when incorporating the Title I terms into a permit renewal, administrative amendment or modification. This will occur with each Title I permit that is incorporated into a TV permit and during permit renewals.*

Short-term Plan: Title V staff will determine the appropriate MR&R requirements for Part 71 and update the permit during permit renewals or at the time that the construction permit is incorporated into the TV permit.

- Resources: Title V staff, office supervisor, section manager
- Estimated time: 15 hours per permit to determine applicable Requirements.
- Estimated Timeline: Alaska will implement this change immediately. Alaska will complete the implementation by 2015, when Alaska completes the third round of permit renewals for all regulated Title V sources in the State.

Long-term Plan: As part of the Quality Management System Alaska will develop a permit writing procedure to incorporate the new step into the Title V permit process and instruct Title I and Title V permit staff how to develop Part 71 MR&R.

Round 2 Evaluation: Based on our review of recently-issued permits, other than the minor concern already described in Concern A.3,¹⁸ Alaska has generally been doing a much better job adding testing and monitoring methods as well as related recordkeeping and reporting requirements to permits, particularly when gap-filling is necessary. Consistent with Concern A.3, Region 10 sees this as a minor issue (given the permits reviewed), but we would like to see Alaska ensure more consistency when specifying the compliance method for all limits.

Round 3 Evaluation: Based on our review of recently issued permits, we believe that this is no longer a concern. ADEC includes monitoring and testing requirements associated with each emission limit. In addition, each permit includes a section that specifies general source testing requirements for all regulated air pollutants.

¹⁸ Concern A.3 in the 2015 report has been carried over as concern A-1 in this report.

Section D. Public Participation & Affected State Review

There are no unresolved concerns related to public participation & affected state review from the 2015 report.

Section E. Permit Issuance/Revision/Renewal

E-1 Round 2 New Concern #1: Alaska has a large permit renewal backlog. Alaska reported in a draft TOPS report (see Attachment 4 to this report) that as of June 15, 2015, 21% of Alaska's permits are currently administratively extended (past the original expiration date, but still in effect because the permittee submitted a timely and complete renewal application), or "backlogged." Alaska was able to reduce the permit renewal backlog by more than 20% from the previous year through, among other things, the use of contractors to help write permits and through improved efficiencies that resulted from the development of internal guidance and their success in retaining a more experienced permit writing staff. During 2014, Alaska discontinued using contractors due to a budget shortfall. See New Concern #2 below regarding Alaska's budget problem.¹⁹ This could lead to a short-term increase in the permit renewal backlog. Alaska plans on increasing fees in the fall of 2015. Alaska hopes to eliminate the backlog of renewal permits within 18 months after their Title V fees are increased. Alaska should plan for the extra workload of eliminating the backlog when resetting their Title V fees.

Round 3 Evaluation: Based on our reading of this concern from 2015, it appears that we considered a 21 percent permit renewal backlog to be excessive. The goal was to "eliminate the backlog of renewal permits."

As of today (2026), the EPA does not consider a permit renewal backlog of approximately 20 percent to be excessive. According to 40 CFR 70.7(a)(1)(iii), "a timely application is one that is submitted at least 6 months prior to the date of permit expiration." According to 40 CFR 70.7(a)(2), "the program shall provide that the permitting authority take final action on each permit application (including a request for permit modification or renewal) within 18 months ... after receiving a complete application." Given these timeframes in part 70, we would expect approximately 20 percent of active title V permits to be extended at any given time. Our current position is that a permitting authority with a renewal backlog of approximately 20 percent is operating "under control."

Therefore, we do not consider this concern from the 2015 report to be an ongoing issue. However, see New Concern E-4 regarding the current permit renewal backlog.

Section F. Compliance

There are no unresolved concerns related to compliance from the 2015 report.

Section G. Resources & Internal Management Support

G-1 2006 EPA Concern (G-2): It appears that Alaska's Title V permit writers have had limited access to Title V training. Most of the training appears to have been provided "on-the-job." Because of the limited demand in the geographical area, it is very unlikely that

¹⁹ New Concern #2 from the 2015 report is now concern G-2.

training opportunities will occur in Anchorage, Fairbanks or Juneau. Resources should be available for staff to travel to proximate population centers such as Seattle, Portland and Denver to access the latest and complete Title V and related training and to enable permit writers to interact with peers in other jurisdictions. Alaska should assess whether adequate travel funds are available to enable this program development activity. If not, additional fees may need to be assessed to cover training costs. Alaska should not have policies that restrict travel to training.

2007 ADEC Response: Alaska agrees with this concern. Alaska encourages Region 10 to hold more Title V-specific classes in Alaska. Over the past five years, Alaska has brought to Alaska classes such as permit writing, combustion source evaluation, New Source Review, advanced negotiating skills to better improve the skills of Alaska's permit writing team. Alaska encourages Region 10 to provide additional opportunities.

Round 2 Evaluation: Region 10 co-hosts a Title V workshop every two to three years, rotating the location from state to state. After the first round program review, Region 10 polled other permitting authorities about holding the workshop in Alaska; many said they would not be able to attend if it was held in Alaska. The workshop is an excellent opportunity for permitting authorities to share best practices and collaborate with their peers. Alaska had very limited participation at the workshop in 2011 and did not send anyone to the workshop in 2014. Alaska explained that budget issues caused a shortage of travel funds, but also noted that out of state travel is strictly limited by upper management. Title V requires permitting authorities to collect enough fees to completely fund the program, including related travel and training. While Region 10 will again poll the other permitting authorities about holding the workshop in Alaska in the future (possibly simultaneously with PNWIS in Juneau in 2016), Alaska must be willing to fully fund their Title V program, including out of state travel to training when appropriate. Region 10 will follow up with Alaska regarding future Title V workshops. See New Concern #2 in Section III of this report regarding a related concern about Alaska's Title V budget.²⁰

Round 3 Evaluation: In 2025, Region 10 and ADEC co-hosted a permitting workshop in Anchorage. The workshop included one day each on new source review permitting and title V permitting and a half day on air dispersion modeling and was the first such workshop Region 10 hosted in Alaska. We could not have held a successful workshop without the assistance and professionalism of ADEC staff. Permitting staff from all Region 10 states participated, some in person and some remotely via MS Teams. The workshop not only featured active and lively discussions while ADEC staff were present with staff from other organizations but also allowed for in-person social interactions during lunch, after hours and at other times, fostering relationship building that most professionals in the region take for granted.

During in person interviews, we heard from several permit writers that they still largely receive “on the job training” and “learn by doing.” Although we recognize the skill and knowledge many ADEC employees can share with each other, this cannot be expected

²⁰ New Concern #2 from the 2015 report is now concern G-2.

to cover all subjects. The value in developing outside relationships cannot be overstated.

As a result of our observations at the 2025 workshop in Anchorage and during in person interviews, we consider this to be an ongoing concern. We continue to encourage ADEC staff to participate in trainings and meetings in person whenever possible. Although tools like Microsoft Teams and Zoom make it possible to participate in meetings and trainings remotely more than was possible in 2015, we believe that there are benefits to interacting with colleagues face to face and developing professional relationships that will result in improved work product quality, enhanced workplace morale and professional development throughout one's entire career.

G-2 Round 2 New Concern #2: Alaska must increase Title V fees to cover anticipated Title V expenses including particularly permit issuance and staff training. Region 10 reviewed Alaska's Title V fee program looking for fee management and budget issues. This review did not identify any fee management concerns; however, Alaska appears to have a Title V budget issue. Alaska reported to Region 10 that 2014 Title V expenses were 26% higher than Title V revenues (see Attachment 2 to this report), virtually wiping out the budget surplus that existed. This raises serious concerns. Alaska is required to collect enough fees to pay for the successful implementation of their Title V program, including timely issuance of permits and training of staff. Alaska plans to have a new fee structure in place by the fall of 2015.

A large permit backlog can be an indicator of Title V budget issues. At the time of the 2006 program review, Alaska was struggling to hire and retain experienced permit writing staff, which could have contributed to the current permit renewal backlog. In addition to becoming fully staffed, Alaska used contractors to help write permits and reduce the permit renewal backlog. See New Concern #1 above regarding Alaska's renewal permit backlog. Over the past year, Alaska reduced their backlog by over 20%. Because, according to Alaska managers, contractor-written permits cost more than staff-written permits, Alaska stopped using contractors due to Title V budget concerns. These concerns ultimately resulted in Alaska shifting permit writing staff away from the Title V program to the Title I program for a period of time.

Citing, in part, budget constraints, Alaska did not send any staff to the 2014 Title V Workshop that Region 10 cohosts every two to three years, and sent very few staff to the 2011 workshop. See Concern G-2 for more information about staff training concerns. Training that is available only through out-of-state travel, such as the Title V Workshop (to date), and the staff travel time it requires should be factored into Alaska's Title V fees as a normal cost of running a program in Alaska.

Finally, had Alaska caught the budget shortfall sooner, some of these concerns might have been mitigated. Alaska is required by state statute to evaluate their fee programs every four years and adjust fees as necessary. Alaska's 2014 internal evaluation (available on their website) indicated that Alaska needs to adjust their Title V fees to meet the full cost of the Title V program. Alaska should consider performing fee evaluations and adjustments more frequently than currently required by statute, given that existing budget tracking should be able to flag budget concerns much sooner. The

internal fee evaluation report itself should also be changed. Currently, the internal evaluation covers both Title V and Title I fees. In several key sections of the report, it is not clear which fee program is being discussed. Given the importance of keeping Title V and Title I fees separate, Alaska should also consider completely separate sections of the report for each of the fee programs.

Round 3 Evaluation: We understand that Alaska is currently undergoing a review of its fee system. Region 10 and ADEC management, at a level above the staff who authored this report, are maintaining communication on this issue. For this reason, we have not reviewed fees as part of this report. However, we continue to emphasize the importance of collecting adequate fees to cover both direct and indirect title V expenses as well as the requirement to only spend title V fees on title V expenses.

III. New Findings

In this section of the report, we introduce new findings discovered during review of ADEC's part 70 permits, review of other files, and interview of ADEC staff. Findings include both good practices that we would like to see the Department continue as well as concerns and growth points where the Department could or should make improvements. For the most part, the "concerns/growth points" are recommendations we have for program improvements. Findings are divided into the same topic areas as section II. Numbering continues where it left off in section II.

Section A. Title V Permit Preparation and Content

Good practices:

- A-5 ADEC's permits are clear and well organized. Each permit has a table near the beginning that clearly identifies all emission units covered by the permit. The permit is divided into sections that include state requirements, permit conditions, federal requirements (from NSPS, NESHAP, SIP etc.), and so on. It is generally easy to match monitoring and testing conditions associated with each emission limit.
- A-6 When ADEC grants permit shields, the permit identifies the specific emission units to which the shield applies and explains why potentially applicable standards do not apply in each case (e.g., because certain processes or activities are not present). The permit includes a condition specifying that these standards were found not to be applicable at the time of permit issuance. This type of permit shield is allowed by 40 CFR 70.6(f)(1)(ii).
- A-7 ADEC's permits clearly state what requirements apply to insignificant emission units even if they are not independently identified in the permit itself.
- A-8 We found several instances in which ADEC included stack heights from NSR permit applications explicitly as permit conditions in title V permits. This is a good practice and more effective than relying on an application in the file.
- A-9 ADEC's SoBs include a table of facility-wide potential to emit for criteria pollutants and hazardous air pollutants. It also includes text that briefly explains how PTE was calculated. This is useful information because it explains simply and clearly whether the facility is a major source, which is the most common reason for being subject to the title V permitting program.

A-10 When we reviewed documents for non-major sources, the SoBs clearly explained why the source was subject to the permitting program.

Concerns/growth points:

A-11 The table in each permit that lists the emission units could be expanded to include more useful information without becoming too convoluted, for example:

- In many cases, the table lists “construction or installation date.” It isn’t immediately clear which date is included. Each date may be important for different regulatory purposes.
- The table could include stack and release point information. In some cases, multiple emission units share the same stacks and/or control devices. Having this information handy can be useful in explaining monitoring, testing and CAM decisions.
- In some cases, emission units and control devices are listed in the table separately without showing a relationship.

We note that some permit writers have taken initiative to add information to the standard table format. For example, in the permit for Clear Space Force Station (No. AQ0318TVP05) the table includes a column indicating the building where each emission unit is located.

A-12 The emissions section of the SoB does not break down PTE by emissions unit or provide information about recent years’ actual emissions. Although this information is not required, it would provide useful information to the public about actual impacts from the source.

A-13 ADEC’s SoBs typically do not include a table of contents. This is not required, but if I was an EPA reviewer²¹ and I was looking for a piece of information in the SoB, I might have to read the entire document to find what I was looking for. The longer I review the SoB, the more likely it is I would find something worthy of comment.

A-14 When a permit includes a standard from part 60, 61, or 63, ADEC incorporates by reference the general provisions (subpart A) into the permit. Although this meets the minimum requirements of part 70, it would be more helpful to the permittee to spell out the requirements for each emission unit. This can be done either as permit conditions, in a table, or a hybrid of the two. Most relatively new subparts in parts 60 and 63 include tables that identify the applicable sections and paragraphs in the general provisions.²²

A-15 In some cases, permit writers utilize paraphrasing to incorporate NSPS and NESHAP standards into permits. When properly done, which generally appears to be the case, this can be a good practice as it makes the permit more readable and easier for the permittee to understand and more likely to result in compliance. However, 40 CFR 70.6(a)(1)(i) states that the permit (more likely the SoB) “identify any difference in form as compared to the applicable requirement upon which the term or condition is based”

²¹ ... which I am.

²² Since writing this finding, we have seen some ADEC permits where at least some of the general provisions have been included as specific permit conditions. We encourage ADEC to consider when this may be of value.

when incorporating terms and conditions. When agreed upon between the permittee and the permitting authority, this can be done briefly. In addition, we recommend including a clause in the permit specifying that the language of the cited regulation takes precedence over paraphrasing. *This may become necessary if a permit writer makes an error when paraphrasing.* We can provide examples, if desired.²³

Section B. General Permits

Good practices:

- B-1 On its website, ADEC includes general operating permits, statements of basis, applications and responses to comments for two common source types: diesel electric power plants and asphalt plants. These general permits include operating conditions and limits on potential to emit to avoid classification as PSD major sources.

Although not required by part 70, producing general permits for common source types through notice-and-comment rulemaking allows more efficient and more consistent permit writing by developing a set of uniform permit conditions that apply to any applicant who chooses to accept them.

We support the development of general permits and encourage ADEC to produce additional general permits if they are needed for additional source types.

- B-2 When ADEC includes conditions from a general permit in a part 70 permit, the Department identifies those conditions that originate in a general permit and clearly informs the public that these conditions cannot be changed during the public review period because they were created by notice and comment rulemaking.

Section C. Monitoring

Good practices:

- C-3 When the Department determines that a CAM plan is required, it is included as an attachment to the permit. In the permits we reviewed, the plans included all the required elements from 40 CFR 64.4(a).

- C-4 When a permit includes a CAM plan, the permit also includes a condition that makes it legally enforceable as required by 40 CFR 64.6(c).

Concerns/growth points:

- C-5 When the Department determines that CAM is inapplicable to an emission unit or group of emission units for a non-trivial reason, such as an emission cap (40 CFR 64.2(b)(v)) or a continuous compliance determination method (40 CFR 64.2(b)(vi)), the explanation can be cursory which can lead to incorrect applicability determinations.

For example, consider EU ID 1 at the Nikiski Power Plant (No. AQ1190TVP03). EU ID 1 is a combustion turbine that uses water injection to comply with the NO_x limit in NSPS GG and has a pre-control PTE greater than the major source threshold. The SoB states that “NSPS Subpart GG and the operating permit specify a continuous compliance

²³ Examples of permits specifying that the language of the cited regulation takes precedence over paraphrasing – not examples of errors – though we can provide examples of those, too.

determination method, as defined in 40 CFR 64.1. Therefore, CAM requirements are not applicable.”

Condition 30.1 establishes the NSPS GG NO_x limit as 91 ppmv at 15 percent O₂ on a dry basis. Condition 30.4 requires continuous monitoring of the water to fuel ratio. Although this is a continuous monitoring method, the SoB does not explain how this monitoring “provides data either in units of the standard or correlated directly with the compliance limit” and therefore meets the definition of a continuous compliance determination method in 40 CFR 64.1.

Monitoring the water to fuel ratio may be adequate to assure compliance with the NSPS GG NO_x limit, but it does not provide data in the units of the standard.

- C-6 When a permit includes a CAM plan, it sometimes relies on undefined terms or unspecified calculation methods. Presumably, these were included in the application and are familiar to the permit writer and applicant but never made it to the final document.

For example, the permit for Hilcorp Alaska, LLC’s Point Thomson Production Facility (No. AQ1202TVP02) includes a CAM plan associated with Condition 28, which establishes an owner requested limit of 200 tpy for CO for four turbines that use SoLoNO_x staged combustion to control NO_x emissions and catalytic oxidation to control CO.

According to the attached CAM Plan: “Periods of commissioning, load shifting between the turbines, and cold start of the gas cycling process will be excluded from the daily average.” The terms “commissioning,” “load shifting,” and “cold start” are not defined in the plan. They may be clear to Hilcorp but may not be obvious to a new inspector becoming familiar with the plant or member of the public. In addition, according to the plan there are separate indicator ranges when turbines are operating in and out of SoLoNO_x mode, the plan does not explain how it will calculate separate “daily” averages if turbines operate part of the day in SoLoNO_x mode and out of SoLoNO_x mode.

The permit for Alaska Electric Light & Power’s Industrial Power Plant in Juneau (No. AQ1271TVP) includes a CAM plan to assure compliance with an owner requested limit for NO_x for a large dual-fuel combustion turbine. The plan establishes a curve of water to fuel flow that will be continuously monitored. According to the plan: “In the event that the plant is unmanned, an AEL&P system operator is monitoring the SCADA system 24 hours a day, 365 days a year.” The term “SCADA” is not defined and does not appear elsewhere in the permit.

Section D. Public Participation & Affected State Review

Good practices:

- D-1 During staff interviews, we found that ADEC permit writers appear to have a good understanding of the Department’s responsibility to keep Alaska Native Communities, local governments, and Corporations informed of permitting actions.

Section E. Permit Issuance/Revision/Renewal

Good practices:

- E-2 ADEC states explicitly in its permits when renewal applications are due rather than including a general term that applications are due “six months before expiration.” ADEC’s standard permit language includes the earliest date that renewal applications can be submitted as well as the final date.
- E-3 ADEC publishes all existing permits, including statements of basis and other supplementary documents, on its website, in an easily searchable database. We have always found the system robust and easy to navigate.

Concerns/growth points:

- E-4 As described in concern E-1 in section II of this report, the EPA’s current position is that a renewal backlog of approximately 20 percent is consistent with a permitting authority operating under control.

Every six months, permitting authorities submit reports to the Title V Operating Permit Submittal System (TOPS). ADEC’s report covering January-July of 2025 has been included as attachment 2. Region 10 finds that there are two useful numbers to review when reviewing TOPS reports. The first is the renewal backlog, the ratio of the extended permits to active permits.²⁴ The second is the overall backlog, the ratio of the sum of outstanding applications and extended permits to the total permits plus applications.²⁵ At the end of 2024, both the renewal backlog and the overall backlog were reported to be 24 percent. In the report covering the second half of 2025, the renewal backlog and the overall backlog jumped to 39 percent and 41 percent, respectively.

This is a sudden jump, and the current values are out of line with what ADEC has reported in recent years. We would like to see ADEC apply more resources to issuing title V permits and hope to see these numbers decline.

Furthermore, while reviewing ADEC’s last several TOPS reports, we discovered inconsistencies in the data ADEC had reported. During conversations, it was discovered that reports had been generated by different staff members each time and there were misunderstandings about what some of the data fields were intended to represent.

We recommend reviewing the procedures for generating TOPS reports before the next reporting period when staff are not under deadline to generate a report in the interest of improving ongoing data quality.

²⁴ Extended permits, total number of active permits with terms extended past five years, is data element 6(b) of the TOPS report. Active permits, the total number of active part 70 permits, is data element 3.

²⁵ Outstanding applications, the number of active initial part 70 initial applications older than 18 months, is data element 5 of the TOPS report. The total permits plus applications is data element 2(d).

Section F. Compliance

Good practices:

- F-1 ADEC permits include several standard forms that the permittee can use to report excess emissions, deviations, etc.
- F-2 ADEC permits include a section that establishes standard testing conditions, requires the permittee to submit test plans, establishes a standard format for stack test reports, and reinforces that the Department may require additional testing beyond what may be required by the underlying conditions.
- F-3 The testing section of the permit establishes standard test methods for determining opacity as well as the concentration of criteria air pollutants (CO, NO_x, PM₁₀, PM_{2.5}, SO₂, lead) as well as certain other NSR pollutants (e.g., PM, VOC, sulfuric acid mist).
- F-4 Recent ADEC permits include a standard condition that identifies the EPA as the Administrator of NSPS and NESHAP requirements as the state of Alaska does not have delegation of these standards. The condition requires the permittee to submit required NSPS and NESHAP reports via CEDRI, the EPA's online reporting system, and requires the permittee to provide the Department with alternative monitoring and testing approvals (although we provide them to ADEC when we grant them). Region 10 supports the use of CEDRI to submit NSPS and NESHAP reports and, if this type of condition is common in state-issued permits, we wonder why we still get so many notifications through the mail.

Section G. Resources & Internal Management Support

Good practices:

- G-3 ADEC permits require the permittee to pay fees, lay out how fees are assessed, and explain how to file and pay fees.
- G-4 During interviews, while organizing the permitting workshop, and more generally when working on projects we have always found ADEC staff to be cohesive with high morale. They are willing to work together to answer questions and solve problems. Although several experienced staff members recently left the Department, taking years of institutional knowledge with them, ADEC has been able to promote from within to replace the vacated positions and quickly hired new candidates to regain full staffing levels.
- G-5 ADEC has invested in database systems that permit writers use to quickly and easily look up information about sources of air pollution in Alaska. Whenever we have questions about types of equipment that may exist in different regions of Alaska, the compliance status of particular sources, or need to find source test reports, we know that the fastest way to obtain this information is to call an ADEC engineer and ask them to retrieve it. We encourage ADEC to continue maintaining and developing these databases.

Section I. Document Review

Good practices:

- I-1 In addition to providing the basic application forms required by 40 CFR 70.5(c), ADEC has produced application forms for common emission units and control devices such as engines, boilers, baghouses, electrostatic precipitators, cyclonic separators, etc. Although not required by part 70, producing such forms will likely result in shorter application processing times as permit applicants are more likely to submit complete information. We encourage ADEC to continue to improve existing forms and to develop new application forms for common source types.

Concerns/growth points:

- I-2 According to 40 CFR 70.5(c)(3)(i), permit applications shall include, among other elements “All emissions of pollutants for which the source is major, and all emissions of regulated air pollutants.” ADEC’s Form D1 does not include PM_{2.5} or lead, which meet the definition of “regulated air pollutant” in part 70. In addition, Form D1 instructs the applicant to use the blank lines to “list individual HAPs.” The definition of “regulated air pollutant” in part 70 includes not only HAPs, but also “any pollutant that is subject to any standard promulgated under section 111 of the Act” and “any Class I or II substance subject to a standard promulgated under or established by title VI of the Act.” Such substances are not all HAPs.

IV. Follow-up

Region 10 will schedule a meeting with ADEC’s air permitting managers and supervisors to discuss this report and its findings. We encourage permitting staff to attend.

We will provide examples of what we consider to be more rigorous presentations of federal requirement and CAM applicability in SoBs. We will also provide examples of permit language stating that the language of the cited regulation takes precedence over paraphrasing.

We will continue to meet regularly with ADEC and review Department permits to ensure that they meet the requirements of the Clean Air Act and part 70. We will also review ADEC’s semiannual TOPS reports to monitor progress in issuing initial, renewal and revised permits.

We strongly recommend that ADEC review procedures for generating TOPS reports prior to the next reporting period. We are willing to provide assistance, if desired.

We hope to see several representatives of ADEC at the next Region 10 permitting workshop in 2027.

Attachment 1

Region 10 Program Review Kickoff Letter and Information
Request to ADEC, January 10, 2025



REGION 10
SEATTLE, WA 98101

January 10, 2025

Mr. Jim Plosay, Program Manager
Alaska Department of Environmental Conservation – Air Permit Program
P.O. Box 111800
Juneau, Alaska 99811

Dear Mr. Plosay:

The purpose of this letter is to notify you that the U.S. Environmental Protection Agency, Region 10 plans to perform a third evaluation of the Alaska Department of Environmental Conservation's title V operating permit program. This letter kicks off the effort by describing the evaluation process and our proposed schedule. We are also requesting information that will assist us in our program evaluation. Your agency will be the fourth of the third-round program evaluations that Region 10 will undertake.

This program evaluation will focus primarily on the following six areas:

- (1) follow-up on concerns identified during our 2006 and 2015 evaluations of your program;
- (2) permit issuance progress and resources;
- (3) compliance assurance monitoring;
- (4) new applicable requirements and rules;
- (5) monitoring for synthetic minor source emission limits; and
- (6) monitoring for emission limits to protect ambient air quality standards.

We will review a selection of your permits, focusing on those issued most recently. This will likely include permits we've already reviewed and submitted comments on during the public comment period. This program review will require involvement of staff and managers from your permitting, technical and finance groups. Staff and managers from your compliance group are also welcome to participate. The planned meetings will be a hybrid of in person and virtual. We appreciate your cooperation and assistance.

Our tentative schedule is as follows:

Task	Tentative Date
Region 10 sends kickoff letter	Today
ADEC sends requested information	February 7, 2025
Region 10 meets with ADEC	April 25, 2025
Region 10 sends draft report	June 27, 2025
ADEC sends comments to Region 10	July 11, 2025
Region 10 sends final report	July 25, 2025

The enclosure describes the information we would like to receive in advance, so we can be efficient during the interviews with your staff and managers. Please return the information in electronic form as early as possible, but no later than the date in the table above, to Christopher Familiare who will be leading the evaluation. We will contact you if we need any additional information.

We look forward to working with you and your staff. If you have any questions about the program evaluation, please do not hesitate to call me at (206) 553-1778 or Christopher Familiare at (206) 553-1250.

Sincerely,

KARL PEPPL
Digitally signed by KARL PEPPL
Date: 2025.01.10 15:43:32 -08'00'

Karl Pepple, Acting Manager
Air Permits, Toxics, Transportation, and
Communities Branch

Enclosure

Title V Program Evaluation
Alaska Department of Environmental Conservation
Information Request

Please send the following information in electronic form as soon as possible, but no later than February 7, 2025, to Christopher Familiare at familiare.christopher@epa.gov.

1. A list of ADEC staff that work in the title V program, noting their responsibilities and years of experience (e.g. permit writer, rule writer, inspector, etc.).
2. Identification of any title V permits, renewals, or revisions that are recent enough that they are not represented on the ADEC website.
3. A list and description of any rule changes that have been made to ADEC's title V regulations (e.g. those that affect applicability, implementation, or fees) since the last revision approved. If any of the rule changes have been submitted to Region 10 for review, note the date of submittal.
4. An update (preferably in tabular format) regarding each of the concerns raised in the 2015 title V program evaluation, noting whether the plan to address the concern was completed and whether ADEC is approaching any of the concerns differently than previously communicated to Region 10. Provide a narrative explaining the different approach, if applicable.
5. Financial records (preferably from your last complete fiscal year) reflecting revenues and expenses that document ADEC's ability to fund the operating permit program with title V fees and ADEC's ability to ensure that title V fees are used only for title V authorized expenses.
6. A list of any actions or steps that ADEC takes when processing permits to address potential Environmental Justice (EJ) concerns.
7. Any issues or requests that ADEC would like to raise to Region 10 regarding any aspect of the title V program.

Attachment 2

ADEC Program Review Information Request Response,
February 2025

Title V Program Evaluation
Alaska Department of Environmental Conservation
Response to Information Request

1. List of ADEC staff that work in the title V program as of 2025-02:

Name	Responsibilities (supervisory staff in bold)	Experience
Jim Plosay	Program Manager	19 years
Jess Jack	Supervisor Anchorage Permits Team	13 years
Scott Faber	Permit writer	12 years
Zach Boyden	Permit writer	2.5 years
Adam Leibert	Permit writer	1.5 years
Ibnul Hasan	Permit writer	0 years
Grace Germain	Supervisor Juneau Permits Team	21 years
Dave Jones	Permit writer	9 years
Josh Klina	Permit writer	3 years
Peter Saengsudham	Permit writer	2.5 years
Jonathon Rea	Permit writer	1.5 years
P. Moses Coss	Supervisor Permits Support Section	19 years
James Renovatio	Permit Writer / Senior Modeler	15 years
Nattinee Nipatareudi	Database and Automated Systems Support	17 years
<not filled yet>	Permit Intake Clerk	In open recruitment; new position

2. **Identification of any title V permits, renewals, or revisions that are recent enough that they are not represented on the ADEC website.** None. All permit actions are posted each night by automated systems.

3. **A list and description of any rule changes that have been made to ADEC's title V regulations since the last revision approved.** The most recent 2024-12-14 ADEC regulation update did not revise any TV rules. The next planned program regulatory update will primarily include adoption updates of Federal rules incorporated by reference, updates to TV Standard Permit Conditions, and other programmatic updates.
4. **An update regarding each of the concerns raised in the 2015 title V program evaluation.**
 - a. **Permit Renewal backlog.** TOPS report of 2025-01-31. 37 permits under renewal backlog. Includes 1 permit (Alyeska VMT, AQ0082TVP03 under litigation with USEPA regarding development of an AMEL for 40 CFR 63 Subpart EEEE) and one permit (ConocoPhillips (CPAI) CPF-1, AQ0267TVP02 remanded to USEPA Region-X for objection during 45-day review 2014-04-16). This last permit backlogs 13 other TV permit renewals for the same BACT footnote issue as of yet unresolved by Region-X. Not counting these 15 permit renewal actions leaves ADEC TV backlog at 22 permits (15% of TV source universe), considered to be an improvement over the previous review cycle. A small permit renewal backlog is a routine consequence of the periodic renewal nature of TV actions but ADEC continues to improve. All TV permitted sources continue to operate under existing permit actions under shield. However the non-discretionary duty of USEPA Region-X to correct and issue the CPAI CPF-1 permit action is troublesome after this length of time.
 - b. **Increase in TV Fees.** ADEC revised it's TV fees in a 2022 program revision that incorporated the results of the most recent fee study. TV fee increases occurred across the board due to program revisions and updated EPA Fee Policy Guidance that have significantly cured budget shortfalls that impacted training. All TV positions are fully funded and fully staffed, although periodic personnel departures do occur routinely.
 - c. **Annual synthetic minor limits.** ADEC continues to address practical enforceability issues as they arise and believe that this issue is resolved in recent permit actions.
5. **Financial records.** For State Fiscal Year 2024 Clean Air Protection Fund:
 - a. Revenue/Receipts: \$7,135,598.96
 - b. Expenses: \$6,496,699.96
 - c. Ending Balance: \$1,967,087.99

ADEC's has documented its ability to fund the operating permit program with title V fees through the most recent fee study and fee revisions adopted. ADEC's ability to ensure that title V fees are used only for title V authorized expenses has been the result of much recent discussion but EPA fee policy is supportive of ADEC's position.

6. **A list of any actions or steps that ADEC takes when processing permits to address potential Environmental Justice (EJ) concerns.** None, ADEC and State of Alaska do not incorporate EJ as a separate issue.
7. **Any issues or requests that ADEC would like to raise to Region 10 regarding any aspect of the title V program.**

- a. AQ0267TVP02 ConocoPhillips CPF-1 TV renewal permit current status. As noted above, this USEPA permit action continues to hold 13 other technically-similar ADEC TV permit renewal actions in abeyance until it is successfully resolved. The ever-increasing length of time is troublesome.
- b. Staff communications with USEPA Region-X is considered a positive highlight. Staff are always available, communicate routinely and are easily accessible.

Attachment 3

Title V Operating Permit System Data Summary
as Reported by ADEC, January 2026 (revised
February 13, 2026)

Semiannual Title V Permit Data Report

This information request is authorized pursuant to the information Collection Request for Part 70 Operating Permit Regulations, EPA Number 1587.06, OMB Number 2060-0243, April 2004.

Permitting Authority:	Name of Agency: Alaska Department of Environmental Conservation	
Report Date:	January 31, 2026	
Reporting Period:	<input type="checkbox"/> January 01- June 30, <i>yyyy</i> *Report due July 31*	<input checked="" type="checkbox"/> July 01- December 31, 2025 *Report due July 31*

Data Elements	Reported Value	Information
1. Outstanding Permit Issuance	a) Number of final actions: NA	<ul style="list-style-type: none"> · Total final actions on Permitting Authority-specific permit issuance commitments (i.e., agreements by the Permitting Authority to complete action on initial permits within a specified time-frame, such as agreements related to the 2001 citizen comments). · If the Permitting Authority does not have a commitment, enter "not applicable" in 1(a) and 1(b).
	b) Total commitment universe: NA	
	c) Date commitment completed (if applicable): NA	
2. Total Current Part 70 Source Universe and Permit Universe	a) Number of active part 70 <u>sources</u> that have obtained part 70 permits, plus the number of active part 70 <u>sources</u> that have not yet obtained part 70 permits: 138	<ul style="list-style-type: none"> · The total current part 70 <u>source</u> universe includes all sources subject to the Permitting Authority's part 70 program applicability requirements (i.e., provisions comparable to §70.3). · In 2.a), count all active sources that either have obtained or will obtain a part 70 permit. EPA expects that this data will be primarily based on the Permitting Authority's application and permit tracking information. If, however, the Permitting Authority is aware of part 70 sources that are not yet captured by application or permit information, count those sources as well. · Do <u>not</u> count sources that are no longer subject to part 70, such as sources that have shut down, or become natural minors or synthetic minors, and do not have an active part 70 permit. · Do <u>not</u> double count sources included in 2.b).

<p>Total Current Part 70 Source Universe and Permit Universe</p> <p>(Continued)</p>	<p>b) Number of part 70 <u>sources</u> that have applied to obtain a synthetic minor restriction in lieu of a part 70 permit, and the part 70 program's permit application due dates for those sources have passed:</p> <p>0</p>	<ul style="list-style-type: none"> · Element 2.b) is intended to capture the universe of part 70 sources that are seeking synthetic minor restrictions in lieu of part 70 permits, but haven't received those restrictions before becoming subject to the part 70 program's permit application requirements. If the part 70 applications don't readily identify sources seeking such restrictions, the Permitting Authority may include those sources in 2.a), and need not break them out here. However, EPA expects Permitting Authorities to consider pending synthetic minor requests <u>not</u> addressed in part 70 applications to calculate this portion of the part 70 source universe. · Count sources that currently meet the part 70 program's applicability requirements, their part 70 application due dates have passed, and they have requested but not yet received synthetic minor restrictions in lieu of a part 70 permit (or permit renewal). · Also count active sources whose synthetic minor restrictions have expired (i.e., no synthetic minor restrictions are currently in place, even though they may be eligible for such restrictions) and are past their part 70 program's application due date. · Do <u>not</u> count sources that have active synthetic minor restrictions and are no longer subject to part 70. · Do <u>not</u> double count sources included in 2(a).
	<p>c) Total number of current part 70 <u>sources</u> (a+b):</p> <p>138</p>	
	<p>d) For permitting authorities that issue multiple part 70 permits to a single source: total number of active part 70 <u>permits</u> issued, plus part 70 <u>permits</u> applied for:</p> <p>138</p>	<ul style="list-style-type: none"> · For Permitting Authorities that issue multiple part 70 permits to a single source, and these permits are issued and tracked separately, report the total permit universe, including # of active part 70 permits issued (element 3 below), plus permits applied for (based on pending applications). This information is for correlating data when the Permitting Authority's part 70 <u>permit</u> universe may be greater than the part 70 <u>source</u> universe. · For Permitting Authorities that do not issue multiple permits to a single source, or for those that issue and track multiple permits issued to a source on a source-wide basis, enter "not applicable" in 2.d).

<p>3. Total Active Part 70 Permits</p>	<p>Total number of active part 70 permits:</p> <p>133</p>	<ul style="list-style-type: none"> · This element includes all <u>active</u> initial and renewal part 70 permits issued by the permitting authority. Do <u>not</u> count inactive permits, i.e., permits that are no longer in effect due to source shutdown, synthetic minor restrictions, etc. Note: the procedures for rendering part 70 permits no longer effective may vary, depending on the part 70 program. · Do <u>not</u> count both initial and renewal permits (or prior renewal and current renewal permits) issued to the same source; i.e., do not double count. · Count permits that have been extended (see 6.b. below), but do <u>not</u> count permits that have expired, or have been voided, revoked, etc. · Count each source covered by a general permit separately for this data element. If a single source has several general permits and/or source specific permits, refer to the information for permitting authorities that issue multiple part 70 permits to a single source. · For permitting authorities that issue multiple part 70 permits to a single source and included information in element 2(d), count each permitted portion of the source separately for this element. This distinction is for correlating this data element with the permit universe information in element #2(d).
<p>4. Timeliness of Initial Permits (PART element)</p>	<p>a) Total number of initial part 70 permits issued during 6 month reporting period:</p> <p>0</p>	<ul style="list-style-type: none"> · This data element tracks the initial part 70 permits issued as final (e.g., not draft or proposed) during the 6 month reporting period covered by this report, and whether they were issued within 18 months of receipt of an administratively complete application. · For TOPS purposes, initial permits are permits that are issued to any source that has become subject to part 70 for the first time, or any source that comes back into the part 70 program after a period of not being subject. · If no initial permits were issued during the 6 month reporting period, report "zero" in 4(b), and "not applicable" in 4(a).
	<p>b) Number of initial part 70 permits finalized during 6 month reporting period that were issued within 18 months:</p> <p>0</p>	<ul style="list-style-type: none"> · Start the 18-month clock on the submittal date of an administratively complete application. For purposes of this data element, do not stop or restart the 18 month clock for additional information submitted after the application is deemed administratively complete. · For permitting authorities that issue multiple part 70 permits to a single source and included information in 2(d), count each permitted portion of the source separately for this element. This distinction is for determining individual permit timeliness.

<p>5. Total Outstanding Initial Part 70 Applications</p>	<p>The number of active initial part 70 applications older than 18 months:</p> <p>5</p>	<ul style="list-style-type: none"> · This element tracks <u>all</u> active, administratively complete <u>initial</u> part 70 permit applications that the permitting authority has not taken final action on within 18 months of receipt of the administratively complete application. Do not stop or restart the 18 month clock for additional information submitted after the application is deemed administratively complete. · For TOPS purposes, initial part 70 applications are applications for sources that are subject to title V for the first time, or for any source that comes back into the title V program after a period of not being subject. Do <u>not</u> include renewal applications. · Include all current outstanding initial applications, including those that may also be tracked in data element #1. · Do <u>not</u> count initial applications the Permitting Authority has taken final action on.
<p>6. Outstanding Renewal Permit Actions</p>	<p>a) Total number of expired permits for active part 70 sources:</p> <p>1</p>	<ul style="list-style-type: none"> · This data element tracks the total number of expired permits for active part 70 sources. Part 70 permits expire after 5 years if the sources do not submit timely and complete renewal applications, or if they have lost their application shield by not timely responding to additional requests for information. · Include expired permits that have been addressed through consent orders or other enforcement mechanisms. Expired permits can be further addressed in the "Additional Information" element. · Do <u>not</u> include permits that have expired because the source is no longer subject to Title V; i.e., they have shutdown or have received synthetic minor restrictions. <p>For permitting authorities that issue multiple part 70 permits to a single source and included information in 2(d), count each expired permit separately.</p>

<p>Outstanding Renewal Permit Actions</p> <p>(Continued)</p>	<p>b) Total number of active permits with terms extended past 5 years:</p> <p>52</p>	<ul style="list-style-type: none"> · This data element tracks the total number of active permits that have been extended past the original 5 year permit term. Part 70 permits or permit conditions are extended beyond the original 5 year term when sources submit a timely and complete renewal application (and any timely and complete additional information requested by the permitting authority), but the permitting authority has not yet issued a renewal permit. · Count all extended permits, including extended permits for sources that submitted timely and complete renewal applications within the last 18 months. Pending applications that are less than 18 months old can be further addressed in the "Additional Information" element. · Do not include inactive extended permits, i.e., when a subsequent permit renewal has been issued or a source is no longer subject to part 70. · Do not include "expired part 70 permits" that have been addressed through consent orders or other enforcement mechanisms. Count expired permits in 6(a). · For permitting authorities that issue multiple part 70 permits to a single source and included information in 2(d), count each extended permit separately.
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<p>7. Timeliness of Significant Modifications (PART element - a and b only)</p>	<p>a) Total number of significant modifications issued during 6 month reporting period:</p> <p style="text-align: center;">2</p> <hr/> <p>b) Number of significant modifications finalized during 6 month reporting period that were issued within 18 months:</p> <p style="text-align: center;">2</p> <hr/> <p>c) Number of significant modifications finalized during 6 month reporting period that were issued within 9 months:</p> <p style="text-align: center;">2</p>	<ul style="list-style-type: none"> · This data element tracks the number of significant modifications issued as final (e.g., not draft or proposed) during the 6 month reporting period. It also tracks the number of those modifications that were issued within 18 months of receipt of an administratively complete significant modification application, and also the number that were issued within 9 months. Note that 7(c) is a subset of 7(b). · Do not stop or restart the 18 month clock for additional information submitted after the application is deemed administratively complete. · Do <u>not</u> count significant modification applications the Permitting Authority has taken final action on.
<p>8. Outstanding Significant Permit Modifications</p>	<p>Total number of active significant modification applications older than 18 months:</p> <p style="text-align: center;">3</p>	<ul style="list-style-type: none"> · This element tracks all active, administratively complete significant permit modification applications that the permitting authority has not taken final action on within 18 months of receipt of the administratively complete application. · Do not stop or restart the 18 month clock for additional information submitted after the application is deemed administratively complete. · Do <u>not</u> count significant modification applications the Permitting Authority has taken final action on.
<p>9. Comments and Additional Information</p>	<p style="text-align: center;">N/A</p>	<p>Permitting authorities may provide any additional information in this section. For example, a permitting authority may address data changes, data management issues, general permits, multiple permits issued to single stationary sources, synthetic minor information, additional relevant data, etc.</p>