

TITLE 18 ENVIRONMENTAL CONSERVATION, CHAPTER 50
AIR QUALITY CONTROL
Air Quality Control Regulations, 18 AAC 50

18AAC 50 Article 1. Program Standards and Limitations

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 contaminants to be emitted into the ambient air.

State effective: 1/18/97; EPA effective: 1/19/99

18 AAC 50.010. AMBIENT AIR QUALITY STANDARDS

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

(1) for PM-10:

(A) expected annual arithmetic mean of 50 micrograms per cubic meter; and

(B) 24-hour average of 150 micrograms per cubic meter expected more than once each year;

(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 more than once each year; and

(C) three-hour average of 1300 micrograms per cubic meter more than once each year;

(3) for carbon monoxide:

(A) eight-hour average of 10 milligrams per cubic meter more than once each year; and

(B) one-hour average of 40 milligrams per cubic meter more than once each year;

(4) for ozone: one-hour average of 235 micrograms per cubic meter expected more than once per

year;

(5) for nitrogen dioxide: annual arithmetic mean of 100 micrograms per cubic meter;

(6) for lead: quarterly arithmetic mean of 1.5 micrograms per cubic meter;

~~(7) for reduced sulfur compounds, expressed as sulfur dioxide: 30-minute average of 50 micrograms per cubic meter not to be exceeded more than once each year; 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: 1/18/97; EPA effective: 1/19/99

18 AAC 50.021 STATE AIR QUALITY CLASSIFICATIONS

(a) For purposes of classifying areas according to air quality, those areas in nonattainment with the ambient air quality standards of this chapter are

- (1) Anchorage urban area for carbon monoxide; and
- (2) Fairbanks and North Pole urban areas for carbon monoxide.
- (3) Eagle River Community for PM-10; and
- (4) Mendenhall Valley of Juneau for PM-10

(b) For purposes of the ambient air quality standards specified in 18 AC 50.020(b)

(1) Class I areas in that state are

(A) Denali (Mt. McKinley) National Park;

(B) that portion of Bering Sea National Wildlife Refuge designated as a National Wilderness Area;

(C) that portion of Simeonof National Wildlife Refuge designated as a National Wilderness Area; and

(D) that portion of Tuxedni National Wildlife Refuge designated as a National Wilderness Area;

(2) those areas of the state not classified in (a) of this section, or (1) or (3) of this subsection are classified as Class II; and

(3) no areas in the state have been classified as Class III.

(c) For purposes of preventing impairment of visibility, the designated areas are

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

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

(3) the Class I areas listed in (b)(1) of this section.

(d) For purposes of maintaining the ambient air quality standards set out in 18 AAC 50.020(a), the Mendenhall Valley of Juneau is a wood smoke control area.

Editor's Note - A complete description of the boundaries of the areas listed in 18 AAC 50.021 is in the state Air Quality Control Plan, as amended through November 1, 1983, which may be reviewed at the central office of the department, and is incorporated by reference as part of this chapter by 18 AAC 50.620.

State effective: 10/30/83; EPA effective: 6/25/84

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) Mt. McKinley, 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) Special protection areas for sulfur dioxide are established to prevent the violation of the ambient air quality standard and maximum allowable ambient concentration for sulfur dioxide. The following areas are designated as special protection areas for sulfur dioxide:

(1) the Unalaska area, which is the area within the boundary that starts at 53° 43' N. latitude, 166° 42' W. longitude, then proceeds north to 54° 00' N. latitude, 166° 42' W. longitude, then proceeds east to 54° 00' N. latitude, 166° 00' W. longitude, then proceeds south to 53° 43' N. latitude, 166° 00' W. longitude, and then returns to the point of origin; and

(2) the St. Paul Island area, which is the area within the boundary that starts at 57° 00' N. latitude, 170° 30' W. longitude, then proceeds north to 57° 18' N. latitude, 170° 30' W. longitude, then proceeds east to 57° 18' N. latitude, 169° 55' W. longitude, then proceeds south to 57° 00' N. latitude, 169° 55' W. longitude, and then returns to the point of origin.

Editor's note - Complete descriptions of the special protection areas designated in this section, including maps, are provided in the state air quality control plan adopted by reference in 18 AAC 50.030.

State effective: 1/18/97; EPA effective: 1/19/99

18 AAC 50.030. STATE AIR QUALITY CONTROL PLAN.

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 December 20, 2001, are adopted by reference. The plan includes the following documents referred to in this chapter:

- (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. 91-52;
- (3) 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 *Alaska Quality Assurance Manual for Ambient Air Quality Monitoring*, as amended through December 19, 1996;
- (5) Repealed 6/21/98.
- (6) *Protocol for Determining the Best Performing Model*, EPA-454/R-92-025, December 1992;
- (7) *Interim Procedures for Evaluating Air Quality Models (Revised)*, EPA-450/4-84-023, September 1984; and
- (8) *Source Test Report Outline*, as amended through November 1984.

Editor's note: The *State Air Quality Control Plan* and the other documents referred to in 18 AAC 50.030 may be reviewed at the department's Anchorage, Fairbanks, or Juneau office and are on file with the Office of the Lieutenant Governor.

State effective: 12/30/00; EPA effective: 3/11/02

18 AAC 50.035. DOCUMENTS, PROCEDURES, AND METHODS ADOPTED BY REFERENCE.

(a) The following documents are adopted by reference:

- (1) the department's *In Situ Burning Guidelines for Alaska*, revised May 1994;
- (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*, as amended through December 19, 1996;

(b) The following procedures and methods set out in 40 C.F.R., as amended through December 19, 1996, are adopted by reference:

- (1) 40 C.F.R. Part 50, Appendices A, D, F, H, J, and K;
- (2) 40 C.F.R. Part 51, Appendix M;
- (3) 40 C.F.R. Part 58, Appendix B;
- (4) the following test methods as they apply to 40 C.F.R. 63.11(b)(6):
 - (A) ASTM D1946-77, Standard Method for Analysis of Reformed Gas by Gas Chromatography; and
 - (B) ASTM D240-92(1997)^{E1}, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter.

Editor's note - The documents, procedures, and methods adopted by reference in this section may be reviewed at the department's central or regional offices and at the Office of the Lieutenant Governor. For information on how to obtain a copy of the EPA publication AP-42 referred to in this section, contact EPA's InfoCHIEF information line at (919) 541-5285.

State effective: 1/18/97; EPA effective: 1/19/99

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 facility that emits an air contaminant subject to this chapter shall ensure that the facility complies with this chapter and any other applicable local, state, or federal law.

(c) A person may not construct, operate, or modify a 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 or maximum allowable ambient concentrations.

(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 contaminant 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 contaminant according to atmospheric conditions or ambient concentrations of that air contaminant; 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 facility 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 contaminant; or

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

State effective: 1/18/97; EPA effective: 1/19/99

18 AAC 50.050 INCINERATOR EMISSION STANDARDS

(a) Visibility through the exhaust effluent of an incinerator may not be reduced by visible emissions, excluding condensed water vapor, by more than 20 percent

(1) averaged over any six consecutive minutes for a municipal wastewater treatment plant sludge incinerator; or

(2) for a total of more than three minutes in any one hour for any other incinerator, including an air curtain incinerator.

(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 CO ₂ 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 CO ₂ 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: 1/18/97; EPA effective: 1/19/99

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) greater than 20 percent for a total of more than three minutes in any one hour, except as provided in (2) - (9) of this subsection;
- (2) greater than 30 percent for more than three minutes in any one hour for fuel-burning equipment in operation before November 1, 1982, and using more than 20 percent woodwaste as fuel;
- (3) greater than 55 percent for a urea prilling tower in operation before July 1, 1972, for a total of more than three minutes in any one hour, nor greater than 40 percent, based on a daily 24-hour average of five-second measurements by continuous opacity monitoring instrumentation approved by the department and that conforms to Performance Specification Number 1 in 40 C.F.R. Part 60, Appendix B, adopted by reference in 18 AAC 50.040;
- (4) 20 percent or greater (6-minute average) for an asphalt plant constructed or modified after June 11, 1973;
- (5) 20 percent or greater (6-minute average) for process emissions, other than from a pneumatic cleaner, at a coal preparation facility constructed or modified after November 1, 1982;
- (6) 10 percent or greater (6-minute average) for a pneumatic cleaner constructed or modified at a coal preparation facility after November 1, 1982;
- (7) 10 percent or greater (6-minute average) for process emissions, other than from a kiln, at a portland cement plant constructed or modified after November 1, 1982;
- (8) 20 percent or greater (6-minute average) for a kiln constructed or modified at a portland cement plant after November 1, 1982; and
- (9) more than 20 percent for more than three minutes in any one hour, except for an additional three minutes in any one hour for a coal burning boiler that began operation before August 17, 1971, if
 - (A) the visible emissions are caused by startup, shutdown, soot-blowing, grate cleaning, or other routine maintenance 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 CFR 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 cause the maximum allowable increases for PM-10 in 18 AAC 50.020 to be exceeded; and

(D) the federal administrator approves a facility-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.

State effective: 11/4/99; EPA effective: 8/20/01

(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) - (6) of this subsection, (d) - (f) of this section, and 18 AAC 50.060;

(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, except as provided in (6) of this subsection;

(4) 0.15 grains for fuel burning equipment in operation before November 1, 1982, and using more than 20 percent woodwaste as fuel;

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

(6) 0.04 grains for a urea prilling tower.

(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) - (f) of this section and 18 AAC 50.060.

(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 contaminants 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 facility, 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) At a portland cement plant, emissions from the following sources, if constructed or modified after November 1, 1982, may not exceed the following:

(1) for a clinker cooler, 0.050 kilograms of particulate matter per 1,000 kilograms of feed on a dry basis to the kiln; and

(2) for a kiln, 0.15 kilograms of particulate matter per 1,000 kilograms of feed on a dry basis.

(g) Release of materials other than process emissions, products of combustion, or materials introduced to control pollutant emissions from a stack at a source constructed or modified after November 1, 1982, is prohibited unless approved in writing by the department.

State effective: 1/18/97; EPA effective: 1/19/99

18 AAC 50.060. PULP MILLS

Average emissions per ton of air dried pulp produced from a sulfite pulp mill may not exceed, in any 24-hour period,

(1) 20 pounds of sulfur oxides (expressed as sulfur dioxide) from blow pits, washer vents, storage tanks, digester relief systems, and recovery systems; and

(2) two pounds of particulate matter from blow pits, washer vents, storage tanks, digester relief systems, and recovery systems.

State effective: 1/18/97; EPA effective: 1/19/99

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, 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 Areas. Open burning is prohibited between November 1 and March 31 in a wood smoke control area identified in 18 AAC 50.025(b).

(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 cop of the records kept under (2) of this subsection.

State effective: 1/18/97; EPA effective: 1/19/99

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 immediately after the initial startup of a diesel-driven vessel;

(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: 1/18/97; EPA effective: 1/19/99

18 AAC 50.075. WOOD-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 50 percent opacity for more than 15 minutes in any one hour in an area for which an air quality advisory is in effect under 18 AAC 50.245.

(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. 91-52, adopted by reference in 18 AAC 50.030.

18 AAC 50.090 ICE FOG LIMITATIONS

The department will, in its discretion, require any person proposing to build or operate an industrial process, fuel-burning equipment or incinerator in areas of potential ice fog, to obtain a permit to operate and to reduce water emissions

State effective: 5/26/72; EPA effective: 7/5/83

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: 5/26/72; EPA effective: 5/26/72

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 source shall maintain records of, and report to the department information on, the nature and amount of emissions from the source and other information designated by the department.

State effective: 1/18/97; EPA effective: 1/19/99

18 AAC 50.201 AMBIENT AIR QUALITY INVESTIGATION

(a) Upon a finding by the department that emissions from an existing facility have a reasonable likelihood of causing or significantly contributing to ambient concentrations of one or more air contaminants that exceed an ambient air quality standard, maximum allowable ambient concentration, or the limitations of 18 AAC 50.110, the department will, in its discretion, require the owner, operator, or permittee to evaluate the effect of the facility's emissions of those air contaminants on ambient air or on the limitations of 18 AAC 50.110 that are at issue. An evaluation submitted under 18 AAC 50.310, 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 facility'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 will, in its discretion, require an existing facility 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 contaminants in the ambient air does not exceed the ambient air quality standards, maximum allowable ambient

concentrations, or the limitations of 18 AAC 50.110. A reduction or control strategy may be imposed as a facility-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 contaminant is designated nonattainment for that air contaminant under 18 AAC 50.015.

(e) The provisions of this section do not limit the departments 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: 1/18/97; EPA effective: 1/19/99

18 AAC 50.205. CERTIFICATION

Any permit application, report, 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 facility 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." When certifying a permit application or compliance certification, the official's signature must be notarized.

State effective: 1/18/97; EPA effective: 1/19/99

18 AAC 50.220. ENFORCEABLE TEST METHODS

(a) The department will, in its discretion, require an owner, operator, or permittee of a source to conduct air contaminant 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 contaminant 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 source 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 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 contaminant 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 source 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 source 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 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:

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

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: 1/18/97; EPA effective: 1/19/99

18 AAC 50.240. EXCESS EMISSIONS

(a) In an enforcement action, the owner, operator, or permittee has the burden of proving that excess emissions were unavoidable. This demonstration is a condition to obtaining relief under (d), (e), and (f) of this section.

(b) Excess emissions determined to be unavoidable under this section will be excused and are not subject to penalty. This section does not limit the department's power to enjoin the emission or require corrective action.

(c) Excess emissions that present a potential threat to human health or safety or that the owner, operator, or permittee believes to be unavoidable must be reported to the department as soon as possible. Unless otherwise specified in the facility's permit, other excess emissions must be reported within 30 days after the end of the month during which the emissions occurred or as part of the next routine emission monitoring report, whichever is sooner. If requested by the department, the owner, operator, or permittee shall submit a full written report that includes the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

(d) Excess emissions due to startup or shutdown will be considered unavoidable if the owner, operator, or permittee reports them as required under (c) of this section and demonstrates that

(1) the excess emissions could not have been prevented through careful planning and design; and

(2) if a bypass of control equipment occurred, the bypass was necessary to prevent loss of life, personal injury, or severe property damage.

(e) Excess emissions due to scheduled maintenance will be considered unavoidable if the owner, operator, or permittee reports them as required under (c) of this section and demonstrates that the excess emissions could not have been avoided through reasonable design, better scheduling for maintenance, or better operation and maintenance practices.

(f) Excess emissions due to upsets will be considered unavoidable if the owner, operator, or permittee reports them as required under (c) of this section and demonstrates that

(1) the event was not caused by poor or inadequate design, operation, or maintenance or by any other reasonably preventable condition;

(2) the event was not of a recurring pattern indicative of inadequate design, operation, or maintenance; and

(3) when the operator knew or should have known that an emission standard or permit condition was being exceeded, the operator took immediate and appropriate corrective action in a manner consistent with good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective

action, including slowing or shutting down the source as necessary to minimize emissions.

(g) A demonstration under (d), (e), or (f) of this section must be supported by records made at the time the excess emissions occurred.

State effective: 1/18/97; EPA effective: 1/19/99

18 AAC 50.245. AIR EPISODES AND ADVISORIES

(a) The department will, in its discretion, declare an air episode and prescribe and publicize curtailment action if the concentration of an air contaminant in the ambient air has reached, or is likely in the immediate future to reach, any of the concentrations established in Table 5 in this subsection.

Table 5. Concentrations Triggering an Air Episode

Episode Type	Air Contaminant	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 }
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(b) The department 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 declares an air quality advisory under (b) of this section, the department will

(1) request voluntary emission curtailments from any person issued a permit under this chapter whose facility's emissions might impact the area subject to the advisory; and

(2) publicize actions to be taken to protect public health.

State effective: 1/18/97; EPA effective: 1/19/99

18 AAC 50.300 PERMIT TO OPERATE

(a) No person may construct, modify, reconstruct, operate, or cause the operation of the following without a permit from the department:

(1) a facility containing a source which requires an air contaminant emission control unit or system to comply with emission standards set by 18 AAC 50.040--18 AAC 50.060, and which is

(A) an industrial process with a total design rate, capacity, or throughput greater than five tons per hour and which physically or chemically treats the material; or

(B) fuel burning equipment with a rating of 50 million Btu per hour or more;

(2) fuel burning equipment with a rating of 100 million Btu per hour or more;

(3) a facility containing one or more incinerators with a total combined rated capacity of 1,000 pounds per hour or more

(4) a facility subject to the standards set by 18AAC 50.040(c), 18AAC 50.050(a)(5), 18AAC 50.050(a)(7), or 18AAC 50.050(d);

(5) a facility

(A) which has allowable emissions of 100 tons per year or more of a regulated air

contaminant, is installed after November 1, 1982, and is a

- (i) fossil-fuel-fired steam electric plant of more than 250 million Btu's per hour heat input;
- (ii) coal-cleaning plant (with thermal dryers);
- (iii) kraft pulp mill;
- (iv) portland cement plant;
- (v) primary zinc smelter;
- (vi) iron and steel mill plant;
- (vii) primary aluminum ore reduction plant;
- (viii) primary copper smelter;
- (ix) municipal incinerator capable of charging more than 250 tons of refuse per day;
- (x) hydrofluoric, sulfuric, or nitric acid plant;
- (xi) petroleum refinery;
- (xii) lime plant;
- (xiii) phosphate rock processing plant;
- (xiv) coke-oven battery;
- (xv) sulfur recovery plant;
- (xvi) carbon-black plant (furnace process);
- (xvii) primary lead smelter;
- (xviii) fuel conversion plant;
- (xix) sintering plant;
- (xx) secondary metal production plant;

(xxi) chemical processing plant;

(xxii) fossil-fuel boiler or a combination of boilers, totaling more than 250 million Btus per hour heat input;

(xxiii) petroleum storage and transfer unit with a total storage capacity exceeding 300,000 barrels;

(xxiv) taconite ore processing plant;

(xxv) glass-fiber processing plant; or

(xxvi) charcoal production plant;

(B) which is listed in (A) of this paragraph, with allowable emissions of less than 100 tons per year of a regulated air contaminant and is modified after August 7, 1977, causing an increase in allowable emission of 100 tons per year or more; or

(C) which is listed in (A) of this paragraph, with allowable emissions of greater than 100 tons per year of a regulated air contaminant and which is modified after August 7, 1980, or after the date of the most recent permit issued to the facility under 18 AAC 50.400(c)(3), causing an increase in actual emissions equal to or exceeding the emissions listed in (6)(C)(i)--(xvii) of this subsection;

(6) a facility not listed in (5) of this subsection

(A) which has allowable emissions of 250 tons per year or more of a regulated air contaminant, and is installed after November 1, 1982;

(B) which has allowable emissions of less than 250 tons per year of a regulated air contaminant and is modified after August 7, 1977, causing an increase in allowable emissions of 250 tons per year or more; or

(C) which has allowable emissions of more than 250 tons per year of a regulated air contaminant, and which is modified after August 7, 1980, or after the date of the date of the most recent permit issued to the facility under 18 AAC 50.400(c)(3), causing an increase in actual emissions equal to or exceeding any of the following:

(i) carbon monoxide--100 tpy;

(ii) nitrogen oxides--40 tpy;

(iii) sulfur dioxide--40 tpy;

- (iv) particulate matter -- 25 tpy; or 15 tpy of Pm-10 emissions;
- (v) ozone -- 40 tpy of volatile organic compounds as an ozone indicator;
- (vi) lead -- 0.6 tpy;
- (vii) asbestos -- 0.007 tpy;
- (viii) beryllium -- 0.0004 tpy;
- (ix) mercury -- 0.1tpy;
- (x) vinyl chloride -- one tpy;
- (xi) fluorides -- three tpy;
- (xii) sulfuric acid mist -- seven tpy;
- (xiii) hydrogen sulfide (H₂S) -- 10 tpy;
- (xiv) total reduced sulfur, including H₂S -- 10 tpy;
- (xv) reduced sulfur compounds, including H₂S -- 10 tpy;
- (xvi) increased emissions of a regulated air contaminant and not listed in (i)--(xv) of this subparagraph; or
- (xvii) notwithstanding (i)--(xvi), if located within 10 kilometers of an area listed in 18AAC 50.021(b)(1) with increased emissions that impact the area by 1 µg/m³ or more for a 24-hour average;

(7) a facility located within

(A) a carbon monoxide nonattainment area identified in 18 AAC 50.021(a), if the construction, modification, reconstruction, operation, or causation of operation of the facility will

(i) occur after July 21, 1991; and

(ii) cause an increase of 100 tons per year or more in either the actual or allowable carbon monoxide emissions

(B) a PM-10 nonattainment area identified in 18AAC 50.021(a), if the construction, modification, reconstruction, operation, or causation of operation of

the facility will

(i) occur after April 23, 1994; and

(ii) cause an increase of 100 tons per year or more in either the actual or allowable PM-10 emissions; or

(C) a PM-10 nonattainment area identified in 18 AAC 50.21(a) if

(i) the facility has actual or allowable PM-10 emission of 100 tons per year or more; and

(ii) the construction, modification, reconstruction, operation, or causation of operation of the facility will cause an increase of 15 tons per year or more in either the actual or allowable PM-10 emissions.

(8) a facility or modification to a facility

(A) if the owner or operator has requested the department to approve a physical or operational limitation to reduce emissions to a level below those specified in this chapter; or

(B) that is located in a carbon monoxide or PM-10 nonattainment area identified in 18 AAC 50.021(a), if the owner or operator has requested the department to approve a physical or operational limitation to reduce emissions to offset an increase in emissions from a facility subject to (7) of this subsection;

(9) a facility located within 10 kilometers of an area identified in 18 AAC 50.021(a), which is not subject to (5), (6), or (7) of this subsection, and which

(A) has allowable emissions of 100 tons or more per year of the nonattainment air contaminant and is installed after July 21, 1991; or

(B) has allowable emissions of less than 100 tons per year of the nonattainment air contaminant and is modified after July 21, 1991, causing an increase in allowable emissions of 100 tons per year or more of the nonattainment air contaminant.

(b) an application for a permit required by (a) of this section must include

(1) one set of plans and specifications clearly showing the layout of the proposed facility, location of individual equipment and points of discharge, building dimensions, and stack heights;

(2) a map or aerial photograph on a scale at least one inch to one mile, indicating the

location of the proposed facility, homes, buildings, roads, and other adjacent facilities, and the general topography within 15 kilometers of the facility.

(3) an engineering report outlining the proposed methods of operation, the amount of material to be processed, the proposed use and distribution of the processed material, and a process flow diagram with description showing points of emission and estimated amounts and types of air contaminants to be emitted;

(4) a description of air quality control devices, including efficiency and other design criteria, and assurances that this equipment is capable of complying with applicable emission requirements specified in this chapter;

(5) if requested by the department, an evaluation of the effect of the facility's expected maximum emissions on the ambient air, including ambient air quality and meteorological data;

(6) if requested by the department, plans for emission reduction procedures to be used during an air episode; and

(7) a detailed schedule for construction or modification of the facility.

(c) A permit application for a facility subject to (a)(5) or (a)(6) of this section must include the following information, in addition to that required under (b) of this section, for each air contaminant emitted at a rate greater than an emission rate described in 18 AAC 50.300 (a)(6)(C)(i)--(xvii);

(1) ambient air and meteorological data to fully describe the air quality in the vicinity of the proposed facility and any changes in air quality due to general growth which has occurred after the establishment of the baseline date in the area the facility or modification would affect; department approval of the air monitoring network is required before starting data collection;

(2) a detailed demonstration that the expected maximum emissions from the construction and operation of the facility, including emissions from associated growth, will not cause a violation, or contribute to an existing violation, of the ambient air quality standards in 18 AAC 50.020(a) or allowable increments in 18 AAC 50.020(b);

(3) an adequate demonstration that the proposed emission-control system represents the best available control technology for each air contaminant and for each new or modified source; and

(4) an analysis of the impact of expected of expected maximum emissions from the facility, including emissions from associated growth, on visibility, vegetation, and soils.

(d) An owner or operator of a facility subject to (a) (7) of this section who applies for a permit required under (a) of this section shall meet the requirements under (b) of this section and

(1) certify that the facility's emissions of each contaminant for which the area is in nonattainment will be controlled to a rate that represents the lowest achievable emission rate;

(2) certify that the other sources owned or operated by the applicant within the state comply with the requirements of 42 U.S.C. 7401-7671q (Clean Air Act) as amended through November 15, 1990, and this chapter;

(3) demonstrate and supply substantiating information indicating that the increase in emissions due to the construction, operation, or modification of the facility will not exceed the reduction in emissions from the offsetting facilities located within the nonattainment area;

(4) provide a detailed description of the proposed reduction in actual emissions, including the physical or operational limitations specified in (e)(2) of this section, for each of the offsetting facilities described in (3) of this subsection;

(5) certify that the reduction in emissions from the offsetting facilities described in (3) of this subsection will occur before the increase in emissions due to construction, operation, or modification of the facility for which the permit is sought; and

(6) demonstrate and supply substantiating information indicating that the benefits of construction, operation, or modification of the facility will significantly outweigh the environmental and social costs incurred due to the location, construction, or modification of the facility, considering factors such as alternative sites, sizes, production processes, and environmental control techniques

(e) A permit application submitted under [(a)(7)(B) OR] (a)(8) of this section must

(1) include the information required under (b) of this section, but need not include the information required under (c) or (d) of this section; and

(2) specify the physical or operational limitations necessary to exempt the facility from (a)(5), (a)(6), or (a)(7)[(A)] of this section, or to ensure permanent reductions in actual emissions to offset the increase in emissions from facility subject to (a)(7)[(A)] of this

(f) If a permit application is deficient, the department will notify the applicant by certified mail within 30 days after receipt of the application, identifying the deficiencies and the information to be submitted. When the deficiencies are corrected, the department will continue with processing the application.

(g) Fugitive emission must be included in the calculation of allowable emissions to determine if any of the following is subject to (a)(5), (a)(6), (a)(7)[(A)], or (a)(9) of this section;

(1) a facility that belongs to a source category listed in (a)(5)(A) of this section; or

(2) a facility that belongs to a source category that, as of August 7, 1980, is regulated under 42 U.S.C. 7411 (new source performance standards) or 42 U.S.C. 7412 (emission standards for hazardous air pollutants) of the Clean Air Act, as amended through August 7, 1980.

(h) In addition to the information required under (b) of this section, a permit application for a facility subject to (a)(9) of this section must include, for each nonattainment air contaminant, a detailed demonstration that the expected maximum emissions from the construction and operation of the facility will not cause a violation of the ambient air quality standards in 18 AAC50.020(a) or the air quality increments in 18 AAC 50.020(b).

Editor's note - A complete list of the source categories for which fugitive emissions must be included in the calculation of allowable emissions is in the State Air Quality Control Plan, which is incorporated by reference into this chapter by 18 AAC 50.620.

State effective: 9/12/88; EPA effective: 6/25/91

18 AAC 50.310 REVOCATION OR SUSPENSION OF PERMIT

A permit to operate will, in the department's discretion, be revoked or suspended if the conditions of the permit or applicable laws or regulations are violated.

State effective: 5/4/80; EPA effective: 7/5/83

18 AAC 50 Article 4. Permit Review Criteria

18 AAC 50.400. PERMIT ADMINISTRATION FEES

(a) For purposes of AS 46.14.240, the permit administration fee rate is \$78 per hour of department service.

(b) The owner or operator of a facility subject to AS 46.14.240 shall submit a retainer in the amount of

(1) \$100 with a request for an open burning approval submitted under 18 AAC 50.065;

~~(2) \$13,000 with an application for a construction permit submitted under 18 AAC 50.310(d) and (f);~~

~~_____ (3) \$7,000 with an application for a construction permit submitted under~~

- ~~18 AAC 50.310(h) and (j);~~
- ~~(4) \$4,000 with an application for a construction permit submitted under 18 AAC 50.310(g);~~
- ~~(5) \$2,000 with an application for a construction permit submitted under 18 AAC 50.310 and not listed in (2) – (4) of this subsection;~~
- ~~(6) \$500 with an application for an administrative revision submitted under 18 AAC 50.370;~~
- ~~(7) \$1,000 with an application for a minor permit revision submitted under 18 AAC 50.375(b);~~
- ~~(8) \$3,000 with an application for a significant permit revision submitted under 18 AAC 50.375(h);~~
- ~~(9) \$300 with an application submitted for a general operating permit authorized under AS 46.14.210 and developed under 18 AAC 50.380;~~
- ~~(10) \$300 with an application submitted for an owner-requested limit or a preapproved limit under 18 AAC 50.225 – 18 AAC 50.230; and~~
- ~~(11) \$4,000 with any other operating permit application submitted and not listed in (6) – (10) of this subsection.~~

(c) When the department receives the retainer amount required under (b) of this section, it will establish an account for the owner or operator and credit the retainer to the account. As permit administration fees are billed under 18 AAC 50.420, they will be charged against the retainer credit balance in the account, and the billing will reflect the remaining credit balance. After the credit balance is exhausted, the owner or operator shall pay the billings as provided under 18 AAC 50.420. After a permit is issued under this chapter, the permittee is responsible for payment of subsequently incurred permit administration fees.

State effective: 1/18/97; EPA effective: 1/19/99

18 AAC 50.400 APPLICATION REVIEW AND ISSUANCE OF PERMIT TO OPERATE

(a) Before review under (b) of this section, an opportunity for public comment will be provided using the following procedures;

(1) at least 30 days before beginning review under (b) of this section:

(A) for a facility described in 18 AAC 50.300(a)(5), (6), or (7)[(A)], or for a facility with a stack constructed to good engineering practice with a stack height determined by [described in] 18 AAC 50.900(23)(C), a summary of the department’s preliminary review and analysis of the application will be published in a newspaper of general circulation within the area where the new or modified facility is to be located; the analysis will be sent to the Environmental Protection Agency, and to any federal land manager, Indian governing body on a reservation, or unit of local government that might be affected by emissions from the proposed activity; materials submitted by the applicant and a copy of the proposed permit

will be available in at least one location within the area of the new or modified facility:

(B) for a new facility not described in (A) of this paragraph, a public notice of the application will be published in two consecutive issues of a newspaper of general circulation within the area that would be affected by the operation, and in other media the department considers appropriate; the public notice under this subparagraph will include the information described in 18 AAC 15.050(b)(1), (2), and (3); and

(C) for renewal or amendment of a permit for a facility not described in (A) of this paragraph, but for which the department finds that additional public comment is desirable, a public notice of the application, as described in (B) of this paragraph will be published;

(2) the department, upon its own motion, or upon request, will hold a public hearing on the application, following the procedures set out in 18 AAC 15.060(d)--(g); 60 days' notice of a hearing will be sent to any affected federal land manager under 18 AAC 50.021(c); and

(3) public comments and testimony received on the application will be evaluated as part of the information needed to complete evaluation of the permit application, and will be made available to the public.

(b) The department will review a permit application and will, in its discretion, issue the permit within 30 days after receipt of all information needed to complete evaluation of the application, including written comments and testimony at a public hearing held under (a) of this section. For applications subject to (a)(1)(A) of this section, a copy of the final determination will be published and distributed as described in (a)(1)(A) of this section.

(c) The department will issue a permit only if the applicant shows that

(1) allowable emissions from the facility and from associated growth will not prevent or interfere with the attainment or maintenance of the ambient air quality standards set by 18 AAC 50.020(a), or the ambient air quality increments set by 18 AAC 50.020(b);

(2) air contaminant emissions from a source in the facility will not exceed the requirements of 18 AAC 50.040--18 AAC 50.060 and 18 AAC 50.110 and are approvable by the Environmental Protection Agency under the federal new-source performance standards or emission standards for hazardous air pollutants;

(3) for a facility subject to 18 AAC 50.300(a)(5) or (6)

(A) the best available technology for controlling emissions of each pollutant will be installed and used for each new or modified source;

(B) in an area designed in 18 AAC 50.021(b) as in attainment with ambient air quality standards set by 18 AAC 50.200(a), allowable emissions from the facility and from associated growth will not

(i) cause or contribute to an increase in air contaminants greater than specified in 18 AAC 50.020(b);

(ii) cause an increase of carbon monoxide more than 500 $\mu\text{g}/\text{m}^3$ eight-hour average or 2,000 $\mu\text{g}/\text{m}^3$ one-hour average within a carbon monoxide nonattainment area identified in 18 AAC 50.021(a); or

(iii) cause an increase of PM10 more than 1 $\mu\text{g}/\text{m}^3$ annual average or 5 $\mu\text{g}/\text{m}^3$ 24-hour average, within a PM-10 nonattainment area identified in 18 AAC 50.021(a); and

(C) allowable emissions from the facility and from associated growth will not adversely affect air-quality- related values, including noise, odor, visibility, vegetation, and soils of any area within the state; and

(4) for a new or modified facility subject to 18 ACC 50.300(a)(7)

(A) the permit required under 18 AAC 50.300(a)(8) for a facility described under 18 AAC 300(a)(8) has been issued for the offsetting facilities;

(B) operation will commence only after the emission reduction specified in the permit for the offsetting facility is obtained;

(C) the lowest achievable emission rate is achieved for each new or modified source;.

(D) the other sources within the state that are owned or operated by the applicant comply with the requirements of 42 U.S.C. 7401 - 7671q (Clean Air Act), as amended through November 15, 1990, and this chapter, and

(E) the benefits of the construction, operation, or modification of the facility significantly outweigh the social and environmental costs incurred due to the construction, operation, or modification.

(d) A permit to operate

(1) will be granted for no more than five years, after which the permit must be renewed for continued operation of the facility;

(2) will include a compliance schedule if the facility is emitting air contaminants in excess of applicable limitations contained in this chapter, based on the minimum time necessary to

install the required control equipment; a permit which includes a compliance schedule must be renewed every year of its duration;

(3) will, in the department's discretion, require the permittee to install, use, and maintain monitoring equipment; to sample emissions according to methods prescribed by the department, at locations and intervals and by procedures specified by the department; to provide source test reports; to provide monitoring data, emission data, and information from analyses of any test samples; and to make periodic reports on process operations and emissions;

(4) will, for an application submitted under 18 AAC 50.300(a)(7)(B) or (a)(8), include specific physical or operational limitations as necessary to exempt the facility from 18 AAC 50.300(a)(5), (a)(6), or (a)(7)(A), or to provide actual emission reductions offsetting the emissions for a facility subject to 18 AAC 50.300(a)(7)(A), as required by 18 AAC 50.300(d);

(5) will, in the department's discretions, require that specific emission-reduction procedures be taken during an air episode; and

(6) may not be transferred without the written consent of the regional supervisor.

(e) If an application for a permit is denied, the department will notify the applicant by certified mail, stating the reasons for denial. The notification will include a statement that a person aggrieved by the department's decision may request an adjudicatory hearing within 30 days after service of the denial under 18 AAC 15.200--18AAC 15.310. For applications subject to (a) of this section, a copy of the final determination will be published and distributed as described in (a)(1) of this section.

Editor's note - The substance of this section was contained in 18 AAC 50.120, which was repealed 5/4/80, Register 74.

State effective: 4/23/94; EPA effective: 4/17/95

18 AAC 50.420. BILLING PROCEDURES.

(a) Within 30 days after January 18, 1997, the department will bill emission fees assessed under 18 AAC 50.410(a). The department will bill emission fees assessed under 18 AAC 50.410(b) on or before July 1 of each year in a manner consistent with AS 46.14.250. The department will bill permit administration fees under AS 46.14.240 and this chapter

(1) on or before the 15th of each month for the services rendered by department staff during the preceding month; or

(2) quarterly on or before the 15th of January, April, July, and October for the services

rendered by department staff during the preceding three months, if requested in writing by the person required to pay the fee.

(b) Fees assessed under this chapter are due within 60 days after the billing date. A payment that is past due accrues interest at the rate set in AS 46.14.255 unless the person required to pay the fee successfully disputes the fee or a portion of the fee under 18 AAC 50.430. Interest will be charged on the unpaid balance, beginning on the 61st day after the billing date.

(c) A person required to pay an emission fee under 18 AAC 50.410 may pay that fee in equal quarterly installments if

(1) the fee exceeds \$1,000; and

(2) a written request is submitted to the department with the first installment before the due date described in (b) of this section.

(d) If installment payments are approved under (c) of this section, the remaining three installments, including interest accrued as described in (b) of this section, must be paid on or before October 15, January 15, and April 15.

(e) In determining the equitable allocation of costs for preparing a general operating permit under AS 46.14.240(c)(4), the department will

(1) determine the total cost of preparing each general operating permit;

(2) identify the total number of facilities covered by each general operating permit at the time the permit is developed; and

(3) establish the fee by dividing the total cost by the number of facilities.

(f) An owner, an operator, or a permittee who

(1) increases a facility's assessable emissions through a permit revision shall pay to the department an emission fee for the increase in assessable emissions; the fee is due within 60 days after the effective date of the permit revision; or

(2) decreases the facility's assessable emissions through a permit revision may request a pro-rated refund or credit to the facility's fee account toward future fees.

(g) The owner, operator, or permittee who terminates operations or whose permit has lapsed or is terminated by the department may request a refund calculated by the department for fees collected in excess of the amount due for the facility's actual emissions.

(h) Unless an owner or operator who submits a permit administration fee retainer under 18 AAC

50.400(b) requests a refund of the retainer that is not used during development of that persons permit, the department will credit any unused retainer for use in paying fees that may be assessed in the future.

(i) Unless the person required to pay the fee requests otherwise, an invoice for emission fees or permit administration fees will be sent to the last known address of the facility that is subject to the fee. Invoices will include an itemized list of charges and credits for the billing period and a calculation of total credit balance or amount due on the account. For permit administration fees, the listing will also state

(1) the date on which the task was performed and a description of the task;

(2) the initials of the person who performed the task; and

(3) the time spent on the task on that date and the charge for the task, determined by multiplying the time spent by the permit administration fee rate set in 18 AAC 50.400(a).

State effective: 1/18/97; EPA effective: 1/19/99

18 AAC 50.430. APPEAL PROCEDURES.

(a) A person who disputes the imposition of a fee under AS 46.14 or this chapter or who disputes the computation of charges may request review by the director of the department's division responsible for issuing permits under this chapter. A request under this subsection must be submitted before the due date of the disputed fee and must be accompanied by a written discussion that sets out the reasons why the charge is disputed and how it should be adjusted. The director will issue a written decision on the disputed imposition or computation within 30 days after receiving the request.

(b) A person aggrieved by a decision under (a) of this section may request review by the commissioner. A request under this subsection must be submitted within 30 days after receipt of the decision and must be accompanied by a written discussion that sets out the reasons why the decision is disputed and how it should be adjusted. The commissioner, or the commissioner's designee, will issue a written decision on the disputed decision within 30 days after receiving the request. A decision made under this subsection is the final agency decision.

(c) A person aggrieved by the commissioner's decision has the right to appeal that decision to the superior court in accordance with the Alaska Rules of Appellate Procedure.

State effective: 1/18/97; EPA effective: 1/19/99

18 AAC 50.520 EMISSION AND AMBIENT MONITORING

(a) The operator of a facility required to have a permit under 18 AAC 50.300 shall install, maintain, and operate ambient air quality, meteorological, process, or emission monitoring and

recording devices specified by the department and in accordance with approved procedures.

(b) The operator of a facility subject to 18 AAC 50.040(b)(2), 18 AAC 50.040(c), 18 AAC 50.050(b)(2), or 18 AAC 50.050(d) shall install, maintain, and operate continuous emission and process monitoring devices, keep records, and report excess emissions in accordance with procedures established in 40 C.F.R. part 60 as amended through July 1, 1987.

(c) The department will, in its discretion, require the owner or operator of an air contaminant source to keep records and periodically report on the nature and amount of emissions as necessary to determine compliance with this chapter.

State effective: 7/21/91; EPA effective: 4/17/95

18 AAC 50.530 CIRCUMVENTION

(a) Use of air for dilution of emission contaminants without causing a total decrease in the contaminants is not permitted as a method for compliance with this chapter, except that dilution air may be used at sulfur recovery plants with a maximum production rate of 20 long tons per day or less to achieve compliance with the 500 ppm sulfur dioxide requirement in 18 AAC 50.050(c).

(b) A person owning or operating a facility emitting air contaminants subject to the limitations and provisions of this chapter shall ensure that the facility is in compliance with this chapter and any other applicable local, state, or federal law.

(c) Stack heights that exceed good engineering practice, or dispersion techniques, may not be used to affect the degree of emission limitation required for control of air contaminants.

(d) No person may construct, operate, or modify an air-contaminant emission source which will result in a violation of the applicable emission standards or will interfere with the attainment or maintenance of the ambient air standards of this chapter.

Editor's note – The substance of this section was contained in 18 AAC 50.160, which was repealed 5/4/80, Register 74, and 18 AAC 50.410, which was repealed 11/1/82, Register 84.

State effective: 6/7/87; EPA effective: 4/17/95

18 AAC 50.600 RECLASSIFICATION PROCEDURES AND CRITERIA

(a) The department will, in its discretion, review and revise the air quality classifications within the state after notice and public hearing, except that

(1) the areas identified in 18 AAC 50.021(b)(1) may not be reclassified; and

(2) the following areas may be reclassified only to Class I or II.

(A) an area which exceeds 10,000 acres and is a national monument, national primitive area, national preserve, national recreation area, national wild and scenic river, national wildlife refuge or range, or national lakeshore or seashore; and

(B) a national park or national wilderness area established after August 7, 1977, which exceeds 10,000 acres; and

(3) land within the exterior boundaries of reservations of federally recognized Indian tribes may be redesignated only by the appropriate Indian governing body.

(b) Reclassification will be initiated by the department on its own motion, or upon receipt of a petition for reclassification containing

(1) detailed reasons why reclassification is requested and is in the best interests of the public;

(2) an accurate description of the proposed boundaries of the area and the air quality within it;

(3) a detailed evaluation of emission and ambient air quality effects of any proposed new or modified facility

(4) an evaluation of the effects of any proposed new or modified facility on air quality within other areas classified under 18 AAC 50.021;

(5) a detailed analysis of the health, environmental, economic, social, and energy effects of the proposed reclassification; and

(6) if an area proposed for reclassification includes or is part of a local government jurisdiction

(A) a resolution recommending reclassification adopted by each affected unit of local government; and

(B) evidence that the resolution required under (A) of this paragraph was adopted after public hearing with at least 15 days' prior notice published in a newspaper of general circulation.

(c) The department will review the petition for reclassification within 30 days after receipt and will accept it for consideration if it satisfactorily describes the circumstances behind the proposed reclassification and meets the requirements of (b) of this section. Within 10 days after acceptance under this subsection, the department will send to any affected federal land managers a draft notice of public hearings to be held on the proposed reclassification and allow 30 days for comments. Within 10 days after the comment period, the department will publish in one or more newspapers of general circulation in the area for which reclassification is sought, notice of public hearings on the proposed reclassification to be held in areas likely to be affected. The notice will include a summary of the petition, the federal land manager's comments, and the department's analysis, and will state where copies of the petition and the analysis may be obtained. The notice will be published at least 30 days before the first hearing. Copies of the notice will be sent for review and comment to state department commissioners, members of the state legislature and the Environmental Advisory Board, affected federal land managers, and to units of local government within the affected area.

(d) Public hearings on a proposed reclassification will be conducted as follows:

(1) the deputy commissioner or a designee will serve as hearing officer;

- (2) the hearings will be electronically recorded, and witnesses will testify under oath;
- (3) the hearing officer may question a witness and will permit any reasonable, pertinent testimony to be presented; and
- (4) written testimony may be introduced into the record of the hearing within 15 days after the hearing.

(e) The hearing officer will summarize the hearing record and submit a recommendation, with the basis for approval or disapproval of the reclassification, to the commissioner. The recommendation will be sent to those officials and agencies identified in (c) of this section and to persons who submitted testimony into the public hearing record, requesting their comments within 20 days after they receive the recommendation.

(f) Within 15 days after the close of the comment period under (e) of this section, the commissioner will approve the proposed reclassification if

- (1) the health, environmental, economic, social, and energy effects of the proposed reclassifications are in the public interest; and
- (2) reclassification will not cause or contribute to air pollutant concentrations which exceed the standards in 18 AAC 50.020.

(g) The department will annually review air quality classifications to determine if any areas should be proposed for reclassification. The department will annually publish a summary of the classifications, any petitions for reclassification received, and air quality conditions in the state. Copies will be sent to the officials and agencies identified in (c) of this section and, upon request, to other interested persons.

(h) If an area of the state is proposed for reclassification

- (1) by the department, the data specified in (b) of this section will be made available to the public at the time of public notice; the requirements of (c), (d), (e), and (f) of this section will be followed in acting on reclassifications; or
- (2) by a private individual or organization without the resources to submit a complete petition under (b) of this section, the department will provide technical and coordinative assistance to ensure reasonable opportunity for full evaluation of the proposed reclassification.

State effective: 11/1/82; EPA effective: 7/5/83

18 AAC 50 Article 7. Conformity - Transportation and General

18 AAC 50.700. PURPOSE of 18 AAC 50.700 – 18 AAC 50.785.

The purpose of 18 AAC 50.700 - 18 AAC 50.735 is to ensure that a transportation plan, program project, or federal action within a nonattainment or maintenance area, will not hinder attainment 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 project is nonfederally 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. or 49 U.S.C. 53 (Federal Transit Act).

State effective: 9/4/98; EPA effective: 2/28/00

18 AAC 50.705. COVERAGE OF 18 AAC 50.710 - 18 AAC 50.735: OBLIGATIONS OF RESPONSIBLE AGENCY

(a) The requirements of 18 AAC 50.710 – 18 AAC 50.720 apply to

(1) a transportation plan, program, or project within a nonattainment or maintenance area that is funded by, or requires approval under, 23 U.S.C. or 49 U.S.C. 5301 – 5338; or

(2) a project that is nonfederally 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. 53 (the Federal Transit Act).

(b) The requirements of 18 AAC 50.725 - 18 AAC 50.735 apply to all federally-funded or approved actions within a nonattainment or maintenance area not described in (a) of this section.

(c) It is the obligation of the responsible agency to meet the applicable requirements of 18 AAC 50.700 - 18 AAC 50.735. For purposes of

(1) transportation conformity under 18 AAC 50.710 – 18 AAC 50.720, “responsible agency” means the agency that

(A) receives or manages the federal money for the transportation plan, program, or project referred to in (a) of this section;

(B) develops the transportation plan, program, or project referred to in (a) of this section; or

(C) funds, adopts, or approves a nonfederal, regionally significant project and is a current or prior recipient of funds under 23 U.S.C. or 49 U.S.C. 53;

(2) general conformity under 18 AAC 50.725 – 18 AAC 50.735, “responsible agency” means the federal agency that is responsible for the funding or for approval of the action referred to in (b) of this section.

State effective: 9/4/98; EPA effective: 2/28/00

18 AAC 50.710. TRANSPORTATION CONFORMITY: INCORPORATION BY REFERENCE OF FEDERAL REGULATIONS

An agency subject to 40 C.F.R. 93 shall comply with the following federal regulations, as amended through August 15, 1997, adopted by reference:

- (1) 40 C.F.R. 93.100 (Purpose);
- (2) 40 C.F.R. 93.101 (Definitions);
- (3) 40 C.F.R. 93.102 (Applicability); *except (c) & (d)*
- (4) 40 C.F.R. 93.103 (Priority);
- (5) 40 C.F.R. 93.104 (Frequency of conformity determinations); *except (d) & (e)(2)*
- (6) 40 C.F.R. 93.106 (Content of transportation plans);
- (7) 40 C.F.R. 93.107 (Relationship of transportation plan and TIP conformity with the NEPA process);
- (8) 40 C.F.R. 93.108 (Fiscal constraints for transportation plans and TIPs);
- (9) 40 C.F.R. 93.109 (Criteria and procedures for determining conformity of transportation plans, programs, and projects: General); *except (c)-(f)*
- (10) 40 C.F.R. 93.110 (Criteria and procedures: Latest planning assumptions);
- (11) 40 C.F.R. 93.111 (Criteria and procedures: Latest emission model);
- (12) 40 C.F.R. 93.112 (Criteria and procedures: Consultation);
- (13) 40 C.F.R. 93.113 (Criteria and procedures: Timely implementation of TCMs);
- (14) 40 C.F.R. 93.114 (Criteria and procedures: Currently conforming transportation plan and TIP);
- (15) 40 C.F.R. 93.115 (Criteria and procedures: Projects from a plan and TIP);
- (16) 40 C.F.R. 93.116 (Criteria and procedures: Localized CO and PM-10 violations (hot spots));
- (17) 40 C.F.R. 93.117 (Criteria and procedures: Compliance with PM-10 control measures);
- (18) 40 C.F.R. 93.118 (Criteria and procedures: Motor vehicle emissions budget); *except for (e)*
- (19) 40 C.F.R. 93.119 (Criteria and procedures: Emission reductions in areas without motor vehicle emissions budgets); *except (f)(3)*
- (20) 40 C.F.R. 93.120 (Consequences of control strategy implementation plan failures); *except (a)(2)*
- (21) 40 C.F.R. 93.121 (Requirements for adoption or approval of projects by other recipients of funds designated under 23 U.S.C. or 49 U.S.C. 53 (the Federal Transit Act));

except (a)(1) & (b)

(22) 40 C.F.R. 93.122 (Procedures for determining regional transportation-related emissions);

(23) 40 C.F.R. 93.123 (Procedures for determining localized CO and PM-10 concentrations (hotspot analysis));

(24) 40 C.F.R. 93.124 (Using the motor vehicle emissions budget in the applicable implementation plan (or implementation plan submission)); *except (b)*

(25) 40 C.F.R. 93.125 (Enforceability of design concept and scope and project-level mitigation and control measures);

(26) 40 C.F.R. 93.126 (Exempt projects);

(27) 40 C.F.R. 93.127 (Projects exempt from regional emissions analyses); and

(28) 40 C.F.R. 93.128 (Traffic signal synchronization projects).

Editor's note - The regulations of the Federal Highway Administration and the Federal Transit Authority concerning fiscal constraint referred to by paragraph (8) may be found at 23 C.F.R. 450.216(a)(5), 23 C.F.R. 450.322(b)(11) and 23 C.F.R. 450.324(e).

State effective: 9/4/98; EPA effective: 2/28/00

18 AAC 50.715. TRANSPORTATION CONFORMITY: INTERAGENCY CONSULTATION PROCEDURES

(a) Before issuing a final conformity determination under 18 AAC 50.700 - 18 AAC 50.720, the responsible agency described in 18 AAC 50.705(c)(1), 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 - 5338, 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 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;

(C) the Alaska Department of Transportation and Public Facilities;

(D) the local transportation agency;

(E) any agency created under state law that sponsors or approves transportation

projects;

(F) the United States Environmental Protection Agency;

(G) the Federal Highway Administration;

(H) the Federal Transit Administration; and

(3) hold a public hearing or meeting in accordance with procedures established under 18 AAC 50.720 to provide the public with an opportunity to consider the public review draft of the conformity determination.

(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, including necessary supporting information;

(2) ensure that all documents 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.

(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 and regional emissions 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 for purposes of a regional emissions analysis, in addition to those regionally significant projects as defined in 40 CFR 93.101, adopted by reference in 18 AAC 50.710;

(3) discuss whether a project that is otherwise exempt from the requirements of 18 AAC 50.700 - 18 AAC 50.720 under 40 C.F.R. 93.126 and 40 C.F.R. 93.127, adopted by reference in 18 AAC 50.710, should be treated as nonexempt if potential regional emissions impacts or other adverse emissions impacts might exist for any reason;

(4) determine, as required by 40 C.F.R. 93.113(c)(1), adopted by reference in 18 AAC 50.710, whether past obstacles to implementation of a transportation control measure (TCM) defined in 40 C.F.R. 93.101, adopted by reference in 18 AAC 50.710, 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 TCMs are giving maximum priority to approval or funding for TCMs; the interagency consultation process must also consider whether delays in TCM implementation necessitate a revision to the state implementation plan to remove or to substitute a TCM or other emission reduction measures;

(5) determine, as required by 40 C.F.R. 93.121, adopted by reference in 18 AAC 50.710,

(A) that a regionally significant project

(i) is included in a regional emissions analysis supporting the currently conforming TIP's conformity determination, even if the project is not included in the TIP 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, TIP, or regional emissions analysis; or

(B) that, based on the requirements for a project that is not from a conforming transportation plan and TIP, as specified in 40 C.F.R. 93.118 and 40 C.F.R. 93.119, adopted by reference in 18 AAC 50.710,

(i) there is a currently conforming transportation plan and TIP, and a new regional emissions analysis that includes the regionally significant project; and

(ii) the currently conforming transportation plan and TIP will still conform if the regionally significant project is implemented;

(6) identify, as required by 40 C.F.R. 93.123(b), adopted by reference in 18 AAC 50.710, projects located at sites within a PM-10 nonattainment area identified in 18 AAC 50.015(b)(2) 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 hot-spot analysis; and

(7) notify staff of participating agencies of any revision or amendment to a transportation plan or TIP that merely adds or deletes an exempt project listed in 40 C.F.R. 93.126, adopted by reference in 18 AAC 50.710.

(d) In addition to the consultation described in (c) of this section, a staff member of the responsible 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, adopted by reference in 18 AAC 50.710;

(2) consider an emissions analysis for transportation activities that extend beyond the boundaries of a local governing body, nonattainment area, or air basin; and

(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.

(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 responsible 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 responsible 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) The department will refer to the governor for resolution any conflict between state agencies or between state and local agencies that cannot be resolved by the heads of the involved agencies. The department will make the referral to the governor within 14 calendar days after notification or a determination that the conflict cannot be resolved. A conformity determination that is the subject of a conflict resolution under this subsection must have the governor's concurrence to be considered final. The department will provide the participating agencies with a copy of its referral to the governor. The governor may delegate the role of resolving a conflict under this subsection and deciding whether to concur in the conformity determination to a state official or agency other than the department, the Alaska Department of Transportation and Public Facilities, or a state transportation board or commission.

State effective: 9/4/98; EPA effective: 2/28/00

18 AAC 50.720. TRANSPORTATION CONFORMITY: PUBLIC INVOLVEMENT

(a) The responsible agency referred to in 18 AAC 50.705(c) shall establish a public involvement process to provide opportunity for public review and comment on the public review draft of the conformity determination before the agency issues a final conformity determination. The public involvement process must be consistent with the requirements of 23 C.F.R. 450.316(b)(1), 23 C.F.R. 450.322(c), and 23 C.F.R. 450.324(c), as amended through April 1, 1997.

(b) The responsible agency shall

(1) subject to (d) of this section, hold a public hearing or meeting to receive comments on the public review draft of the conformity determination;

(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 TIP, 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.

(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.

State effective: 9/4/98; EPA effective: 2/28/00

General Conformity

18 AAC 50.725. GENERAL CONFORMITY: INCORPORATION BY REFERENCE OF FEDERAL REGULATIONS

In addition to the other requirements of 18 AAC 50.725 - 18 AAC 50.735, a federal agency described in 40 C.F.R. 51.853(b) - (j), as amended through December 1, 1994, shall comply with the following federal regulations, as amended through December 1, 1994, which are incorporated by reference in this chapter:

- (1) 40 C.F.R. 51.850 (Prohibition);
- (2) 40 C.F.R. 51.852 (Definitions);
- (3) 40 C.F.R. 51.853(b) - (j) (Applicability);
- (4) 40 C.F.R. 51.854 (Conformity analysis);
- (5) 40 C.F.R. 51.855 (Reporting requirements);
- (6) 40 C.F.R. 51.856 (Public participation);
- (7) 40 C.F.R. 51.858 (Criteria for determining conformity of general federal actions); and
- (8) 40 C.F.R. 51.859 (Procedures for conformity determinations of general federal actions).

State effective: 12/1/94; EPA effective: 11/27/95

18 AAC 50.730. GENERAL CONFORMITY: MITIGATION OF AIR QUALITY IMPACTS

- (a) The federal agency referred to in 18 AAC 50.725 shall identify in writing
- (1) any measure intended to mitigate or offset the air quality impact of the federal action;
 - (2) the estimated emission reduction available from an identified mitigation measure; and
 - (3) the process for implementing a mitigation measure including, as applicable,
 - (A) a description of the funding source for the mitigation measure;
 - (B) an implementation schedule with due dates for implementing the mitigation measure; and
 - (C) the process for tracking emission reductions from a mitigation measure.
- (b) If a mitigation measure involves a separate person or agency, the federal agency making the conformity determination shall, before determining that the proposed federal action is in conformity, obtain a written commitment from the person or agency responsible for implementing the mitigation measure. The written commitment must identify the mitigation measure in a manner consistent with (a) of this section and describe the nature of the commitment. A person or agency committing to a mitigation measure under this subsection shall comply with the written obligations stated in the commitment.
- (c) If a mitigation measure is included as part of a license, permit, or similar authorization issued by the federal agency, the federal agency shall require the person or agency issued the license, permit, or authorization to fully implement the mitigation measure as a condition for continued approval of the license, permit, or authorization.
- (d) A federal agency may modify a mitigation measure if that agency
- (1) concludes that the proposed modification supports the conformity determination, using the procedures and criteria set out in 40 C.F.R. 51.858 and 40 C.F.R. 859, adopted by reference in 18 AAC 50.725;
 - (2) issues a public notice of the proposed modification, using the public participation procedures set out in 40 C.F.R. 51.856, adopted by reference in 18 AAC 50.725; and
 - (3) reports the modification in accordance with 40 C.F.R. 51.855, adopted by reference in 18 AAC 50.725.

State effective: 12/1/94; EPA effective: 11/27/95

18 AAC 50.735. GENERAL CONFORMITY: FREQUENCY OF CONFORMITY DETERMINATIONS

(a) The conformity status of a federal action lapses five years after the date that a final conformity determination is reported to the department unless

(1) the federal action is completed before five years has elapsed; or

(2) the federal agency has commenced a continuous program to implement the action within a reasonable time.

(b) An ongoing federal action showing continuous progress is not considered a new action and does not require a periodic redetermination required by this section if the emissions associated with the activity are within the scope of the final conformity determination reported in accordance with 40 C.F.R. 51.855, adopted by reference in 18 AAC 50.725.

(c) If, after the final conformity determination is made, the federal action is changed so that there is an increase in the total of direct or indirect emissions above the levels set in 40 C.F.R. 51.853(b), adopted by reference in 18 AAC 50.725, the federal agency shall make a new conformity determination in accordance with 40 C.F.R. 51.854, adopted by reference in 18 AAC 50.725.

State effective: 12/1/94; EPA effective: 11/27/95

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 departments *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 a request for a permit revision under 18 AAC 50.375.

(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.

Editor's note - More information on the services provided by the small business assistance program referred to in this section, including details on determining eligibility, may be obtained from the department's small business advocate, 410 Willoughby Avenue, Juneau, Alaska 99801-1795, (907) 465-5100. A copy of the state air quality control plan may be viewed at any department office or at the Office of the Lieutenant Governor.

State effective: 1/18/97; EPA effective: 1/19/99

18 AAC 50.900X. DEFINITIONS

In this chapter

(1) "actual emissions" means, for each air contaminant, the average rate, in tons per year, that a facility actually emitted during the most recent two years of normal operation; the department will, in its discretion, consider facility-specific allowable emissions to be actual emissions of an air contaminant;

(2) "air contaminant" means dust, fumes, mist, smoke, fly ash and other particulate matter, vapor, gas, odorous substance, or a combination of these things;

(3) "air-curtain incinerator" means an incinerator in which large amounts of combustible materials are burned in a rectangular container equipped with an overfire air system;

(4) "allowable emissions" means the calculated emission rate of a source or facility using the maximum rated capacity and enforceable limitations and conditions on emissions or operations;

(5) "ambient air" means that portion of the atmosphere, external to buildings, to which the public has access;

(6) “asphalt plant” means a facility which manufactures asphalt concrete by heating and drying aggregate and mixing asphalt cements; the term 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 facility;

(7) “baseline concentration” means

(A) for total suspended particulate matter and sulfur dioxide, the ambient concentration level for a contaminant which exists on the applicable baseline date, plus the contribution from allowable emissions, of a facility described in 18 AAC 50.300(a)(5) and (6), for which construction began before January 6, 1975 but which was not in operation by the baseline date, minus the contribution from actual emissions from a facility described in 18 AAC 50.300(a)(5) and (6) which was constructed or modified on or after January 6, 1975; and

(B) for nitrogen dioxide, the ambient concentration level that exists on the applicable baseline date, plus the contribution from allowable emissions of a facility described in 18 AAC 50.300(a)(5) and (6) for which construction began before February 8, 1988 but which was not in operation by the baseline date;

(8) “baseline date” means

(A) for total suspended particulate matter:

(i) in the Cook Inlet Intrastate Air Quality Control Region: March 20, 1982;

(ii) in the Northern Alaska Intrastate Air Quality Control Region: November 13, 1978;

(iii) in the South Central Alaska Intrastate Air Quality Control Region: October 26, 1979; and

(iv) in the Southeast Alaska Intrastate Air Quality Control Region: the earliest date upon which a complete permit application is submitted to the department for a facility subject to 18 AAC 50.300(a)(5) or (6), which shows an increase in actual particulate matter emissions equal to or exceeding 25 tons per year;

(B) for sulfur dioxide:

(i) in the Cook Inlet Intrastate Air Quality Control Region: October 12, 1979;

(ii) in the Northern Alaska Intrastate Air Quality Control Region:

(iii) in the South Central Alaska Intrastate Air Quality Control Region: October 26, 1979 and;

(iv) in the Southeast Alaska Intrastate Air Quality Control Region: November 10, 1986; and

(C) for nitrogen dioxide: February 8, 1988;

(9) “best available control technology” means that emission limitation which represents the maximum reduction achievable for each regulated air pollutant, taking into account energy, environmental and economic impacts, and other costs; the resulting emissions must comply with applicable federal emission standards; best available control technology may include, for example, design features, equipment specifications, work practices, operational standards, or combinations of these factors;

(10) “Btu” means British thermal unit;

(11) “coal preparation facility” means a facility which prepares coal by breaking, crushing, screening, wet or dry cleaning, or thermal drying, and which processes more than 200 tons per day of coal; the term 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 facility;

(12) “commissioner” means the commissioner of environmental conservation;

(13) “construct” means to fabricate, erect, or install a source, or to make a physical change to a facility or a change in method of operation which would result in a change in actual emissions;

(14) “department” means the Department of Environmental Conservation;

(15) repealed 10/30/83;

(16) “dispersion technique” means a technique that attempts to reduce the concentration of an air contaminant in the ambient air by

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

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

(C) increasing exhaust gas plume rise by manipulating a source process parameter, exhaust gas parameter, or stack parameter, combining exhaust gases from several existing stacks into one stack, or by other selective handling of exhaust gas streams; this does not include

(i) reheating a gas stream, following use of an emission control system, to its original discharge temperature;

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

(iii) combining the exhaust gases from several stacks into one stack, if done concurrently with the installation of an emission control system accompanied by a net reduction in the allowable emissions of the controlled air contaminant; or

(iv) any technique that increases the exhaust gas plume rise if the allowable emissions of sulfur dioxide from the facility are less than 5,000 tons per year;

(17) repealed 6/7/87;

(18) “emission” means release of air contaminants into the environment;

~~(19) “emission allowance” means, for each nonattainment pollutant, the amount of air-contaminant emissions allowed from new or modified facilities, as defined in each applicable local air-quality control plan, which will not interfere with attainment of the ambient air quality standards; (revoked 1/19/99)~~

(20) “excessive concentration” means, in determining good engineering practice stack height,

(A) a maximum ground-level concentration caused by emissions from the stack which is at least 40 percent in excess of the maximum concentration experienced in the absence of downwash, wakes, or eddy effects produced by any nearby structure or nearby terrain feature;

(B) for a source seeking to establish good engineering practice stack height under (23)(C) of this section, a maximum ground-level concentration as described in (A) of this paragraph caused by emissions from the individual stack which, in addition,

(i) contributes to a total concentration due to emissions from all sources which is greater than an ambient air quality standard in 18 AAC 50.020(a); or

(ii) for a source described in 18 AAC 50.300(a)(5) or (6), contributes to a total concentration due to emissions from all sources which is greater than an allowable increment in 18 AAC 50.020(b);

(C) for an existing source seeking to establish good engineering practice stack height under (23)(C) of this section, a maximum ground-level concentration as described in (B) of this paragraph if the allowable emission rate used in a modeling demonstration for determining the creditable stack height does not exceed

(i) that required by the most recent federal new source performance standard applicable to the source category; or

(ii) an alternative emission rate established by the department in consultation with the source owner or operator, after the owner or operator demonstrates to the satisfaction of the department, or the authority administering the state implementation plan, that the most recent federal new source performance standard applicable to the source category is infeasible; or

(D) for a source seeking credit for an increase in existing stack height up to the height determined under (23)(B) of this section,

(i) a maximum ground-level concentration as described in (B) of this paragraph, if the allowable emission rate used in a modeling demonstration is the emission rate specified by the State Air Quality Control Plan, or other applicable state implementation plan, or, in the absence of such a limit, the actual emission rate; or

(ii) the actual presence of a local nuisance caused by emissions from the existing stack as determined by the department or other authority administering the state implementation plan;

(21) “facility” means pollutant -emitting sources or activities which are located on one or more contiguous or adjacent properties and which are owned or operated by the same person or by persons under common control;

(22) “fuel burning equipment” means a combustion device capable of emission, including flares but excluding mobile internal combustion engines, incinerators, marine vessels, backyard barbecues, and wood-fired heating devices;

(23) “good engineering practice” means, for stack height, the greater of

(A) 65 meters, measured from the ground level elevation at the base of the stack, or, for a source located offshore, measured from mean lower, low water;

(B) the height, measured from the ground-level elevation at the base of the stack, or, for a source located offshore, measured from mean lower, low water, of any nearby structure plus one and one-half times the lesser dimension (height or projected width) of the nearby structure; unless a field study or fluid model required by the department or other authority administering the state implementation plan verifies that the emissions from the stack at this height would not result in an excessive concentration of a regulated air contaminant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, any nearby structure, or any nearby terrain feature; or

(C) the height demonstrated by a fluid model or a field study approved by the department or other authority administering the state implementation plan which ensures that the emissions from a stack do not result in an excessive concentration of a regulated air contaminant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, any nearby structure, or any nearby terrain feature;

(24) “impairment of visibility” means a humanly perceptible change in visibility such as visual range, contrast, or coloration, from that which would exist under natural conditions;

(25) “incinerator” means a device used for the thermal reduction of garbage or other wastes, other than an indoor stove or fireplace, but including air-curtain incinerators;

(26) “lowest achievable emission rate” means that rate of emission which reflects the most

stringent emission limitation imposed in any state, or any emission control which has been achieved in practice by comparable sources;

~~(27) “maximum combustion efficiency” means, for open burning, that the following are attempted: material should be kept as dry as possible through cover or dry storage; noncombustibles are separated before burn; natural or artificially induced draft is included; combustibles are separated from grass or peat layer; and combustibles are not allowed to smolder; (revoked 1/19/99)~~

(28) “modify” means to make a change or a series of changes in operation, or any physical changes or additions to a source which increase the actual emissions of an air pollutant;

(29) “nearby,” as used in the definition of “good engineering practice” in this section, means,

(A) for any structure in applying the formula in (23)(B) of this section, that distance up to five times the lesser of the height or the width dimension of a structure but not greater than 0.8 kilometers; the height of the structure is measured from the ground-level elevation at the base of the stack, or for sources located offshore, measured from mean lower, low water;

(B) for any structure or terrain feature in determining good engineering practice stack height with a fluid model or field study as prescribed in (23)(C) of this section, not greater than 0.8 kilometers, except that portion of a terrain feature may be considered to be nearby if it falls within a distance of up to 10 times the maximum height of the terrain feature, but not greater than 3.2 kilometers, provided that within 0.8 kilometers from the stack, the terrain feature achieves a height that is at least 40 percent of the good engineering practice stack height determined by the formula in (23)(B) of this section or 26 meters, whichever is greater, as measured from the ground-level elevation at the base of the stack or, for a source located offshore, measured from mean lower, low water; the height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack, or, for a source located offshore, measured from mean lower, low water;

~~(30) “opacity” means the characteristic of a substance which renders it partially or wholly impervious to transmittance of light; (revoked 1/19/99)~~

(31) “open burning” means the burning of material which results in the products of combustion being emitted directly into the ambient air without passing through a stack or flare;

(32) “particulate matter” means a material except water which is, or has been, airborne and exists as a liquid or a solid at standard conditions;

(33) “petroleum refinery” means a facility engaged in the distillation of petroleum or redistillation, cracking, or reforming of unfinished petroleum derivatives;

(34) “ppm” means parts per million;

(35) “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, it will be required;

- (36) “putrescible garbage” means a material capable of being decomposed with sufficient rapidity to cause nuisance or obnoxious odors;
- (37) “reconstruct” means to make equipment or process changes for which the capital cost exceeds 50 percent of the fixed capital cost of a comparable new source or facility;
- (38) “reduction of visibility” means the obscuring of an observer’s vision;
- (39) “regulated air contaminant” means an air pollutant regulated under 42 U.S.C. 7401 – 7642 (Clean Air Act), as amended through August 7, 1980;
- (40) “smolder” means to burn and smoke without flame;
- (41) “source” means a structure, building, installation, or other part of a facility which emits or may emit a regulated air pollutant;
- (42) “stack” means a chimney or conduit installed after air-pollution control equipment through which air or air contaminants are emitted into the environment;
- (43) “standard conditions” means a dry gas at a temperature of 70 degrees Fahrenheit and a reference pressure of 14.7 pounds per square inch;
- (44) “tpy” means tons per year;
- ~~(45) “ug/m³” means micrograms per cubic meter of ambient air; (revoked 1/19/99)~~
- ~~(46) “regional supervisor” means the supervisor of the department’s regional office located at Juneau, Anchorage, or Fairbanks; (revoked 1/19/99)~~
- (47) “wood-fired heating device” means a device designed for wood combustion so that usable heat is derived for the interior of a building, and includes wood-fired stoves, fireplaces, wood-fired cooking stoves, and combination fuel furnaces or boilers which burn wood;
- ~~(48) “wood smoke control area” means a geographic location within the state where a wood-burning activity has resulted in a minimum of two individual 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; (revoked 1/19/99)~~
- (49) “fugitive emissions” means those emissions of a regulated air contaminant which cannot reasonably pass through a stack, chimney, vent, or other functionally equivalent opening;
- (50) “approved” means approved by the department;
- (51) “nonattainment air contaminant” means an air contaminant for which the ambient air quality standard is violated in an area described in 18 AAC 50.021(a);
- (52) “particulate matter emissions” means all particulate matter emitted into the outdoor

atmosphere as measured by a method specified in 18 AAC 50.500;

(53) “PM-10” means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a method specified in 18 AAC 50.510;

(54) “PM-10 emissions” means all particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers, emitted into the outdoor atmosphere as measured by a method specified in 18 AAC 50.500;

(55) “total suspended particulate matter” means particulate matter as measured by a method specified in 18 AAC 50.510.

State Effective: 5/4/80; EPA Effective: 4/17/1995

18 AAC 50.990. DEFINITIONS

In this chapter

~~(1) **Actual Emissions** has the meaning given in 18 AAC 50.910;~~

(2) **Air Contaminant** has the meaning given in AS 46.14.990;

(3) **Air Curtain Incinerator** means a device in which large amounts of combustible materials are burned in a rectangular containment equipped with an over fire air system;

(4) **Air Pollution** has the meaning given in AS 46.03.900;

(5) **Air Pollution Control Equipment** means equipment or a portion of equipment designed to reduce the emissions of an air contaminant to the ambient air;

(6) **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;

~~(7) **Allowable Emissions** means the calculated emission rate of a source or facility using the maximum rated capacity and federally-enforceable limitations and conditions on emissions or operations;~~

(8) **Ambient Air** has the meaning given in AS 46.14.990;

(9) **Ambient Air Quality Standards** means the standards set by 18 AAC 50.010;

(10) **Approved** means approved by the department;

(11) **Asphalt Plant** means a facility that manufactures asphalt concrete by heating and drying aggregate and mixing asphalt cements; the term 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 facility;

~~(12) **Assessable Emission** has the meaning given in AS 46.14.250(h)(1);~~

~~(13) **Best Available Control Technology** means the emission limitation that represents the maximum reduction achievable for each regulated air contaminant, taking into account energy, environmental and economic impacts, and other costs; the resulting emissions must comply with applicable state and federal emission standards; best available control technology includes, for example, design features, equipment specifications, and work practices;~~

(14) **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;

(15) **Btu** means British thermal unit;

(16) **Clean Air Act** means 42 U.S.C. 7401 - 7671q, as amended through November 15, 1990;

(17) **"Coal Preparation Facility** means a facility 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; the term 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 facility;

~~(18) **combustion source** means, for the purpose of determining insignificant sources under 18 AAC 50.335(t), fuel burning equipment other than internal combustion engines;~~

(19) **Commissioner** has the meaning given in AS 46.03.900;

(20) **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;

~~(21) **Construct or Construction** has the meaning given in AS 46.14.990;~~

~~(22) **Construction Permit** has the meaning given in AS 46.14.990;~~

(23) **Contaminant** means air contaminant;

(24) **Contaminant Outlet** has the meaning given in AS 46.14.990;

(25) **Delivery Tank** means the tank portion of a tank truck, tank trailer, or rail tank car, but does not include a tank of less than 2,500 gallons used to test or certify metering devices;

(26) **Department** has the meaning given in AS 46.03.900;

~~(27) **Designated** means a designation made by 18 AAC 50.015;~~

~~(28) **Electric Utility Steam Generating Unit** means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale; any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of a facility;~~

(29) **Emission** has the meaning given in AS 46.14.990;

~~(30) **Emission Cap** means a restriction on the potential to emit that is independent of any other applicable requirement and that is established under a construction permit issued under this chapter;~~

(31) **Emission Limitation** has the meaning given in AS 46.14.990;

(32) **Emission Standard** 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 contaminant in excess of any applicable emission standard or limitation;

(35) **Expected**, as that term is used in 18 AAC 50.010, has the meaning given in 40 C.F.R. Part 50, Appendices K and H, adopted by reference in 18 AAC 50.035;

~~(36) **Facility** has the meaning given in AS 46.14.990;~~

(37) **Federal Administrator** has the meaning given in AS 46.14.990 and includes the federal administrator's designee;

~~(38) **Federally-enforceable Requirement** means any requirement established under the Clean Air Act and enforceable by the administrator of the United States Environmental Protection Agency (EPA);~~

(39) **Fire Service** means a fire department registered with the state fire marshall under 13 AAC 52.030, an organized fire brigade established under 8 AAC 61.010, Subchapter 01.1302(a)(1), and a wild land fire suppression organization within the Alaska Department of Natural Resources, Division of Forestry, the United States Forest Service, or the United States Bureau of Land Management/Alaska Fire Service;

(40) **Fuel-burning Equipment** means a combustion device capable of emission, including flares, but excluding mobile internal combustion engines, incinerators, marine vessels, wood-fired

heating devices, and backyard barbecues;

~~(41) Fugitive Emissions~~ has the meaning given in AS 46.14.990;

(42) **Gasoline Distribution Facility** means a facility that stores fuel including gasoline and that transfers gasoline from storage tanks to delivery tanks;

(43) **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 amended through December 19, 1996, adopted by reference; or

(B) for all other stack heights, means the actual physical height of the stack;

~~(44) Hazardous Air Contaminant and Hazardous Air Pollutant~~ each has the meaning given to "hazardous air contaminant" in AS 46.14.990;

(45) **Hazardous Waste** means a waste within the scope of 18 AAC 62.010 - 18 AAC 62.020;

~~(46) Impairment of Visibility~~ means a humanly perceptible change in visibility such as visual range, contrast, or coloration, from that which would exist under natural conditions;

(47) **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;

(48) **Industrial Process** means the extraction of raw material or the physical or chemical transformation of raw material in either composition or character;

~~(49) Lowest Achievable Emission Rate~~ means the rate of emission achieved under the most stringent emission limitation imposed in any state or any emission control that has been achieved in practice by a comparable source;

(50) **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, Section 107(d)(3));

(51) **Marine Vessel** means a seagoing craft, ship, or barge;

~~(52) Maximum Allowable Ambient Concentration~~ means an ambient concentration allowed under 18 AAC 50.020;

(53) **Maximum True Vapor Pressure** means the equilibrium partial pressure exerted by a stored liquid at the local maximum monthly average temperature identified in the state air quality control

plan.

(54) Modification or Modify has the meaning given in AS 46.14.990;

~~**(55) Nonattainment Air Contaminant** means the air contaminant for which a particular area has been designated by the department as nonattainment in 18 AAC 50.015; this term does not apply outside the boundaries of the areas designated by the department as nonattainment in 18 AAC 50.015;~~

~~**(56) Nonroad Engine** has the meaning given in 40 C.F.R. 89.2, as amended through December 19, 1996, adopted by reference;~~

~~**(57) Nonroad Vehicle** means a vehicle that is powered by a nonroad engine and that is not a motor vehicle or a vehicle used solely for competition;~~

(58) Nonroutine Repair means an immediate repair to correct an unavoidable emergency or malfunction;

(59) Open Burning means the burning of a material that results in the products of combustion being emitted directly into the ambient air without passing through a contaminant outlet;

(60) Operator has the meaning given in AS 46.14.990;

(61) 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;

(62) Owner has the meaning given in AS 46.14.990;

(63) Particulate Matter means a material, except water, that is or has been airborne and exists as a liquid or solid at standard conditions;

~~**(64) Permit** includes all of the elements described in the definitions of "construction permit" and "operating permit" in AS 46.14.990;~~

(65) Person has the meaning given in AS 46.14.990;

(66) Petroleum Refinery means a facility engaged in the distillation of petroleum or re-distillation, cracking, or reforming of unfinished petroleum derivatives;

(67) PM-10 means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers;

~~**(68) Potential to Emit** has the meaning given in AS 46.14.990;~~

(69) **Ppm** means parts per million;

(70) **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, it will be required;

(71) **Putrescible Garbage** means material capable of being decomposed with sufficient rapidity to cause nuisance or obnoxious odors;

(72) **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;

~~(73) **Reconstruct** has the meaning given in AS 46.14.990;~~

(74) **Reduction in Visibility** means the obscuring of an observer's vision;

(75) **Regionally Significant Project** means a transportation project, other than an exempt project, that

(A) is on a facility serving regional transportation needs, including access to and from the area outside of the region, major activity centers in the region, and major planned developments, such as new retail malls, sports complexes, or transportation terminals, as well as most terminals, and

(B) would normally be included in the modeling of a metropolitan area's transportation network, including at a minimum,

(i) principal arterials: and

(ii) fixed guideway transit facilities that offer an alternative to regional highway travel

~~(76) **Regulated Air Contaminant** has the meaning given in AS 46.14.990;~~

~~(77) **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;~~

(78) Scheduled Maintenance means activities planned in advance designed to keep equipment in good working order;

(79) Shutdown means performing all activities necessary to cease operation of a source;

(80) Small Business Facility has the meaning given in AS 46.14.990;

(81) Smolder means to burn and smoke without flame;

~~**(82) Source** has the meaning given in AS 46.14.990;~~

(83) Stack means a chimney or conduit through which air or air contaminants are emitted into the environment;

(84) Standard Conditions means dry gas at 70° F and an absolute pressure of 760 millimeters of mercury;

(85) 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;

(86) State Air Quality Control Plan means the plan adopted by reference in 18 AAC 50.030;

~~**(87) Technology-based Emission Standard** means~~

~~————— (A) a best available control technology standard;~~

- ~~———— (B) a lowest achievable emission rate 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;~~

(88) Title I modification means

- ~~———— (A) a modification described in 18 AAC 50.300(h)(3)-(10); or~~
- ~~———— (B) a modification under those provisions of 40 C.F.R. 60, 40 C.F.R. 61, or 40 C.F.R. 63, adopted by reference in 18 AAC 50.040;~~

(89) TPY has the meaning given in AS 46.14.990;

(90) 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;

(91) Uncontaminated Fuel means a hydrocarbon fuel, excluding propane, that does not contain used oil, crude oil, or a hazardous waste;

(92) Upset means the sudden failure of equipment or a process to operate in a normal and usual manner.

(93) 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;

(94) 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;

(95) 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;

(96) Volatile Liquid Loading Rack means all equipment, loading arms, piping, meters, and fittings used to fill delivery tanks with volatile liquid;

(97) Volatile Liquid Storage Tank means any stationary storage vessel that contains a volatile liquid;

~~**(98) VOC or volatile organic compound** has the meaning given in 40 C.F.R. 51.100, as amended through December 19, 1996, adopted by reference;~~

(99) Well Servicing Equipment means portable equipment for servicing oil and gas wells that only stays on site for relatively short and varying periods of time and includes coiled tubing units, cement pumps, mud pumps, wireline equipment, well logging equipment, well perforating equipment, and well fishing equipment, but excludes drill rigs and associated engines, boilers, heaters, camps and camp equipment, pits, and tanks;

(100) Wood-fired Heating Device means a device designed for wood combustion so that usable heat is derived for the interior of a building and includes wood-fired stoves, fireplaces, wood-fired cooking stoves, and combination fuel furnaces or boilers that burn wood, but 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.

State effective: 1/18/97; EPA effective: 1/19/99

(106) Grate Cleaning means removing ash from fireboxes.

State effective: 1/1/00; EPA effective: 8/20/01

(107) Soot-Blowing means using steam or compressed air to remove carbon from a furnace or from a boiler's heat transfer surfaces.

State effective: 1/1/00; EPA effective: 8/20/01

