

**SB**

**144**

**HFIN**

**FILE**

# ALASKA STATE LEGISLATURE



Official Business

## SENATE RESOURCES COMMITTEE

Senator Tom Wagoner, Chair

State Capitol, Room 427

Juneau, AK 99801-1182

Phone: (907) 465-4907 Fax: (907) 465-4779

Senator Ralph Seekins, Vice-Chair

Senator Ben Stevens

Senator Kim Elton

Senator Fred Dyson

Senator Bert Stedman

Senator Gretchen Guess

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### Sponsor Statement

#### SB 144 - EMISSION CONTROL PROGRAM PERMITS/REGS

As part of Governor Murkowski's permit reform initiative, the 23<sup>rd</sup> Alaska Legislature passed CSHB 160 (Fin) in 2003. This law streamlined Alaska's air permitting by making the State's air permit rules mirror federal requirements.

However, in adopting the regulations to implement the new statute, the Department of Environmental Conservation (DEC) found several places where the statute did not meet federal requirements. If unaddressed, these deficiencies would prevent federal approval of Alaska's permit programs, and could jeopardize State primacy for these programs.

This bill makes technical changes to address certain specific deficiencies and to ensure continued State primacy in air permitting. It adopts federal definitions to ensure the State's program is consistent with federal law, and repeals definitions not needed in statute. For needed terms that are not defined in statute, the bill directs the department to define them in regulation consistent with federal law.

One change proposed by the bill is needed to ensure a solvent program. The air permit program is funded entirely by user fees. This bill would allow DEC to revoke a permit when the fees are not paid.



# FISCAL NOTE

STATE OF ALASKA  
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: CSSB 144(RES)  
(S) Publish Date: 3/22/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Environmental Conservation  
Title Emission Control Program Permits/Regs RDU \_\_\_\_\_ Air Quality  
Component \_\_\_\_\_ Air Quality  
Sponsor Senate Resources  
Requester Senate Resources Component No. 2061

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

**ANALYSIS:** (Attach a separate page if necessary)

This bill will not have a financial impact on the Air Permits Program. The cost to administer the program remains unchanged.

Prepared by: John Kuterbach, Air Permits Program Manager Phone (907) 465-5103  
Division: Air Quality Date/Time 3/18/05 11:00 AM  
Approved by: Kurt Fredriksson, Acting Commissioner Date 3/18/2005  
Agency: Environmental Conservation

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### Sectional Analysis

#### SB 144 - EMISSION CONTROL PROGRAM PERMITS/REGS

Sectional Analysis of SB 144 (relating to regulations, definitions, and permits under the emission control permit program)

SB 144 makes technical changes to the state air permits program needed for consistency with federal requirements. The bill also expands the department's authority to ensure payment of program fees.

**Sec. 1.** The first section of the bill better defines who needs a Clean Air Act Title V operating permit by using federal terminology. In AS 46.14.130(b)(1)&(2), the federal term "major source" is added and use of the term "stationary source" changed to more closely track the terminology used by CAA Title V to describe categories needing permits. Together with adoption of the federal definition of "major source" in section 2, these changes ensure that the state program will meet the minimum federal requirements needed for program approval by EPA. The current state program omits certain groups of stationary sources required to have a Title V permit under federal law.

**Sec. 2.** The second section adopts the federal definition of "major source" contained in CAA section 501 for purposes of AS 46.14.130. This change ensures that the state's operating permit program applies to all categories of sources enumerated under Title V of the CAA.

**Sec. 3.** Section three adds a new subsection AS 46.14.140(a)(15) directing DEC to use applicable definitions of the CAA or EPA implementing regulations when adopting air emission permit program regulations. This is a continuation of the department's effort to have our state air permit programs mirror their federal counterparts.

**Sec. 4.** Section four authorizes DEC to revoke a permit if necessary to secure payment of program fees or penalties awarded by the court for violations of state law. Currently AS 46.14.255(b) gives DEC leverage to stop work on permit applications or to refuse to issue a permit or permit change. However under the new minor permit program some permits will be continuous and, unless the permittee needs a permit modification, the statute as currently written cannot be used to compel payment after the permit is issued. Similarly, with the standard operating permit term of five years, there may be significant periods of time during which the department is not working on a permit renewal or other permit change for a given permittee. The addition of permit revocation authority will enhance the department's ability to obtain payment in those circumstances.

**Sec. 5.** Section five corrects the phrase "major stationary source" to read "major source" in AS 46.14.255(a) and makes other stylistic changes.

**Sec. 6.** Section six amends the definition of "emissions unit" to enable the department to use either of two federal definitions of the term as the context requires. The federal construction and operating permit programs use different definitions of the term for these respective permit programs. This amendment enables the state permit programs to more closely mirror the federal counterparts.

**Sec. 7.** Section seven substitutes a CAA definition for the term "stationary source" in lieu of EPA's regulatory definition for the Title I permit program. The CAA and EPA's implementing regulations use different definitions of the term "stationary source" depending upon the CAA program.

**Sec. 8.** Section eight repeals the statutory definition of the term "modification." The term "modification" has various definitions in the CAA and EPA implementing regulations. Adopting the applicable definition by regulation is less cumbersome and better enables the department to promulgate regulations mirroring the federal programs.

**Sec. 9.** Provides for an effective date of July 1, 2005.

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DOCUMENT(S)  
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POOR  
ORIGINAL  
COPIES

# STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION  
DIVISION OF AIR QUALITY  
DIRECTOR'S OFFICE

555 Cordova Street  
Anchorage, AK 99501-2617  
PHONE: (907) 269-7634  
FAX: (907) 269-3098  
TDD/TTY: (907) 269-7511  
<http://www.state.ak.us/dec/>

February 1, 2005

Roscoe G. Bicknell  
Bicknell Inc  
AEDCO All Mix Asphalt Plant  
PO Box 33517  
Juneau, AK 99803-3517

Re: Proposed Legislation That May Interest You

Dear Mr. Bicknell:

As you know, the Department of Environmental Conservation recently revised its air quality permitting rules. Some facilities that previously required a Title V operating permit will now require only a minor source permit. Unlike the Title V permits which terminate and are subject to renewal every five years, many of these minor source permits do not require renewal. Department records indicate that one or more of your facilities may fall into this category.

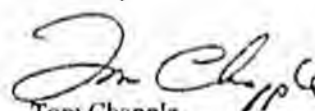
The department is seeking a change in law to create a fee collection tool applicable to minor source operators. The purpose of this letter is to make you aware of our legislative proposal and to explain the logic and need for it. The new permits will continue to be fee-based and the department will continue to issue billings for applicable permit fees, send reminders for late fees, and review fee appeals as it has in the past. These collection efforts have been successful for the great majority of fee payers. While rare, the department has had to refuse to work on permit renewals for a few permittees in order to encourage payment of past due fees. Since the new minor permits do not need renewal, the department believes it needs a means to encourage payment of any long overdue fee billings.

We are seeking to have legislation introduced this session to allow the department to revoke a minor permit for non-payment of fees. The legislation will provide protections for the permittee. Revoking a minor permit would only occur when all other efforts to collect undisputed fees or work out a payment schedule have failed. For fees subject to dispute, if a fee appeal has been submitted, the permit could not be revoked until the dispute is resolved.

We believe this added authority benefits the vast majority of permittees by helping to ensure that all permittees pay their allocated share. Because the air permit functions are almost exclusively funded through user fees, any accumulated bad debt will eventually result in all other permittees paying a higher fee. We believe it's in everyone's best interest to avoid this situation.

If you have any questions about this legislation or believe this legislative proposal has serious problems, please call me (907) 269-7634 or John Kuterbach, the air permits program manager, at (907) 465-5103.

Sincerely,

  
Tom Chapple  
Director

"Clean Air"

## MINOR GENERAL PERMITS

Project ID	Facility Name/Location	Responsible Party	Address	City	State	Zip
1130P301	Wasilla Asphalt Plant	AAA Valley Gravel	PO Box 876418	Wasilla	AK	99687-2453
7320P301	Sitka Asphalt Plant	Aggregate Construction Inc	401 Granite Creek Rd	Sitka	AK	99835
021AC008	Alaska Complete Tank SRU	Alaska Complete Tank	2700 Huffman Rd	Anchorage	AK	99516
3910P301	AEDCO Asphalt Plant	Alaska Roadbuilders	44482 Frontier Ave	Soldotna	AK	99669
3920P301	GP9 Crusher	Alaska Roadbuilders	44482 Frontier Ave	Soldotna	AK	99669
3930P301	Adm Drum Mix Asphalt Plant	Alaska Roadbuilders	44482 Frontier Ave	Soldotna	AK	99669
3410P302	AEDCO All Mix Asphalt Plant	Bicknell Inc	PO Box 33517	Juneau	AK	99803-3517
6260P301	AEDCO All Mix Asphalt Plant	Bicknell Inc	PO Box 33517	Juneau	AK	99803-3517
7830P301	SE Paving Wylie 3140	Bicknell Inc	PO Box 33517	Juneau	AK	99803-3517
3320P302	AESCO Madsen DM7228 Drum	Brechan Enterprises Inc	2705 Mill Bay Rd	Kodiak	AK	99615
7940P901	Near Island Crusher	Brechan Enterprises Inc	2705 Mill Bay Rd	Kodiak	AK	99615
7950P901	Bella Flata Crusher	Brechan Enterprises Inc	2705 Mill Bay Rd	Kodiak	AK	99615
4790P301	Asphalt Plant	Brice Incorporated	PO Box 70668	Fairbanks	AK	99707-0668
7750P902	Brice Crusher	Brice Incorporated	PO Box 70668	Fairbanks	AK	99707-0668
4000P302	Builders Asphalt Plant	Builders Services Inc	PO Box 809	Homer	AK	99603
2120P301	Asphalt Plant	COLASKA Inc	240 W 68th Ave	Anchorage	AK	99518
2460P301	AEDCO 60" Drum Plant	COLASKA Inc	240 W 68th Ave	Anchorage	AK	99518
2470P301	Astec Super Six Pack	COLASKA Inc	240 W 68th Ave	Anchorage	AK	99518
2480P301	CMI Plant A245	COLASKA Inc	240 W 68th Ave	Anchorage	AK	99518
4230P301	AEDCO 42" Drum Plant	COLASKA Inc	240 W 68th Ave	Anchorage	AK	99518
4240P301	CMI 2500 Plant	COLASKA Inc	240 W 68th Ave	Anchorage	AK	99518
4980P301	Cedar Rapids Asphalt Plant	COLASKA Inc	240 W 68th Ave	Anchorage	AK	99518
3470P301	Eagle River Asphalt Plant	Emulsion Products	20130 New England Dr	Eagle River	AK	99577
0970P301	Sealand Pit Asphalt Plant	Exclusive Landscaping & Paving Inc	PO Box 58136	Fairbanks	AK	99711-0136
3120P301	Stansteel Asphalt Plant	H & H Contractors	PO Box 60610	Fairbanks	AK	99706
8480P901	Hamilton OP9 Crusher	Hamilton Construction LLC	465 Pease Rd	Rurlington	WA	98233
2190P301	Drum Mix Asphalt Plant	Harris Sand & Gravel Inc	PO Box 6	Valdez	AK	99686
5970P301	Pioneer Drum Mix Asphalt Plant	Harris Sand & Gravel Inc	PO Box 6	Valdez	AK	99686
8000P901	Valdez Crusher	Harris Sand & Gravel Inc	PO Box 6	Valdez	AK	99686
4120P301	CMI UVM-250	Herndon & Thompson LLC	PO Box 1548	Seward	AK	99664
8320P901	Wrangle Airport Quarry Crusher	Kiewit Pacific Company	PO Box 1769	Vancouver	WA	98668-1769
3380P301	Knik Asphalt Plant	Knik Construction	PO Box 3757	Seattle	WA	98124
6110P902	Seward Crusher	Metro Inc	2701 Seward Hwy	Seward	AK	99664
1760P301	X551 CMI Hot Plant	North Star Paving & Construction	265 Wilson Lane	Soldotna	AK	99669
7760P301	NuVuk Asphalt Plant	NuVuk Construction LLC	5300 A St	Anchorage	AK	99518
3660P301	Fairbanks Asphalt Plant	Paving Products Inc	PO Box 80430	Fairbanks	AK	99708
5960P301	AESCO MADSEN DM Asphalt Plant	Pruhs Corporation	2193 Viking Dr	Anchorage	AK	99501
6160P301	CMI Asphalt Plant	Pruhs Corporation	2193 Viking Dr	Anchorage	AK	99501
7970P901	QS&G Crusher Palmer	Pruhs Corporation	2193 Viking Dr	Anchorage	AK	99501
8010P301	ASTEC Drum Mix Asphalt Plant	Pruhs Corporation	2193 Viking Dr	Anchorage	AK	99501
3460P301	AEDCO Asphalt Plant	Seccon Inc	PO Box 32159	Juneau	AK	99803-2159
3570P301	Stansteel 3000 Asphalt Batch Plant	Seccon Inc	PO Box 32159	Juneau	AK	99803-2159
3580P301	Stansteel TM50	Seccon Inc	PO Box 32159	Juneau	AK	99803-2159
7880P902	Seccon Crusher Ketchikan	Seccon Inc	PO Box 32159	Juneau	AK	99803-2159
6150P301	Boring Asphalt Plant Anchorage	SKW Eskimos Inc	PO Box 92479	Anchorage	AK	99509-2479
2040P301	Soil Remediation Unit	Soil Processing Inc	207 E Northern Lights Blvd Ste 103A	Anchorage	AK	99503
4010P301	Movable Facility	Tagish Construction	PO Box 1306	Haines	AK	99827
X150	Tesoro Asphalt Plant	Tesoro Alaska Petroleum	PO Box 3369	Kenai	AK	99611-3369
7920P301	TPI Technologies SRU Cold Bay	TPI Technologies Inc	7400 E McDonalds Dr Site 3-123	Scottsdale	AZ	85250
1750P301	Central Paving Products Hot Plant	Wilder Construction	11301 Lang St	Anchorage	AK	99515

177GP301  
178GP301  
192GP301  
441Q1901  
442Q1901

X700 Barber Green Hot Plant  
X400 Cedar Rapids Hot Plant  
Pioneer Batch Plant  
X800 Portable Crusher  
X900 Portable Crusher

Wilder Construction  
Wilder Construction  
Wilder Construction  
Wilder Construction  
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11301 Lang St  
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