



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Environmental
Conservation

OFFICE OF THE COMMISSIONER

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October 21, 2014

Dennis McLerran
Regional Administrator
U.S. EPA Region 10
1200 Sixth Avenue
Seattle WA 98101

Subject: SIP Submittal of Definition of Regulated NSR Pollutant and Technical Corrections in 18 AAC 50 and Withdrawal of June 24, 2014, request for SIP Approval of 40 C.F.R. 52.21(b)(49)(v) in 18 AAC 50.040(h)(4)

Dear Mr. McLerran:

This letter withdraws and replaces the parallel processing submission letter dated September 19, 2014. Review by the Department of Law revealed that revisions were required to the previously submitted regulations. Therefore, The Alaska Department of Environmental Conservation (ADEC) hereby submits the enclosed revisions to our State Implementation Plan (SIP) and requests EPA approval of the submission in accordance with 40 C.F.R. 51, Appendix V. The revision to 18 AAC 50 have an effective date of November 9, 2014, and include the following changes:

- update the adoption by reference date of 40 C.F.R. 51 in 18 AAC 50.040(i);
- adopt revised language to 18 AAC 50.040(i) to adopt the definition of “regulated NSR pollutant” found in 40 C.F.R. 51.165(a)(1)(xxxvii);
- adopt technical corrections in 18 AAC 50.040(i) relating to the major NSR program;
- adopt new language in 18 AAC 50.502(h) to define “regulated NSR pollutant” for the purposes of that section; and
- repeal the definition of “regulated NSR pollutant” in 18 AAC 50.990(92).

The revision of 18 AAC 50.040(i)(1)(B), wherein the definition of “regulated NSR pollutant” is adopted, will allow the state to comply with federal rules regarding precursor emissions in nonattainment areas.

We are enclosing one paper copy and one electronic version of the following documents:

SIP Revision:

- Signed and Certified Adoption Order and Filing Certificate for Permanent Regulations, filed October 10, 2014, with an effective date of November 9, 2014; Adoption Order of Commissioner Larry Hartig signed by Commissioner Larry Hartig on October 9, 2014, with Filing Certification of Lt. Governor Mead Treadwell signed by Barbara Propes on October

10, 2014; with Delegation of Lieutenant Governor's Authority certificate dated July 2, 2014; adoption draft of Alaska Administrative Code, Title 18, Chapter 50 Air Quality Control with an effective date of November 9, 2014, to be published in Register 212, January 2015.

Supporting Documentation includes:

- Notice of Public Comment Period, signed March 17, 2014; Public Notice Cancelling the Public Hearing, published on-line starting April 16, 2014;
- Affidavit of Publication from the Public Notice, published in the Anchorage Daily News on March 19-20, 2014, signed March 20, 2014;
- Affidavit of Agency Record of Public Comment, signed
- Affidavit of Cancellation of Oral Hearing, signed May 5, 2014;
- Affidavit of Notice of Proposed Adoption of Regulations and Furnishing of Additional Information, signed September 26, 2014;
- Public Review Draft of proposed changes to 18 AAC 50 showing changes with new language indicated by bold lettering and old language shown in all capitals and brackets, dated March 17, 2014; and
- Alaska Air Quality Control Regulations 18 AAC 50, Effective November 10 2014 (electronic copy of CD only).

Additionally, in light of the June 23, 2014, United States Supreme Court decision addressing the application of stationary source permitting requirements to greenhouse gases (GHG) (*Utility Air Regulatory Group (UARG) v. Environmental Protection Agency* (EPA) (No. 12-1146)), ADEC hereby withdraws the GHG Tailoring Rule Step 2 provisions found in 40 C.F.R. 52.21(b)(49)(v), as adopted by reference in 18 AAC 50.040(h)(4), effective October 6, 2013, from our June 24, 2014, request to Region 10 for approval of the SIP submittal.

Please have your staff contact Ms. Rebecca Smith if they have any questions or need additional assistance with this submittal. She can be reached at (907) 465-5121 or by e-mail at rebecca.smith@alaska.gov. Thank you for your consideration of our SIP revision submittal, and we look forward to your approval of the package.

Sincerely,



Larry Hartig
Commissioner

Enclosures

cc: Kate Kelly, Director, Office of Air Waste and Toxics, EPA, Region 10 (via e-mail)
Debra Suzuki, Manager, Air Planning Unit, EPA, Region 10 (via e-mail)
Donna Deneen, EPA Region 10 (via e-mail)
Kristin Hall, EPA Region 10 (via e-mail)
David Bray, EPA Region 10 (via e-mail)
Alice Edwards, Director, Division of Air Quality, DEC (via e-mail)
John Kuterbach, Air Permits Program Manager, Division of Air Quality, DEC (via e-mail)