

Alaska Oil and Gas Association



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Marilyn Crockett, Executive Director

August 3, 2010

Rebecca Smith, Environmental Program Specialist
Air Permit Program
Alaska Department of Environmental Conservation
P.O. Box 111800
Juneau, AK 99811-1800

Re: ADEC Proposed Amendments to 18 AAC 50

Dear Ms. Smith:

The Alaska Oil and Gas Association is a private, nonprofit trade association whose member companies account for the majority of oil and gas exploration, development, production, transportation, refining and marketing activities in Alaska.

Thank you for the opportunity to comment on the Department's proposed revisions to 18 AAC 50. Our detailed comments are attached.

As we worked to develop these comments we discovered several additional sections of the regulations which either should be corrected or would benefit from updating. We are assembling our recommendations on those sections and will be sending them to the Department in the next few weeks for your consideration during future rulemakings.

If you have any questions on these comments, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads 'Marilyn Crockett' in a cursive script.

MARILYN CROCKETT
Executive Director

Attachment

Attachment I

Alaska Oil and Gas Association Comments on Public Comment Draft Proposed Changes to Alaska Air Quality Control Regulations and Standard Permit Conditions under 18 AAC 50 Dated June 25, 2010

The following comments are submitted by the Alaska Oil and Gas Association in response to the proposed changes to Alaska Air Quality Control Regulations and associated Standard Permit Conditions under 18 AAC 50 issued for public comment June 25, 2010 by the Alaska Department of Environmental Conservation (ADEC or Department). Comments are provided for the proposed changes to 18 AAC 50 as well as the Standard Permit Conditions under 18 AAC 50.345 and 50.346.

Comments pertaining to text that we propose be inserted is shown with underline formatting while text we propose to be deleted is shown with ~~strikeout formatting~~. Occasionally, **bold font** and/or **yellow highlighting** are also used in these comments to help spotlight edits that might otherwise be difficult to identify.

Comments on 18 AAC 50

- 1) 18 AAC 50.040(c) – Consider changing the date of 40 C.F.R. Part 63 that is adopted by reference from **75 Fed Reg. 9648 (March 3, 2010)** to **75 Fed. Reg. 37732 (June 30, 2010)**. This is the date that recent corrections to 40 CFR 63 Subpart ~~ZZZZ~~ were published in the Federal Register.
- 2) **18 AAC 50.240(c) Excess Emissions** – revise the second sentence of this rule to include a “discovery provision” as follows:
 - “(c) ...other excess emissions must be reported within 30 days after the end of the month during which the emissions occurred or were discovered ~~or as part of the next routine emission monitoring report~~, whichever is sooner.”

Basis: 1) A “discovery provision” is included 18 AAC 50.235(a)(2) for unavoidable emissions in excess of a technology-based emission standard. Regarding excess emissions that present a potential threat to human health or safety, 18 AAC 50.240(c) includes neither a discovery or occurrence provision. The rule simply states a requirement to report these types of excess emissions “as soon as possible”. However, Standard Permit Condition (SPC) III.1.1a includes both a discovery and occurrence provision for these types of excess emissions – requiring reporting “as soon as possible *after the event commenced or is discovered*” (emphasis added). We believe the clarifying language of SPC III is appropriate and necessary, because “as soon as possible” must, by necessity, account for discovery of an event. Reporting cannot possibly be expected to be sooner than sometime after excess emissions that present a potential threat to human health or safety are discovered.

We assert that reporting any type of excess emissions (i.e., in addition to those that present a potential threat to human health and safety or are unavoidable) that have not been discovered is also impossible. The Department has stated in the past that Part 70 requires “prompt” reporting of permit deviations. We do not refute this, but it is not possible to be prompt (defined as “to act quickly as occasion demands”) if the need to act quickly has not been ascertained due to an undiscovered permit deviation. It is not reasonable or practical to assume, and it should not be expected, that a permit deviation, including excess emissions, will always be discovered within days of its occurrence.

Therefore, we suggest that it was a simple oversight to not include a discovery provision in the second sentence of 18 AAC 50.240(c) when it was originally written and we request that it be added as part of this rulemaking in association with the Department’s proposed revisions to SPC III. See also basis #1) to our comment 12).

2) The term “emission monitoring report” is not used anywhere else in the rules. Based on the language in 18 AAC 50.345(j), which requires certification of excess emissions reports “either upon submittal or with an operating report”, we believe that the intention of the rule is for submittal to be done with an “operating report”. However, although reporting an excess emission as part of the next routine emissions monitoring report (assumed to mean next routine “operating report”) might seem reasonable at first glance, including this requirement could be unreasonable based strictly on when an excess emission occurs and is discovered. If it is discovered near the deadline for submittal of an operating report, the time allowed by this provision could be very short. Further, it seems that the deadline of “30 days after the end of the month during which the emissions occurred” was included in the rule with the intent of providing a minimum of 30 days to report “other excess emissions”. The secondary deadline in the rule negates this intent and should be removed.

3) **New 18 AAC 50.302(c)** – Revise this new subsection as follows:

“(c) Terms and conditions ~~initially~~ established in a PSD permit described under 18 AAC 50.302(a)(1) and identified in the PSD permit as solely necessary to meet a Title V requirement associated with an integrated review conducted under 18 AAC 50.306(c)(3) are considered Title V terms and conditions upon incorporation into a Title V permit. Subsequent revisions to such terms and conditions may be made solely through the applicable Title V operating permit amendment or modification provisions of 18 AAC 50.326. ~~incorporation of those terms and conditions into a Title V permit. Subsequent changes to such terms and conditions will therefore only need to be made within the Title V permit, not the PSD permit. The mechanism for requesting such changes shall be through the applicable Title V operating permit modification or amendment provisions of 18 AAC 50.326 rather than the~~ Minor Permit Title I revision provisions of 18 AAC 50.508(6)508(a)(4).”

Basis: We found the proposed language to be unclear and repetitive to some extent. We have proposed a condensed version of the language that we believe meets the intent of the rule.

However, if the Department disagrees with our proposed revisions, or elects to make additional or other changes to the language we wish to point out the corrections highlighted on the last line of the originally proposed language shown above. The context of this paragraph pertains to revisions that are not required for PSD permits, but can instead be made to Title V permits. However, the concluding sentence appears to inadvertently cite the “Minor Permit provisions of 18 AAC 50.508(6)” instead of the Title I (PSD in this case) permit revision provisions, which are the subject of this new subsection, and which are now found in 18 AAC 50.508(a)(4) under the proposed new rules.

See also our related comments 4) and 8).

- 4) In reviewing the proposed new subsection under 18 AAC 50.302(c), we considered suggesting that the Department revise the language of 50.302(c) to include all types of construction permits under 18 AAC 50.302(a)(1) – (3) (i.e., in addition to PSD permits under 18 AAC 50.306, also refer to other types of construction permits under 50.311 (new source review/ nonattainment area) and 50.316 (major source of hazardous air pollutants), as cited under 50.302(a)(1) – (3)). However, in considering the possibility for this change, we determined that 50.311 and 50.316 are not currently written to allow integrated review of a 50.311 or 50.316 construction permit with a 50.326 (Title V) permit. That is, a provision similar to that found in 50.306(c)(3) for PSD permits is not found under 50.311 or 50.316.

We suggest and request that the Department consider adding a construction permit / Title V permit integrated review provision to 50.311 and 50.316 in a future rulemaking action. In addition, we suggest that if these integrated review provisions are added, that the Department also amend the new language in 18 AAC 50.302(c) to reference all construction permits listed in 50.302(a)(1) – (3) and not just the PSD construction permits under 50.302(a)(1).

- 5) **18 AAC 50.306(b)(3)** – The proposed rule states that the owner or operator must comply with 40 C.F.R. 52.21(b)(50)(vi) with revisions as noted. However, 18 AAC 50.040(h)(4)(C)(i) states that §52.21(b)(50) is not adopted. It appears that 18 AAC 50.040(h)(4)(C)(i) should be revised to adopt §52.21(b)(50) as revised in 75 FR 31514 per proposed 18 AAC 50.040(h).
- 6) **18 AAC 50.326(e)** – 18 AAC 50.326(e)(15) states that the insignificant emission unit threshold for a regulated air pollutant not listed in (e)(1) through (14) is 0.5 tpy. CO_{2e} becomes a regulated air pollutant on January 2, 2011 under the “PSD Tailoring Rule”. An insignificant emission threshold of 0.5 tpy would be extremely low for CO_{2e}. Unless the Department makes changes to the regulations to include a new threshold for CO_{2e}, Permittees could be preparing a large number of off permit change notifications.

- 7) We suggest that citations in the regulations that point to the definitions found in 18 AAC 50.990 not list the specific definition citation. For example, under **18 AAC 50.502(b)(6)**, instead of citing the definition for “a Port of Anchorage stationary source” found in 18 AAC 50.990(78), we suggest that the citation simply state “as defined in 18 AAC 50.990”. In so doing, it would allow the Department to add new definitions to 18 AAC 50.990 in alphabetical order instead of adding new definitions to the end of the subsection. See also our comment 11).
- 8) **18 AAC 50.508(b)** - Revise this new subsection as follows:
- “(b) Terms and conditions ~~initially~~ established in a ~~Title I~~ minor permit described under 18 AAC 50.502(b) – (f) or 18 AAC 50.508(a) and identified in the ~~Title I~~ minor permit as solely necessary to meet a Title V operating permit requirement to qualify as an operating permit administrative amendment under 18 AAC 50.542(e) and 40 ~~CFR~~ C.F.R. 71.7(d) incorporated by reference under 18 AAC 50.040(j)(5) are considered Title V terms and conditions upon incorporation into a Title V permit. Subsequent revisions to such terms and conditions may be made solely through the applicable Title V operating permit amendment or modification provisions of 18 AAC 50.326. ~~incorporation of those terms and conditions into a Title V permit. Subsequent changes to such terms and conditions will therefore only need to be made within the Title V permit, not the original Title I permit. The mechanism for requesting such changes shall be through the applicable Title V operating permit modification or amendment provisions of 40 C.F.R. 71.7 as incorporated by reference under 18 AAC 50.040(j)(5) rather than the Title I revision provisions of 18 AAC 50.508(c)508(a)(4).~~”

Basis: 1) See the basis to our comment 2).

2) Also, we believe it is more appropriate for this rule to refer to “minor permits” under 50.502 and 50.508 instead of “Title I permits” because the context of this new subsection to 18 AAC 50.508 is minor permits. Minor permits are a subset of the various types of “Title I permits”, as defined in 18 AAC 50.990. See also our comment 4) as it relates to other types of Title I permits that should potentially be addressed through a future rulemaking under the similar new provision found in 18 AAC 50.302(c).

- 9) **18 AAC 50.542(a)(1)(C)** – the citation here should be changed to “18 AAC 50.990(60)” or to “18 AAC 50.990”, per our comment 7).
- 10) **18 AAC 50.544(a)(4)** – the period at the end of the sentence here should be changed to a semi-colon. This change will be identical to the change proposed by the Department for 18 AAC 50.544(a)(5).
- 11) **18 AAC 50.990** – We suggest that the definitions found in this section be reorganized to maintain an alphabetical listing in the subsection. As currently drafted, the definitions are in alphabetic order through 50.990(123). It would be less confusing to the general reader if the definitions now found in (124) through (130) were inserted into the list of definitions in alphabetical order. However, in order to make this feasible, the air regulations would have to be revised so that any citation to the definitions in 18 AAC 50.990 would not include the specific list number in the citation. See, for example, our proposed edit presented in comment 7).

Comments on the Standard Permit Conditions

Standard Permit Condition III – Excess Emissions and Permit Deviation Reports

- 12) Revise **Standard Permit Condition (SPC) III.1.1** and create a **new SPC III.1.2** to read as follows:

“1.1 **Excess Emissions.** Except as provided...

<...>

- c. report all other excess emissions ~~and permit deviations~~
 - (i) within 30 days ~~of~~after the end of the month ~~in~~during which the emissions occurred **or were discovered**, ~~or; except as provided in condition III.1.1e(iv); or~~
 - (ii) ~~for a permit deviation not classified as also resulting in also defined as excess emissions under III.1.1(a) 18 AAC 50.990, then report the earlier of:~~
 - (A) ~~within 30 days of~~after the end of the month ~~in~~during which the deviation is discovered; ~~or~~
 - (B) ~~no later than the date required by for submittal of the next Annual Compliance Certification, Condition <insert cross link to ACC reporting date condition>;~~ after the event occurred; **or**
 - (~~iii~~) **Or**, if a continuous or recurring excess emissions is not corrected within 48 hours of discovery, within 72 hours of discovery unless the department provides written permission to report under condition III.1.1c(i); **and**
 - (iv) ~~for failure to monitor, as required in other applicable conditions of this permit.~~

1.2 **Permit Deviations.** For a permit deviation not ~~classified as also resulting in~~ also defined as excess emissions under ~~III.1.1(a)~~18 AAC 50.990, then report the earlier of:

- a. according to the required deadline for failure to monitor, as specified in conditions *<insert cross link to standard permit condition IX.5.2b and/or IX.11.1b, as applicable>*; or
- b. no later than 30 days after the end of the month during which the deviation is discovered, or the date for submittal of the next Annual Compliance Certification, Condition *<insert cross link to ACC reporting date condition>*, covering the period when the event occurred, whichever is sooner.”

Basis: 1) We request that the language in SPC III.1.1c(i) match the language found in the rules under 18 AAC 50.240 (including the requested revision to 50.240 to include a discovery provision per our comment 2). Please note that the Department has also included a discovery provision in SPC III.1.1c(iii) for continuous or recurring excess emissions. We believe this further justifies our assumption that exclusion of a discovery provision from 18 AAC 50.240 was an oversight when the rule was written per our comment 2).

2) We agree with the concept that the Department has proposed for revisions to SPC III.1.1c. We propose to take the same general concept and break the condition into two conditions, the first addressing the reporting requirements for “other” excess emissions, and the second to address the reporting requirements for permit deviations that are not excess emissions. In our proposed edits above, we have shown how we propose to reorganize the Department’s proposed language and we have also shown where we propose to edit the language after splitting it into two conditions using double underlines.

3) We believe it is appropriate for the new SPC III.1.2 (originally SPC III.1.1c(ii)) to clarify that permit deviations that are not also considered to be any type of “excess emissions” are allowed to be reported under this provision (e.g., late, missing, or incomplete reports, etc.). We suggest citing the definition in 18 AAC 50.990(34) as part of the permit condition.

4) Spelling out which conditions of the permit are subject to the requirement of our proposed SPC III.1.2a (originally SPC III.1.1c(iv)) provides greater clarity for the Permittee and a permit that is more enforceable. We believe that the conditions that the Department is referring to that have non-standard reporting deadlines are those found in Standard Operating Permit Condition IX for Visible Emissions and Particulate Matter Monitoring as identified in our comment above.

5) The provision in our proposed condition III.1.2b (originally III.1.1c(ii)(B)) that requires that a permit deviation is to be potentially reported as part of the annual compliance certification report should be revised to state that this applies to deviations that are discovered during the compliance review and that occurred during the period covered by the compliance certification. The deadline

associated with an annual compliance review should only pertain to a deviation that is discovered during the review. For example, if a deviation is discovered in March of a certain year that follows the period covered by an annual compliance certification, it should be subject to the regular “30-day” deadline, not the certification report deadline since it would not have occurred during the period covered by the certification report.

6) The remainder of our proposed edits are to provide additional clarity to the condition.

13) Revise the notes to **SPC III.1** as follows:

- “1. The permit will include condition ~~III.1.1e(iii)~~**III.1.2a** only if the permit also contains another condition which has an emission unit specific schedule for reporting the failure to monitor emissions.
2. Construction permits will not include ~~condition III.1.2~~the phrase “and permit deviations” in ~~condition III.1.1e~~, but where necessary will use stationary source specific conditions for reporting failure to test or monitor.”

Basis: 1) Our proposed change to Note 1 is simply to point out the need to update the permit condition number in the note.

2) Note 2 should be revised to clarify for the permit writers that since construction permits do not include the phrase “and permit deviations”, the standard conditions that specifically address the permit deviation reporting requirements (i.e., proposed SPC III.1.1c(ii) and (iv) or SPC III.1.2 as proposed above) are also not applicable to construction permits. (Note: we believe that missing a deadline for reporting like the one found in original SPC III.1.1c(iv) or SPC III.1.2a proposed above is a permit deviation, not an excess emission.)

Statement of Basis for SPC III.1

14) Delete the proposed new version of the **Factual Basis for SPC III.1** and reinsert the version revised as of August 20, 2008, with a few edits as follows:

“**Factual Basis:** <...>

In accordance with 40 CFR 71.6(a)(3)(iii)(C), a deviation means any situation in which an emission unit fails to meet a permit term or condition. **Aa** deviation is not always a violation. For a situation lasting more than 24 hours, which constitutes a deviation, each 24-hour period is considered a separate deviation. “Deviation” as defined in 40 CFR 71 means both “excess emission” and “permit deviation” as used in this permit, which includes:

1. a situation where emissions exceed an emission limitation or standard;
2. a situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met;

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

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

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

~~<Insert section cross reference>, Notification Form~~

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

Basis: We believe the information regarding the definitions of permit deviations and excess emissions included in the existing SPC III Statement of Basis is useful and pertinent to the context of the factual basis for a Statement of Basis. The list provides some direction as to what defines a permit deviation versus excess emissions and other important reminders and statements are also included in the 2008 version of the text (e.g., a continuous deviation lasting more than 24-hours is a separate deviation for each 24 hours that it continues). In addition, 18 AAC 50 does not include a definition of a permit “deviation” other than that stated in 40 CFR 71.6(a)(3)(iii)(C), so it is useful to include that information here as well as the citation to the definition of “excess emissions” found in 18 AAC 50.990.

Regarding our proposed deletion of the paragraph that addresses the Notification Form, please see basis #1) to our comment 15), below.

We understand that the Department has deleted the language found in the August 20, 2008 version of the Statement of Basis for Standard Permit Condition III on the basis that 40 CFR 71.6(a)(3)(iii)(C) has not been adopted by state regulation. Based on our reading of 18 AAC 50,

- 40 CFR 71.6(a) is adopted by reference under 18 AAC 50.040(j)(4) “except as provided in 18 AAC 50.326”.
- 18 AAC 50.326(j)(3) states that “prompt reporting of permit deviations is subject to the department’s Standard Permit Condition III, adopted by reference in 18 AAC 50.346, instead of 40 C.F.R. 71.6(a)(3)(iii)(B)(1) – (B)(4); the provisions of 40 C.F.R. 71.6(a)(5) – (7) are replaced by the standard permit conditions of 18 AAC 50.345.” Here, 40 CFR 71.6(a)(3)(iii)(B)(1) – (B)(4) are to be replaced by other provisions of the rules, but we have not identified language here or anywhere else in 18 AAC 50.326 that excludes or replaces 40 CFR 71.6(a)(3)(iii)(C). However, 40 CFR 71.6(a)(3)(iii)(C) begins with the phrase “For purposes of paragraph (a)(3)(iii)(B)...” We assert that this phrase by itself does not exclude 40 CFR 71.6(a)(3)(iii)(C) on the basis that 50.326(j)(3) includes instructions to replace §71.6(a)(3)(iii)(B) with a standard permit condition. Instead, it means that the introductory phrase “For purposes of paragraph (a)(3)(iii)(B)...” in §71.6(a)(3)(iii)(C) would indirectly be read to mean “For purposes of the standard permit conditions of 18 AAC 50.345...”.

Finally, we do not believe that the language in the 2008 version of the Statement of Basis is in conflict with the requirement in AS 46.14.120(c) to “comply with the terms and conditions of a permit”. The Department has expressed concern that this requirement is in conflict with the statement in 40 CFR 71.6(a)(3)(iii)(C) that “a deviation is not always a violation”. We point out that the full context of the statement in 40 CFR 71.6(a)(3)(iii)(C) is as follows – “...deviation means *any situation* in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation.” (emphasis added) Therefore, we have proposed to edit the Statement of Basis language to include the full context from 40 CFR 71.6(a)(3)(iii)(C). In this context, the definition seems to be stating that a violation is always a permit deviation, but a deviation can also occur in situations that are not permit violations, and is not in conflict with AS 46.14.120(c).

- 15) If the Department does not agree that the requested revisions in comment 14) can be done, then please make the following edits to the **Factual Basis for SPC III.1**. If the Department agrees to make the revisions requested in comment 14), but intends to include additional text such as that proposed in the June 25, 2010 rules amendment package, then please revise the **Factual Basis for SPC III.1** in conjunction with our previous comment, as follows:

~~“...The Department adopted this condition as Standard Permit Condition III under 18 AAC 50.346(c) pursuant to AS 46.14.010(e). The Department made a correction to the Standard Operating Permit Condition III to allow identical reporting methodology for both Excess Emissions and Permit Deviations reports which use identical forms and should have identical submissions methods. The Department also made an allowance to submit permit deviations not classified as excess emissions within 30 days of the end of the month that the deviation is discovered since the deviation cannot be reported absent discovery, or no later than the next ACC report since~~

reasonable inquiry should lead to a discovery of any permit deviations. Beyond as noted above, the The Department has previously determined that the standard conditions adequately meet/meets the requirements of 40 C.F.R. 71.6(a)(3). No additional emission unit or stationary source operational or compliance factors indicate ~~that~~ that unit-specific or stationary-source-specific conditions would better meet the requirements. Therefore, the Department concludes that the standard conditions ~~as modified~~ meets the requirements of 40 C.F.R. 71.6(a)(3).

~~<Insert section cross reference>, Notification Form~~

~~The Department modified the notification form contained in Standard Permit Condition IV in a revised rulemaking dated August 20, 2008 to more adequately meet the requirements of Chapter 50, Air Quality Control. The rulemaking for these changes took effect November 9, 2008. The modification consisted of correcting typos and moving “Failure to Monitor/Report” and “Recordkeeping Failure” to Section 2 – permit deviations. The department modified the standard condition to allow both excess emissions and permit deviations to be reported online via the Departmental online submission system.~~

Basis: 1) Discussions in a Statement of Basis regarding what has been changed relative to the SPC language should be reserved for a Title V permit template developed by the Department and not used as standard language in the Statement of Basis for the SPC. For example, the language we have struck out above for the second and third paragraphs of the factual basis of the Statement of Basis for SPC III is no longer pertinent because SPC III is being modified as part of this rules amendment package to address the very changes that the struck out language states the Department changed in an issued Title V permit compared to the SPC language. In other words, the conditions in a Title V permit issued by the Department will no longer be different from the language found in this revised SPC III in the way that is stated in the proposed text for the factual basis of the “standard” Statement of Basis language.

2) Use of the phrase “previously determined” implies to us that the Department has already made up its mind that a stationary source-specific condition could not possibly be better suited to meet the requirements of 18 AAC 50. We request that the language in the Statement of Basis simply state that a determination has been made for the stationary source’s permit that the Standard Permit Condition meets the requirements of 18 AAC 50 and that a stationary source-specific condition was not developed for the permit. In addition, in stating this conclusion the phrase “as modified” should not be used as the SPC itself is now modified by these updates.

Standard Operating Permit Condition V – Insignificant Emission Units

16) Revise **SPC V.1** as follows:

1. For EU ID(s) *< include emission unit identification for any insignificant emission units listed in the permit that qualify for this condition >* listed in Table A that have actual or potential emissions less than the significance

thresholds in 18 AAC 50.326(e) or have a size or production rate less than the thresholds in 18 AAC 50.326(g), and for emission units at the stationary source that are insignificant as defined in 18 AAC 50.326(d)-(i) that are not listed in this permit, the following apply:

Basis: SPC V.1.4.d refers to EU that are subject to operating limits in the permit. Such EU cannot be insignificant “as defined in 18 AAC 50.326(d)-(i)” as indicated in 50.326(d)(1)(B). The suggested change is intended to clarify the intent of the standard condition to allow such units to be treated as insignificant EU, while not contradicting 50.326(d)(1)(B).

17) Revise **SPC V.1.4c** to clarify the language as follows:

“c. The Permittee shall report in the operating report required by Condition *<insert cross reference to Operating Reports standard permit condition>* if an emission unit ~~is~~ has historically been classified as insignificant because of actual emissions less than the thresholds of 18 AAC 50.326(e) and current actual emissions become greater than any of those thresholds;”

Basis: A change in the status of an emission unit from IEU to non-IEU is based on a change in the actual emissions of a unit comparing current actual emissions to the thresholds in 18 AAC 50.326(e) despite what historical actual emissions may have been. We believe that adding the words “historical” and “current” help to clarify the time period for the actual emissions being considered when making the determination of a change in IEU status. We also believe this language more adequately meets the requirements of 18 AAC 50 than the language found in Standard Permit Condition V under 18 AAC 50.346(b)(4).

18) Revise **SPC V.1.4d** to clarify the appropriate condition references to be inserted into this condition as follows:

“d. No other monitoring, recordkeeping or reporting is required, except as provided in Conditions *<refer to condition(s) that state the MR&R required for EU(s) subject to operating limits>*.”

Statement of Basis for SPC V

19) Revise the second grouping of **Optional Text for the Statement of Basis for SPC V**, as follows:

“(Optional text) Condition V1.4(a) requires certification For EU ID(s) < >, as long as they do not exceed the operational limits ~~of their hours of operation~~ as stated in Condition *<refer to condition(s) that state pertinent operational limits>*, they are considered insignificant emission units and no monitoring is required in accordance with Department Policy and Procedure No. AWQ 04.02.103, Topic # 3, 10/8/04 for ~~standby~~ small emission units subject to operating limits”.

Basis: We have made corrections that apply to the subject/title of “Topic #3” of the 10/8/04 policy and procedure document referenced by the text, additional clarifications, including instructions for permit writers, and a change to refer to

the more general term of “operational limits” as this language could refer to emission units subject to limits other than just a limit on the hours of operation (e.g., a fuel consumption limit, etc.).

Standard Operating Permit Condition VII – Operating Reports

20) Revise **SPC VII.1** as follows:

“1. Operating Reports. During the life of this permit¹, the permittee shall submit an original and ~~two copies~~ one copy of an operating report by August 1 for the period January 1 to June 30 of the current year and by February 1 for the period July 1 to December 31 of the previous year ~~<or as in the case of BPXA or other applicants, a revised (e.g. quarterly) schedule may be implemented at the request of the applicant>~~.

Basis: 1) We understand from communication we have had with the Department that only one copy of each operating report is needed in addition to an original report.

2) It does not seem necessary or appropriate to name specific permittees in the Standard Permit Conditions. Please use more generic language as proposed.

3) In addition, the instructions found in the italicized text added to the SPC are already included in Note 2 of the SPC (under “the following applies to this standard permit condition” at the end of the SPC) directing the permit writer that “The reporting schedule may be modified to allow for quarterly reporting as a permittee-specific condition.” As such, it may not be necessary to include the new italicized text in the condition.

21) Revise **SPC VII.1.1** as follows:

“1.1 The operating report must include..., for the period covered by ~~this the~~ report.”

22) Please revise **SPC VII.1.2** to clarify the context of the condition. The condition begins with a conditional statement “if...not reported...either” then goes on with the apparent intent to provide two options to the permittee as to what to do “if...not reported”. However, the second option under VII.1.2b is confusing because it states “when...already reported”. This is contrast to the opening conditional statement about information not reported. Although the intent of the condition is unclear, we propose here an alternative that may make sense if it meets the intent of the Department.

“1.2 ~~If~~ When excess emissions or permit deviations that occurred during the reporting period are not ~~reported~~ included with the operating report under condition VII.1.1, ~~either the permittee shall identify~~

a. ~~the permittee shall identify~~

a.(i) the date of the deviation (etc.)

<...>

1.3b. When excess emissions...have already been reported..., the permittee shall cite the date...”

Basis: In addition to the basis provided in the comment above, SPC VII.1.1 requires that the operating report include all information required to be in operating reports. Some conditions, but not all, in Title V permits that address submittal of excess emissions and permit deviations (EE/PD) reports include a requirement to include a copy of the EE/PD report with the operating report. The apparent intent of SPC VII.1.2 is to capture those conditions that do not have a requirement to include a copy of the EE/PD reports with the operating report. We propose the language change above to clarify this intent.

23) Revise **SPC VII.1.3** as follows:

“1.3 The operating report must include, for the period covered by ~~this~~the report...”

24) Revise **SPC VII.1.4** to set the font to bold for the introductory text “Transition from expired to renewed permit”. The Department generally uses this method to set apart the introductory text making the condition easier to read.

25) Add the following instruction to **the Notes at the end of SPC VII:**

“3. Condition VII.1.4 should not be used for initial Title V permits.”

Basis: This instruction is currently found in the proposed changes to the Factual Basis for SPC VII. Because it is an instruction to permit writers, we believe it is better suited for the notes at the end of the SPC. See also our comment 26).

Statement of Basis for SPC VII

26) Revise the **Factual Basis for SPC VII** as follows:

~~“... For initial Title V permits, Condition VII.1.4 should be deleted. <Include the following paragraph in the Statement of Basis for renewal Title V permits only.> For subsequent renewal permits, the condition specifies...~~

<...>

~~This condition was further modified to delete the provision for electronic records consultation with the ADEC Compliance Technician because that provision is already allowed in the Submittals Condition of the general Recordkeeping and reporting Section. This change more adequately meets the requirements of 18 AAC 50 streamlines the permit to remove redundant conditions.~~

Basis: 1) The instruction to delete Condition VII.1.4 would be better located in the permit writer notes found in the SPC below Condition VII.1.4 per our comment 24). However, an instruction to permit writers regarding the use of the subject paragraph in a permit Statement of Basis is appropriate and should be included with the <appropriate formatting>, as shown here.

2) Delete the word “subsequent” for clarity. The proposed Statement of Basis language applies to all renewal permits, not just subsequent renewal permits.

3) See basis #1 to our comment 14) as it pertains to our requested removal of the last paragraph of the Statement of Basis for SPC VII.

Standard Permit Condition IX – Visible Emissions and Particulate Matter Monitoring Plan for Liquid-Fired Emission Units

27) Revise the **title page of SPC IX** as follows or, preferably, promulgate a new SPC that addresses flares separately per our comment 42):

“Standard Operating Permit Condition IX – Visible Emissions and Particulate Matter Monitoring Plan for Liquid-Fired Emission Units and Flares”

Basis: This SPC addresses flares as well as liquid fired emission units.

28) Bold the **introductory text to SPC IX.1** and revise as follows:

“1. Industrial Process and Fuel-Burning Equipment Visible Emissions. The Permittee shall ~~comply with the following:~~ not cause or allow visible emissions, excluding condensed water vapor, emitted from EU ID(s) <insert EU ID numbers> listed in Table <insert Table of Emission Units designation> to reduce visibility through the exhaust effluent by more than 20 percent averaged over any six consecutive minutes.

~~1.1 Do not cause or allow visible emissions, excluding condensed water vapor, emitted from EU ID(s) <insert EU ID numbers> listed in Table <insert Table of Emission Units designation> to reduce visibility through the exhaust effluent by more than 20 percent averaged over any six consecutive minutes.~~

~~1.2 For EU ID(s) <insert EU ID numbers>, monitor, record, and report in accordance with Conditions 3–5.~~

1.13 For EU ID(s) <insert EU ID numbers>, burn only gas as fuel. Monitoring for these emission unit(s) shall consist of a certification statement in each operating report under Condition <insert Operating Report condition number> ~~that~~ indicating whether each of these emission unit(s) fired only gas during the period covered by the report. Report under Condition <refer to excess emission/permit deviations condition number> if any fuel is burned other than gas.

1.2 For any of EU ID(s) <insert EU ID numbers> that has actual emissions less than the thresholds in 18 AAC 50.326(e), monitor, record and report in accordance with Condition <refer to condition number for Standard Permit Condition V.1.4>. Otherwise, monitor, record, and report in accordance with Conditions 3 through 5.

1.34 For each of EU ID(s) <insert EU ID numbers>, as long as ~~they do the~~ emission unit does not exceed the limits in Condition(s) <insert number(s)

of Condition(s) that state EU(s) operating limits>, monitoring shall consist of an annual compliance certification under Condition <refer to Annual Compliance Certification condition number> with the ~~opacity~~ visible emissions standard in accordance with <refer to the condition in the permit that incorporates Standard Permit Condition V.1.4.a>. Otherwise, determine if actual emissions for that unit are below the thresholds in 18 AAC 50.326(e) and comply with Condition 1.2.

1.45 For EU ID(s) <insert EU ID numbers>, use only gas as primary fuel. Monitoring for these emission unit(s) shall consist of a ~~certification~~ statement in each operating report required in Condition <insert Operating Report condition number> that indicating whether each of these emission unit(s) fired only gas as the primary fuel during the period covered by the report. If ~~operating operation~~ on a back-up liquid fuel occurred during the period covered by the report, the Permittee shall monitor, record, and report according to Condition 15.

1.56 For EU ID(s) <insert EU ID numbers>, monitor, record, and report in accordance with Condition 6.”

Basis: 1) We propose that SPC IX.1 be revised to state the applicable limit that applies to the source, in the same manner that is done in SPC IX.7 to simplify the condition. This change results in a subsequent renumbering of all subconditions under SPC IX.1.

NOTE: References to condition numbers in the basis statements below and in edits to condition IX.3 further below are intended to be to the original condition numbers, not the new condition numbers that will result from the deletion of conditions, except as noted.

2) Delete Condition IX.1.2 and replace it with a revised version of the condition in proposed new Condition IX.1.2 shown above. See basis #4) below for additional information.

3) (Conditions IX.1.3 and IX.1.5) - The Department’s compliance inspectors have commented to Permittees about permit conditions that include language that requires a Permittee to certify compliance with a permit limit or operating requirement. The conundrum that such language raises is that if a deviation from the limit or operating requirement has occurred, then the permit condition forces a Permittee to either improperly certify compliance per the required permit condition, or to further deviate from the requirement of the permit by not certifying compliance with the limit or requirement. For example, in the extremely unlikely event that any fuel other than gas is burned in emission units that are identified in a permit as gas-fired units only, a Permittee would be unable to include a “certification” in the operating report that only fuel gas had been fired, although this is a requirement of the permit condition. Our proposed language provides the information needed to determine compliance with the requirement to burn only gas as fuel by requiring that the operating report include a statement as to whether or not fuel gas was used exclusively by the Permittee

during the reporting period for the affected emission units. The “certification” portion that is desirable to the Department is required by other conditions in the Title V permits that incorporate the requirements of 18 AAC 50.205 and 18 AAC 50.326(j). These rules require that a Permittee certify “that the statements and information in and attached to (a report submitted to the Department) are true, accurate, and complete.” (emphasis added).

4) (Proposed new subCondition IX.1.2, as a revision to the original subCondition IX.1.2, but moved to a new location) - This subcondition should be revised to specifically address any emission units that typically have actual emissions based on a small number of annual operating hours, that are subject to an operating limit, but which have an operating time threshold above which they are no longer an IEU that is less than the operating time limit. This is an appropriate supplement to the condition since the existence of operational limits does not necessarily mean an emission unit is an IEU in all cases, as presumed under Condition IX.1.4. For example, a 1500 hp emergency generator that has an annual operating time limit of 200 hours is an IEU based on actual emissions (and using AP-42 emission factors) only if it operates 110 hours or less in a year, which is less than the operating time limit.

5) (Condition IX.1.4) - We believe that our proposed changes to this condition clarify that the operating time limit triggers for additional MR&R apply to each individual emission unit, not to the sum of the operating hours of all of the emission units referenced by the condition.

6) (Condition IX.1.4) - This condition applies to emission units that are subject to operating limits, but which otherwise would be classified as insignificant. We believe that the sentence in the condition pertaining to the required certification for MR&R should refer to the certification requirement found in SPC V.1.4.a that applies to the emission units addressed by the condition when they are classified as insignificant emission units (IEUs). The cross reference should be specifically made to SPC V.1.4.a and not SPC V.1.4 since SPC V.1.4.a specifically states the certification requirement.

7) (Condition IX.1.4) - We request that this condition [and Condition IX.7.3 per our comment 43)] include an alternate compliance method if the affected emission units exceed any annual operating limits. We believe this is an oversight of Standard Permit Condition IX. We have added our proposed alternative, which is to comply with Condition IX.1.2 since exceedance with an operational limit does not necessarily mean that actual emissions are above the IEU thresholds. Actual emissions are the test that is used to determine IEU status under 18 AAC 50.326(e), not potential emissions. We believe that this change more adequately meets the requirements of 18 AAC 50 than does the proposed standard permit condition language.

8) (Condition IX.1.4) –The correct title of the standard that applies to Permittees

is “visible emissions standard”, not “opacity standard”. The opacity is the measured parameter used to assess compliance with the visible emissions standard.

9) (Condition IX.1.5) – in addition to basis #3) above, the additional proposed edits to this condition help to clarify the language of the condition.

29) Bold the introductory text to **SPC IX.2** and revise as follows:

“2. Incinerator Visible Emissions. The Permittee shall not cause or allow visible emissions, excluding condensed water vapor, through the exhaust of EU ID(s) <insert EU ID numbers>, to reduce visibility by more than 20 percent averaged over any six consecutive minutes.~~comply with the following:~~

~~2.1 Do not cause or allow visible emissions, excluding condensed water vapor, through the exhaust of EU ID(s) <insert EU ID numbers>, to reduce visibility by more than 20 percent averaged over any six consecutive minutes.~~

2.12 (Use Stationary Source-specific VE MR&R for incinerators.)”

Basis: We propose that SPC IX.2 be revised to state the applicable limit that applies to the source, in the same manner that is done in SPC IX.7 to simplify the condition. This change results in a subsequent renumbering of all subconditions under SPC IX.2.

30) Revise the title just before **SPC IX.3** as follows:

“Liquid Fuel-fired Emission Units Sources (EU IDs <insert EU ID numbers>)

Basis: Please use the term “emission unit” instead of “source” as appropriate throughout the standard permit conditions.

31) Revise **SPC.IX.3** as follows:

“3. Visible Emissions Monitoring. When required by any of conditions 1.1 through 1.3, or in the event of replacement during the permit term, the Permittee shall observe the exhaust of EU ID(s) <insert EU ID numbers> for visible emissions using either the Method 9 Plan under Condition 3.1 or the Smoke/No-Smoke Plan under Condition 3.2. The Permittee may change visible-emissions plans for an emission unit at any time unless prohibited from doing so by Condition 3.3.

Basis: The intent of our proposed revision to this condition is to clarify that the requirements of condition 3 are triggered by any of conditions 1.1 through 1.3 (numbering based on our proposed revisions in our comment 28). Otherwise, this condition does not apply.

32) Revise **SPC IX.3.1.a(i) and (ii)** as follows:

- “(i) For any significant liquid fuel-fired emission units replaced during the term of this permit, observe the exhaust of the replacement unit for 18 minutes within 30 days of startup.
- (ii) For each existing emission unit that ~~exceeds the operational threshold in~~ triggers visible emissions monitoring under Condition IX.1.4 1.2 or 1.3 [these are the new subcondition numbers per our proposed revisions stated in our comment 28), above], observe ...”

Basis: 1) Our proposed edits to condition IX.3.1.a(i) are intended to clarify the language by stating that initial testing after replacement of an emission unit is limited to significant emission units that fire liquid fuel. Gas-fired emission units are not subject to the MR&R found in conditions IX.3 through IX.5.

2) For condition IX.3.1.a(ii), see our comment 28) where we propose to create a new version of condition IX.1.2, which would also be appropriately referenced by this condition. Consequently, this condition would also need to be changed to more generically refer to emission units that trigger a requirement to conduct MR&R under conditions IX.3 through IX.5.

33) Revise **SPC IX.3.1a, c and d** and create a new **SPC IX.3.1e** as follows:

- “a. First Method 9 Observation. Except as provided in Conditions 3.1e and 3.4, for EU ID(s)...
- b. Monthly Method 9 Observations. <...>
- c. Semiannual Method 9 Observations. After observing emissions for three consecutive operating months under Condition 3.1a(i), unless a six-minute average is greater than 15 percent and one or more observations are greater than 20 percent, perform 18-minute observations within six months after the preceding observation.
 - ~~(i) within six months after the preceding observation; or~~
 - ~~(ii) for an emission unit with intermittent operations, during the next scheduled operation immediately following six months after the preceding observation.~~
- d. Annual Method 9 Observations. After at least two semiannual 18-minute observations, unless a six-minute average is greater than 15 percent and one or more individual observations are greater than 20 percent, perform 18-minute observations within twelve months after the preceding observation.
 - ~~(i) Within twelve months after the preceding observations; or~~
 - ~~(ii) For an emission unit with intermittent operations, during the next scheduled operation immediately following twelve months after the preceding observation.~~
- e. For intermittently operated emission units <insert EU ID numbers>, the permittee may perform 18-minute observations within twelve months after the

preceding observation, or during the next scheduled operation if the scheduled operation is not within 12 months after the preceding observation, and Conditions 3.1a - 3.1d do not apply.

Basis: The intent of these proposed edits is to remove the tiered monitoring requirements for liquid fuel fired emission units that operate intermittently. We find keeping track of intermittent engine monitoring schedules established by the tiered monitoring approach found in the current condition to cause an unnecessary risk of noncompliance, without a meaningful effect on air quality or compliance with the underlying standard. The Department has agreed to include a condition similar to our proposed condition SPC IX.3.1e in Title V permits issued to Alyeska Pipeline Service Company (see, for example, permit no. AQ0072TVP02 for Pump Station 1).

34) Revise **SPC IX.3.1e** as follows for clarity and to correct the condition reference:

“~~fe.~~ ... then increase or maintain the 18-minute observation frequency for that emission unit to ~~at least monthly intervals~~ a monthly interval as described in Condition 3.1b, until the criteria in ~~Condition 3.1b~~ 3.1c for semiannual monitoring are met.

Basis: We believe it is the Department’s intent to require monthly observations for engines that would normally operate during the month, as indicated in the language of SPC IX.3.1b which includes a provision for monthly monitoring only if the engine operates in a given month. As written in the standard permit language, SPC IX.3.1e requires the Permittee to revert back to at least monthly Method 9 observations but does not include the “if operated” provision. By making the change we have proposed, SPC IX.3.1e now refers back to Condition 3.1b to redefine the monthly monitoring requirement (just as it also refers to Condition 3.1c to redefine the semiannual monitoring) thereby maintaining consistency in the requirements of Conditions 3.1b and 3.1e. We believe that these changes more adequately meet the requirements of 18 AAC 50 than does the current standard permit condition language.

35) Revise **SPC IX.3.4** as follows:

“3.4 In the case of renewal permits, the permittee shall ~~have the option to~~ continue an established monitoring frequency rather than re-starting the cycle of monitoring from the beginning as in Condition 3.1a. ~~The permittee shall state the intention of using~~ make note of this option in the first Operating Report...” **[DELETE ENTIRE SENTENCE]**.

Basis: The requirement to document the intent to continue using the previously established monitoring frequency is no longer needed if the language is changed as proposed to make it a requirement to continue using the established frequency instead of an option. We are confident that Permittees not want to restart the monitoring cycle with each permit renewal.

36) Remove the bold formatting from the following highlighted text in **SPC IX.4**. In addition, revise **SPC IX.4** as shown.

“4. Visible Emissions Recordkeeping. When required by any of conditions 1.1 through 1.4, or in the event of replacement of any of EU ID(s) <insert EU ID numbers> during the permit term, the~~The~~ Permittee shall keep records as follows:”

Basis: The intent of our proposed revision to this condition is to clarify that the requirements of condition 4 are triggered by any of conditions 1.1 through 1.4. Otherwise, this condition does not apply.

37) Revise **SPC IX.4.1** as follows:

“a The observer shall record:

- (i) the name of the stationary source, emission unit and location, ~~stationary source~~ emission unit type, observer's name and affiliation, and the date on the Visible Emissions Field Data Sheet in <insert Visible Emissions Field Data Sheet Section number>;
- (ii) the time, estimated distance to the emissions location, sun location, approximate wind direction, estimated wind speed, description of the sky Condition (presence and color of clouds), and plume background, ~~and operating rate (load or fuel consumption rate or best estimate if unknown)~~ on the sheet at the time opacity observations are initiated and completed;

<...>

- (v) the minimum number of observations required by the permit; each momentary observation recorded shall be deemed to represent the average opacity of emissions for a 15-second period.;

b. To ~~to~~ determine...

c. eCalculate and record the highest 6-minute and 18-minute consecutive-minute averages observed.”

Basis: 1) Please use the term “emission unit” instead of “source” as appropriate throughout the standard permit conditions. It seems more relevant to us to record the emission unit type than the stationary source type on the visible emissions field data sheet if the person reviewing the submitted form does not have the permit readily available to determine the type of emission unit observed and 2) it is an emission unit whose emissions are observed, not the entire stationary source. We believe that this change more adequately meets the requirements of 18 AAC 50 than does the current standard permit condition language.

2) The production/operating rate entry is not a requirement of Reference Method 9, and should not be included in the permit language or on the Visible Emission Observation form. This information is not critical to the outcome or interpretation of a Method 9 or smoke/no-smoke observation since the visible emissions standard applies regardless of the production/operating rate of an emission unit.

3) The six-minute observation results are used to determine if the Method 9 monitoring frequency can be reduced (see, for example, SPC IX.3.1c, 3.1d, and 3.1e). Therefore, the six-minute average should also be recorded. We believe that this change more adequately meets the requirements of 18 AAC 50 than does the current standard permit condition language.

4) Our other proposed changes are punctuation changes to make the conditions easier to understand.

38) Delete **SPC IX.4.2.g**.

Basis: The operating rate (load or fuel consumption) is not pertinent to the outcome or interpretation of a Method 9 or smoke/no-smoke observation since the visible emissions standard applies regardless of the production/operating rate of an emission unit.

39) Remove the bold formatting from the following highlighted text in **SPC IX.5**. In addition, revise **SPC IX.5** as shown.

“5. Visible Emissions Reporting. When required by any of conditions 1.1 through 1.4, or in the event of replacement of any of EU ID(s) <insert EU ID numbers> during the permit term, theThe Permittee shall report visible emissions as follows:”

Basis: The intent of our proposed revision to this condition is to clarify that the requirements of condition 5 are triggered by any of conditions 1.1 through 1.4. Otherwise, this condition does not apply.

40) **SPC IX.5.1, SPC IX.11.3, and SPC IX.14.1** - Please use a consistent term to describe the Operating Report in the standard permit conditions. In these three conditions it is called the “Stationary Source Operating Report”. The SPC VII uses the term “Operating Report.” We suggest that the same term be used throughout SPC IX.

41) **SPC IX.5.2b and SPC IX.11.1b** are examples of conditions that require a non-standard reporting deadline for a “failure to monitor.” Please include a reference to these conditions, and any other such conditions, if applicable to the stationary source, in SPC III.1.1c(iv) per our comment 12).

42) Delete **SPC IX.6** regarding visible emissions observations for flares.

Basis: The various members of our organization were unable to come to a consensus on the definition of a “qualifying flare event” that is workable for each company. There is simply no uniformity of the various situations as they apply to flare operations by the companies. Therefore, we believe it is not appropriate to include a “Standard Permit Condition” for flare visible emissions and request instead that each Permittee subject to a requirement to monitor flares for visible emissions be allowed to work with the Department to develop a source-specific (or Permittee-specific) condition that will be used in the permits for that

Permittee. This should not be overly burdensome for the Department as there are a relatively small number of Permittees that are required to include a flare Method 9 provision in their permits, much smaller than the number of Permittees affected by the more general requirement to monitor liquid fuel fired units for visible emissions.

43) Revise **SPC IX.7** as follows:

~~“7.1 For EU ID(s) <insert EU ID numbers>, monitor, record and report in accordance with Condition 9—11.~~

7.1~~2~~ For EU ID(s) <insert EU ID numbers>, burn only gas as fuel. Monitoring for these emission unit(s) shall consist of a certification statement in each operating report under Condition <insert Operating Report condition number> ~~that~~ indicating whether each of these emission unit(s) fired only gas during the period covered by the report. Report under Condition <refer to excess emission/permit deviations condition number> if any fuel is burned other than gas.

7.2 For any of EU ID(s) <insert EU ID numbers> that has actual emissions less than the thresholds in 18 AAC 50.326(e), monitor, record and report in accordance with Condition <refer to condition number for Standard Permit Condition V.1.4>. Otherwise, monitor, record, and report in accordance with Conditions 9 through 11.

7.3 For each of EU ID(s) <insert EU ID numbers>, as long as they do the emission unit does not exceed the limits in Condition(s) <insert number(s) of Condition(s) that state EU(s) operating limits>, monitoring shall consist of an annual compliance certification under Condition <insert Annual Compliance Certification condition number> with the particulate matter standard in accordance with <refer to the condition in the permit that incorporates Standard Permit Condition V.1.4.a>. Otherwise, determine if actual emissions for that unit are below the thresholds in 18 AAC 50.326(e) and comply with Condition 7.2.

7.4 <...>

7.5 For EU ID(s) <insert EU ID numbers>, use **only** gas as primary fuel. Monitoring for these emission unit(s) shall consist of a certification statement in each operating report required in Condition <insert Operating Report condition number> ~~that~~ indicating whether each of these emission unit(s) fired only gas as the primary fuel during the period covered by the report. If operating operation on a back-up liquid fuel occurred during the period covered by the report, the Permittee shall monitor, record, and report according to Condition 15-<insert VE & PM MR&R for Dual Fuel Fired Sources condition number>.”

Basis: See various bases to our comment 28).

44) Revise the title just before **SPC IX.9** as follows:

“Liquid Fuel-fired Emission Units Sources (EU IDs <insert EU ID numbers>)

Basis: Please use the term “emission unit” instead of “source” as appropriate throughout the standard permit condition.

45) Revise **SPC IX.9, SPC IX.9.1, and SPC IX.9.2b** as follows:

“9. The Permittee shall conduct source tests on diesel engines and liquid-fired turbines, *<identify emission units>*, to determine the concentration of particulate matter (PM) in the exhaust of ~~a source~~ an emission unit as follows: in accordance with Condition 9.

9.1 Except as allowed under Condition 9.4, within ~~Within~~ six months...

9.2 <...>

a. <...>

b. for ~~a source~~ an emission unit with an exhaust...”

Basis: 1) Please use the term “emission unit” instead of “source” as appropriate throughout the standard permit condition.

2) Other changes to SPC IX.9 are proposed for clarity and consistency.

3) The exception stated in SPC IX.9.4 should be identified in SPC IX.9.1 to make the reader immediately aware of the exception that applies.

46) Revise **SPC IX.9.4** as follows (grammatical):

“9.4 The automate PM source test requirements in Conditions 9.1 and 9.2 isare waived for ...”

47) Bold the introductory text to **SPC IX.11** as follows:

“11. Particulate Matter Reporting for Diesel Engines and Liquid-Fired Turbines. The Permittee shall report...”

48) Revise **SPC IX.12** as follows:

a) **“12. Particulate Matter Monitoring for Liquid Fuel-Fired Boilers and Heaters. ...**

12.1 Except as allowed under Condition 12.3, c~~Conduct~~ a PM source test according to the requirements set out in *<insert Standard Source Test Section>* no later than ...”

Basis: 1) Our proposed edit to SPC IX.12 will help to further clarify the type of emission units that the condition applies to, as is done in SPC IX.9.

2) The exception stated in SPC IX.12.3 should be identified in SPC IX.12.1 to make the reader immediately aware of the exception that applies.

- b) “12.2 During each one-hour PM source test run, observe the exhaust for 60 minutes in accordance with Method 9 and calculate the average opacity measured during each one-hour test run. Submit a copy of these observations with the source test report.”

Basis: Change proposed for consistency with SPC IX.9.3. It does seem appropriate to include a copy of the Method 9 observations conducted during a PM source test.

- c) “12.3 The PM source test requirement in Condition ~~42~~ 12.1 is waived for an emission unit if:
- a PM source test on that unit during the most recent semiannual reporting period on that unit shows has shown compliance with the PM standard during this permit termsince permit issuance, or
 - ~~if a follow up visible emission observation conducted using Method 9 during the 90 days shows~~ take corrective action and conduct two 18-minute visible emissions observations in a consecutive six-month period to show that the excess visible emissions described in Condition 3.1e12.1 no longer occur.”

Basis: 1) The source test requirement is stated in SPC IX.12.1, not SPC IX.12. We suggest that the cross-reference link be corrected in condition 12.3.

2) We do not understand the reference in SPC IX.12.3a to a PM source test conducted “during the most recent semiannual reporting period” with an indication that such a test could show compliance since permit issuance. Further, it appears that this condition makes reference to operating reports submitted semi-annually. We believe that the operating reports are not intended to show compliance retroactively back to the date that the permit was issued. Our proposed edit is to make the language of this condition consistent with the language of SPC IX.9.4.

3) SPC IX.12.3.b is confusing and inconsistent as currently written. We believe that the condition should refer to the six-month corrective maintenance period and the excess visible emissions threshold described in SPC IX.12.1. Furthermore, SPC IX.3.1e referenced in the condition as currently written does not describe “excess visible emissions”. Again, it seems more logical to refer to Condition 12.1 here.

- 49) Revise **SPC IX.13** as follows:

“13. Particulate Matter Recordkeeping for Liquid Fuel-Fired Boilers and Heaters. The Permittee shall report as follows:”

Basis: Our proposed edit to SPC IX.13 will help to further clarify the type of emission units that the condition applies to, as is done in SPC IX.9.

50) Revise **SPC IX.14.1** as follows:

“14.1 In each ~~stationary source~~ operating report required by Condition *<insert Operating Report condition number>*, include for the period covered by the report”

Basis: 1) Please use a consistent term to describe the Operating Report in the permit language per our comment 40).

2) We request that all conditions describing the required contents of the operating report specifically state that the data to be reported is only that recorded during the reporting period. The Department typically has included the requested language in other conditions, but not this one.

51) Change the reference to Condition 3.1e in **SPC IX.14.1.a** to instead reference Condition 12.1. As described in basis #3 to comment 48)c), it appears that Condition 12.1 should be referenced here, not Condition 3.1e.

52) Revise the title just before **SPC IX.15** as follows:

“**VE and PM MR&R for dual Fuel-Fired Emission Units Sources EU IDs ____**”

Basis: Please use the term “emission unit” instead of “source” as appropriate throughout the standard permit conditions.

53) Revise **SPC IX.15** as follows:

“15. The Permittee shall monitor, record and report the monthly hours of operation when operating on a back-up liquid fuel.

15.1 ~~If~~For any of EU ID(s) *<insert EU ID numbers>* ~~do that does not exceed~~ 400 hours of operations per calendar year ~~per source~~ on a back-up liquid fuel, monitoring of compliance for visible emissions and particulate matter is not required for that emission unit and m. Monitoring shall consist of an annual ~~compliance~~ certification of compliance with Conditions 1 and 7 under Condition *<insert Annual Compliance Certification condition number>* ~~with Conditions 1.1 and 7.~~

15.2 For any of EU ID(s) *<insert EU ID numbers>*, notify the Department and begin monitoring the affected emission unit according to Condition 15.3 no later than 15 days after the end of a calendar month in which the cumulative hours of operation for the calendar year exceed any multiple of 400 hours on back-up liquid fuel. If the observation exceeds the limit in Condition 1, monitor as described in Condition 9 or 12, as applicable by type of emission unit. If the observation does not exceed the limit in Condition 1, no additional monitoring is required until the cumulative hours of operation exceed each subsequent multiple of 400 hours on back-up liquid fuel during a calendar year. ^{<new footnote 1>} ~~EU ID(s) *<insert EU ID numbers>* are subject to the liquid fuel monitoring requirements described~~

~~in Conditions 3 and 9 if operations exceed 400 hours per calendar year per emission unit on a back-up liquid fuel.~~

- 15.3 ~~When required to do so by Condition 15.2, observe the exhaust, following 40 C.F.R. 60, Appendix A-4, Method 9, adopted by reference in 18 AAC 50.040(a), for 18 minutes to obtain 72 consecutive 15-second opacity observations. The Permittee must notify the department and begin monitoring the affected emission unit according to Conditions 3 and 9 no later than 15 days after the end of a calendar month in which the cumulative hours of operation for the calendar year exceed 400 hours on a back-up liquid fuel.~~
- 15.4 Keep records and report in accordance with Conditions 4, 5, 10, 11, 13 and 14, as applicable by type of emission unit.
- 15.54 Report under Condition *<insert Excess Emissions and Permit Deviations condition number>* if the Permittee fails to comply with Conditions 15.2, 15.3, or 15.4.

~~<New footnote 1 to Condition 15.2> “If the requirement to monitor is triggered more than once in a calendar month, only one Method 9 observation is required to be conducted by the stated deadline for that month.”~~

Basis: 1) This condition implements the requirement to conduct Method 9 observations (with the potential for PM source tests) as stated in the Department’s Policy and Procedure no. 04.02.103, Topic #2, wherein permit staff are to clarify in permits that emission units using liquid fuel as a backup fuel to replace gas fuel are not subject to the liquid fuel monitoring requirements of the standard permit condition until annual operations of the emission unit exceed 400 hours per calendar year on liquid fuel. At issue here is that the Standard Permit Condition requires periodic (i.e., ongoing monthly, semi-annual, and annual) monitoring per the standard protocol found in Condition 3.1 for an emission unit that typically does not operate on backup liquid fuel. Only under very unusual circumstances would such an emission unit continue to operate regularly on backup liquid fuel such that it would be operating at times that would be required under the standard protocol.

We propose that for dual fuel fired equipment that operate on liquid fuel as a backup that monitoring be triggered only with each subsequent 400 hours of operation on backup fuel. Thus, the monitoring requirement for such emission units should be kept separate from the standard period protocol found in condition 3.1 of the Standard Permit Condition.

2) We have proposed revisions to SPC IX.15.1 with the intent of making the condition more specific to each individually affected emission unit and to otherwise clarify the language.

3) We have combined the text in current SPC IX.15.2. and 15.3 into a single condition 15.2 with references to the appropriate particulate matter monitoring

that could apply under SPC IX.9 or 12, and separated out the visible emissions monitoring requirements into a new version of SPC IX.15.3 that does not include the periodic monitoring schedule found in SPC IX.3, which we do not believe is applicable to dual fuel-fired emission units as stated in basis #1) above. We believe the periodic monitoring language in Condition 3 would be difficult to implement as written under either the Method 9 or smoke/no-smoke plans. As such, we believe it is appropriate to simply require a single Method 9 observations as described under the new version of Condition 15.3 proposed above each time the 400 hour operating time threshold has been exceeded on back-up liquid fuel.

4) We have also proposed a new Condition 15.4 so clarify the applicable recordkeeping and reporting requirements that apply to dual fuel-fired emission units for visible emissions and particulate matter emissions.

5) Finally, our proposed new footnote to SPC IX.15.2 is intended to make it clear that the monitoring for dual fuel-fired emission units need only be completed once per month. With the triggers that apply to each multiple of 400 hours of operation in a calendar year as proposed in Condition 15.2 above, if a dual fired emission unit happens to operate for 1200 consecutive hours on backup fuel (unlikely, but possible), then the second multiple of 400 hours (i.e., 800 hours) and the third multiple of 400 hours (i.e., 1200 hours) will each occur during the second month of operation. During such a month, the footnote would allow the Permittee to conduct just one Method 9 observation during the second month, instead of two.

54) Revise the 2nd paragraph of page 15 of SPC IX as follows:

“...If a ~~client~~ Permittee conducts an emission unit surveillance at any time, that surveillance can re-set the date for which the next periodic surveillance is due.

Statement of Basis for SPC IX

55) Revise the **Factual Basis of Conditions 1 and 3-5, 6 & 15** as follows:

“**Factual Basis basis: ~~Factual basis:~~** Condition 1 prohibits the Permittee from causing or allowing visible emissions in excess of 18 AAC 50.055(a)(1). Condition 2 **Error! Reference source not found.** prohibits the Permittee from causing or allowing visible emissions in excess of 18 AAC 50.050(a).

MR&R requirements are listed in Conditions 3 through 5, 6, and 15 of the permit.

These conditions have been adopted into regulation as Standard Conditions. ~~The department added a provision that clarifies the option to continue an established monitoring frequency for renewal permits.~~

<...>

These conditions detail a stepwise process for monitoring compliance with the State's visible emissions and particulate matter standards for liquid and gas fired emission units ~~sources~~....

Reasonable action thresholds are established in these conditions that require the Permittee to progressively address potential visible emission problems from source emission units either through maintenance programs and/or more rigorous tests that will quantify whether a specific emission standard has been exceeded.

[NOTE: Delete the following four paragraphs which describe the requirements that apply to flares, per our comment 42). The Statement of Basis language for flare visible emissions monitoring should be customized according to the applicable requirements that result from the Permittee-specific conditions developed that are acceptable to the Permittee and the Department. See our proposed edits, below, to the language that immediately follow the “Flare” heading in the Statement of Basis text.]

~~Condition 6 ... Thus, the Condition sets out a protocol to collect actual field data to determine compliance with the 20 percent opacity standard for flares.~~

~~A recent department analysis of industry flaring operations indicates that 49 percent of the gas flared (by volume) is for pilot/purge, 25 percent is for flaring less than one hour, and 26 percent is for flaring that lasts more than one hour. Pilot/purge flaring constitutes half of all flaring by volume and is continuous in nature and can be observed at any time. This type of flaring has not caused violations of the opacity standard in the past and can be checked at any time by agency inspectors. The remaining half of the flaring volume is split evenly between less than and greater than a one hour duration. Therefore, the monitoring scheme in this condition addresses the half of the non continuous flaring operations that are scheduled and for which a certified observer can reasonably be located onsite.~~

~~Since it is impractical to require facilities to have a certified Method 9 opacity reader on site for unpredictable emergency flaring, the monitoring protocol requires Method 9 readings only during scheduled flare events. Scheduled events such as those generated by maintenance activities and well testing of greater than one hour in duration will be observed. These one hour events are currently quantified and reported to the Alaska Oil and Gas Conservation Commission for other reasons and thus provides a confirming information record of the occurrence of these events. Only those events as defined in the Condition need to be monitored. If no events meeting this definition occur during the life of the permit then no monitoring is required.~~

~~Since only flaring that is scheduled and exceeds one hour is required to be observed, operators will have time to provide certified Method 9 readers onsite. Most oil and gas production facilities in Alaska are located at remote sites, so it is not reasonable to self monitor all or even a large sample of the flaring that occurs. Data collected from planned events will help the department refine this monitoring scheme during future permit cycles. Process upsets and emergency events that may or may not exceed one hour occur randomly and do not lend themselves easily to periodic monitoring. At this time, the department will rely on stationary source excess emission reports, citizen complaints, and agency inspections for information concerning these short term and emergency events.~~

Gas Fired:

Monitoring – The monitoring of gas fired ~~sources~~ emission units for visible emissions is waived, i.e. no source testing will be required. The department has found that natural gas fired equipment inherently has negligible PM emissions. However, the department can request a source test for PM emissions from any smoking equipment.

Reporting – The Permittee must ~~annually certify that only gaseous fuels are used in the equipment.~~ state in each operating report whether only gaseous fuels were used in the equipment during the reporting period.

Liquid Fired:

<...>

Reporting - The Permittee is required to report: 1) emissions in excess of the ~~federal~~ and the sState visible emissions standard and 2) deviations from permit Conditions. The Permittee is required to include copies of the results of all visible emission observations with the ~~stationary source~~ operating report.

Dual Fuel-Fired Emission Units ~~Sources~~:

For EU ID(s) <insert EU ID numbers>, as long as they operate only on gas, monitoring consists of ~~an annual certification~~ a statement in each operating report to indicate whether ~~that~~ only gaseous fuels were used in the equipment during the reporting period. When any of these ~~sources~~ emission units operates on a backup liquid fuel for more than 400 hours in a calendar year, monitoring as detailed in Condition 15 is required for that ~~sources~~ emission unit in accordance with department Policy and Procedure No. AWQ 04.02.103, Topic # 2, 10/8/04. When any of these ~~sources~~ emission units operates on a backup liquid fuel for ~~less than~~ 400 hours or less in a calendar year, monitoring for that ~~sources~~ emission unit consists of an annual certification of compliance with the opacity standard. The 400-hour trigger for additional monitoring applies to each individual unit and not as a combined total for all units.

Insignificant ~~Sources~~ Emission Units Subject to Operating Limits:

For EU ID(s) <insert EU ID numbers> no visible emissions monitoring is required ~~because when these sources~~ emission units are insignificant ~~sources~~ emission units based on ~~actual~~ potential emissions ~~and have~~ due to permit Condition(s) <insert Condition numbers> that limit either their hours of operation or fuel consumption. As long as the ~~sources~~ emission units do not exceed these limits, they are insignificant by emissions rate as specified in 18 AAC 50.326(e) and no monitoring is required in accordance with department Policy and Procedure No. AWQ 04.02.103, Topic # 3, 10/8/04. The Permittee must annually certify compliance under Condition <insert Annual Compliance Certificate Condition> with the ~~opacity~~ visible emissions standard. If the emission units exceed the limit(s), the Permittee must comply with condition <insert the condition that requires the Permittee to confirm that actual emissions are below the IEU thresholds>.

Insignificant Emission Units Based on Actual Emissions:

For EU ID(s) <insert EU ID numbers> no visible emissions monitoring is required if these emission units are insignificant based on actual emissions below the insignificant emission unit thresholds of 18 AAC 50.326(e). For such units, the Permittee must comply with the MR&R requirements for insignificant emission units under <insert a link to insignificant emission units standard condition V.1.4>

Flares:

Monitoring for flares (EU ID(s) <insert EU ID numbers>) <insert language here that states the applicable requirements of the Permittee-specific condition for flare visible emissions monitoring.>~~requires Method 9 observations of scheduled flaring events lasting more than one hour.~~ The Permittee must report the results of these observations to the department.”

- Basis:* 1) In general, the changes that we have proposed for the Statement of Basis that corresponds to SPC IX are necessary to make the Statement of Basis consistent with the SPC requirements either as proposed by the Department and/or in accordance with the proposed changes we have requested for SPC IX. We have also requested higher level changes such as corrections to terms such as “sources” to “emission units”, “opacity standard” to “visible emissions standard”, “stationary source operating report” to “operating report”, etc., as discussed in other comments found in this document. Other important points of our comments on the Statement of Basis to SPC IX are presented in the following list of bases.
- 2) The language discussing provisions added or changed in the permits compared to the standard permit condition is no longer necessary due to the modifications that the Department has made with these revisions to the standard permit conditions.
- 3) For gas fired units and the dual fuel-fired units, the Statement of Basis proposed by the Department for “reporting” states that the Permittee must annually certify that only gaseous fuels are used. However, the Department has changed the requirement so the Statement of Basis language needs to also be changed to match the reporting requirement of SPC IX.1.3 (1.2 now). We have also commented to change the text to remove the “certify” language per basis #2) of our comment 28).
- 4) The visible emissions standard is a State requirement, not a federal requirement.
- 5) For the dual fuel-fired units, the Statement of Basis refers to “Topic #2 of the Policy and Procedure” document and then describes the operating hour range when no monitoring is required as being “less than 400 hours”. According to the procedure document, the correct range is “400 hours or less”.
- 6) For the insignificant emission units subject to operating limits, one of the

changes we proposed was to change the phrase “are insignificant emission units based on actual emissions due to (operational limits)” by replacing the word “actual” to “potential” because the operating limits establish the potential emissions at a level below the IEU threshold for units that fit the description provided in the Statement of Basis. In addition, Topic #3 of the department Policy and Procedure No. AWQ 04.02.103 uses the term “potential emissions”.

- 56) Revise the **last sentence of the Factual Basis for SPC IX.2** to correct the reference as follows:

“The Permittee is required to monitor, record, and report according to Condition ~~2.2~~ 2.1.”

Basis: The correction is a fallout from our proposed change to Condition 2, as stated in our comment 29).

- 57) Revise the **Factual Basis of SPCs IX.7 and IX.9-11, 12-14 & 15** as follows:

“**Factual Basis:** Condition 7 requires the Permittee to comply with the sState PM (also called grain loading) standard applicable to fuel-burning equipment. The Permittee shall not cause or allow fuel-burning equipment to violate this standard.

<...>

The Permittee must establish by actual visual observations, which ~~must~~ may be supplemented by other means, such as a defined Stationary Source Operation and Maintenance Program that the stationary source is in continuous compliance with the State's emission standards for particulate matter.

These conditions detail a stepwise process for monitoring compliance with the State's particulate matter standards for liquid- and gas-fired ~~source~~ emission units.

Equipment types covered by these conditions are internal combustion engines, turbines, heaters, and boilers. Initial monitoring frequency schedules are established along with subsequent reductions or increases in frequency depending on the results of the self-monitoring program.

Gas Fired:

Monitoring – The monitoring of gas-fired ~~source~~ emission units for particulate matter is waived, i.e. no source testing will be required. The department has found that natural gas-fired equipment inherently has negligible PM emissions. However, the department can request a source test for PM emissions from any smoking equipment.

Reporting – The Permittee must state in each operating report whether certify annually that only gaseous fuels are were used in the equipment during the reporting period.

Liquid Fired:

<...>

Reporting - The Permittee is required to report: 1) incidents when emissions in excess of the opacity threshold values have been observed, 2) and results of PM source tests.

The Permittee is required to include copies of the results of all visible emission observations with the ~~stationary source~~ operating report.

Dual Fuel-Fired Emission Units Sources:

For EU ID(s) *<insert EU ID numbers>*, as long as they operate only on gas, monitoring consists of ~~an annual certification~~ a statement in the operating report to indicate whether that only gaseous fuels were used in the equipment during the reporting period. When any of these ~~source~~ emission units operates on a backup liquid fuel for more than 400 hours in a calendar year, monitoring as detailed in Conditions 9 and 12 is required for that ~~source~~ emission unit in accordance with department Policy and Procedure No. AWQ 04.02.103, Topic # 2, 10/8/04. When any of these ~~source~~ emission units operates on a backup liquid fuel for ~~less than~~ 400 hours or less in a calendar year, monitoring for that ~~source~~ emission unit consists of an annual certification of compliance with the particulate matter standard. The 400-hour trigger for additional monitoring applies to each individual unit and not as a combined total for all units.

Insignificant Emission Units Sources Subject to Operating Limits:

For EU ID(s) *<insert EU ID numbers>*, no monitoring is required because these ~~source~~ emission units are insignificant ~~source~~ emission units based on potential actual emissions. EU ID(s) *<insert EU ID numbers>* must not exceed operational ~~hour~~ limit(s) as required by Condition(s) *<insert Conditions that apply>*. As long as they operate within these limits, they are considered insignificant ~~sources~~ by emissions as specified in 18 AAC 50.326(e) and no monitoring is required in accordance with department Policy and Procedure No. AWQ 04.02.103, Topic # 3, 10/8/04. The Permittee must annually certify compliance under Condition *<insert condition reference to Annual Compliance Certification condition number>* with the particulate matter standard. If the emission units exceed the limit(s), the Permittee must comply with condition *<insert the condition that requires the Permittee to confirm that actual emissions are below the IEU thresholds>*.

Insignificant Emission Units Based on Actual Emissions:

For EU ID(s) *<insert EU ID numbers>* no monitoring is required if these emission units are insignificant based on actual emissions below the insignificant emission unit thresholds of 18 AAC 50.326(e). For such units, the Permittee must comply with the MR&R requirements for insignificant emission units under *<insert a link to insignificant emission units standard condition V.1.4>*.

<...>”

Basis: 1) See basis #1, #3, #4, and #6 to our comment 55).

2) The proposed change to the third paragraph of the factual basis (changing “must be supplemented” to “may be supplemented”) is based on the similar language used in the fourth paragraph of the factual basis for conditions 1, 3 - 5, 6, and 15. Use of supplemental means for establishing that a stationary source is in continuous compliance with the emissions standards for visible emissions and particulate matter is optional, and not a requirement of the permits.

Standard Permit Condition X – Reasonable Precautions to Prevent Fugitive Dust

- 58) Revise **item “i.” of the list on page 2 stating the types of emission units and stationary sources that the condition applies to** as follows:

“i. ~~unpaved~~ dirt roads under the control of the operator...”

Basis: The regulations specifically state that “dirt” roads are subject to the requirements of this condition. Refer to Table 7 under 18 AAC 50.346(c). We agree that *dirt* roads are likely to generate fugitive dust. However, other types of unpaved roads should not necessarily be globally categorized as such (e.g., ice roads/pads on the North Slope that are “unpaved” but do not generate fugitive dust). We believe it is appropriate for the Department to make a case-by-case determination of the potential for fugitive dust from unpaved roads other than dirt roads, as provided under the provisions of item “j” of the list, which states that the condition applies to “other emission units the department finds are likely to generate fugitive dust.”

Standard Permit Conditions XV – Emission Inventory Reporting

- 59) Delete **SPC XV and 18 AAC 50.346(8)**.

Basis: The requirements of 40 CFR 51 Subpart A are not Part 71 applicable requirements as defined in 40 CFR 71.2. The air emissions reporting requirements under Part 51 Subpart A apply to States, not emissions units at a Part 71 source. See 40 CFR 51.1 and 51.321.

If, through legal review, the Department can document an adequate legal basis for including SPC XV as a Title V permit condition, then we request that the Department address comments 60) through 65), below, before adopting this SPC into regulation.

- 60) **SPC XV** implements a reporting procedure for emission unit identification, including emissions data, that state agencies are required to report to EPA under 40 CFR 51, Subpart Q and according to the reporting requirements of 40 CFR 51, Subpart A, which was amended as recently as December 17, 2008 (see 73 FR 76552). In this change, the reporting requirements in Table 2a of Appendix A to Subpart A of 40 CFR 51 was revised to include additional and revised reporting requirements. We ask that the Department clarify in SPC XV and/or SPC XVI under which version of 40 CFR 51, Subpart A Permittees are required to report.
- 61) It would be appropriate that the rules under 18 AAC 50.040 be revised to include a new provision to document which version of 40 CFR 51, Subpart A is adopted by reference. This adoption may need to be specific to the relevant portions of 40 CFR 51 pertaining to air emissions reporting requirements as the rules already include in 18 AAC 50.040(h) and (i) the adopted versions of 40 CFR 51.166 and 40 CFR 51.165, respectively, which are part of 40 CFR 51 Subpart I.

62) Revise **SPC XV.1.3** as follows:

“1.3 Include in the report required by this condition, the required data elements contained within the form in *<insert section of emission inventory form>* or those contained in Table 2A of Appendix A to Subpart A of 40 CFR 51 ~~Appendix A adopted by reference in 18 AAC 50.040, for each stack associated with an emission unit.~~ ~~and:~~

a. ~~For each stack associated with an emission unit, include the following information:~~

~~(i) The EU ID number associated with the stack, stack type, stack height, stack diameter, exit gas temperature, exit gas velocity, actual exit gas flow rate, latitude, longitude, accuracy, and datum.”~~

Basis: 1) The first revision is important because 40 CFR 51 Appendix A is not the same as Appendix A to Subpart A of 40 CFR 51. (40 CFR 51 Appendix A is currently reserved for future use.)

2) The second revision is proposed to simplify the condition. The struck out language of SPC XV.1.3a is repetitive as these items are listed on the form referenced by SPC XV.1.3 and in Table 2A of 40 CFR 51 Appendix A.

3) See also our comment 66).

63) Revise the **citation found at the conclusion of SPC XV** to refer to “Appendix A to Subpart A of 40 CFR 51” instead of “40 CFR 51 Appendix A”. See basis #1 of comment 62).

64) Revise the **Legal Basis in the Statement of Basis for SPC XV** to clarify the statement as follows:

“This condition requires the Permittee to submit emissions data ~~for~~to the State...”

65) Revise the 2nd paragraph of the **Factual Basis in the Statement of Basis for SPC XV** as follows:

“To ensure...Title V stationary sources classified as Type A in Table 1 of Appendix A to Subpart A of 40 CFR 51 ~~Appendix A Table 1~~ are required to submit with each annual report all the data elements required for the Type B source triennial reports (see also Table 2A of Appendix A to Subpart A of 40 CFR Part 51). All Type A sources are also classified as Type B sources. However the department has streamlined ~~this the~~ reporting requirements so Type A sources only need to submit ~~one a single type of report every third year~~ instead of both an annual report and a separate triennial report every third year.”

Basis: 1) See basis #1 to comment 62).

2) Also, we have provided corrections to the text regarding the stated intent of the required reporting for Type A sources.

Standard Permit Condition XVI – Emission Inventory Reporting Form

- 66) Delete **SPC XVI and 18 AAC 50.346(9)**.

Basis: See the basis to our comment 59).

If, through legal review, the Department can document an adequate legal basis for including SPC XV as a Title V permit condition, then we request that the Department address comments 67) through 68), below, before adopting this SPC into regulation.

- 67) We have found that there are a number of differences between the requirements of Table 2a of Appendix A to Subpart A of 40 CFR 51, dated July 1, 2009, and the “ADEC Reporting Form” found in this SPC. See, for example, our comment 68). Since SPC XV.1.3 requires that Permittees report the required elements in the ADEC Reporting Form *or* those contained in Table 2a of Appendix A to 40 CFR 51 Subpart A, we request that the form be made consistent with whatever version of Table 2a that the Department wants Permittees to use for reporting purposes. See also our comment 59). If the Department intends to periodically change the version of 40 CFR 51 that is adopted by reference in the regulations, perhaps it would be best not to create an “ADEC version” of a form that contains the reporting requirements that will have to be monitored with each new adoption date of the regulations and potentially revised to maintain consistency with the required reporting elements. Instead, for information that the Department would like to ask Permittees to include in the reports that is not listed in Table 2a of Appendix A to 40 CFR 51 Subpart A (e.g., ADEC Stationary Source ID, etc.), the Department might consider revising SPC XV.1.3 to include list of additional “Alaska-specific” items that are to be reported in addition to those required under 40 CFR 51.30(a) and (b), assuming the list of additional items is not too cumbersome for a permit condition.
- 68) Revise the 3rd page of the **Emission Inventory Reporting Form** as follows:

Stack Description:	
	<...>
	Location Description:
	<u>Accuracy (m): Method Accuracy Description (MAD) Codes (as defined in 40 CFR 51.50)</u>
	Datum:

Basis: 1) The requirement of Table 2a of Appendix A to Subpart A of 40 CFR 51 (dated July 1, 2009) is to report the Method Accuracy Description (MAD) Codes as defined in 40 CFR 51.50, not the “accuracy in meters”.

2) The “datum” is not required by 40 CFR 51, but is part of the MAD code. Refer to the definition of the Method Accuracy Description code found in 40 CFR 51.50, dated July 1, 2009.