

SB

144

SB 144 Supplemental Packet - 3/21/05

- Draft Committee Substitute: 6 pages
- #1 Fiscal Note: DEC: 1 page
- Revised Sectional Analysis: 2 pages
- Federal citations pertaining to SB 144: 8 pages

24-LS0677F
 Bullock
 3/21/05

CS FOR SENATE BILL NO. 144(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered:

Referred:

Sponsor(s): SENATE RESOURCES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to regulations, definitions, and permits under the emission control
 2 permit program; and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 46.14.130(b) is amended to read:

5 (b) Except for the owner and operator of a stationary source exempted under
 6 AS 46.14.120(e) or (f), the owner and operator of a stationary source shall obtain an
 7 operating permit from the department for [IF THE STATIONARY SOURCE]

8 (1) a major source [EMITS OR HAS THE POTENTIAL TO EMIT
 9 100 TPY OR MORE OF A REGULATED AIR POLLUTANT];

10 (2) a stationary source that [EMITS OR HAS THE POTENTIAL TO
 11 EMIT 10 TPY OR MORE OF A HAZARDOUS AIR POLLUTANT OR 25 TPY OR
 12 MORE, IN THE AGGREGATE, OF TWO OR MORE HAZARDOUS AIR
 13 POLLUTANTS;

14 (3)] contains an emission unit subject to federal new source

1 performance standards under 42 U.S.C. 7411 (Clean Air Act, sec. 111) or national
2 emission standards for hazardous air pollutants issued under 42 U.S.C. 7412 (Clean
3 Air Act, sec. 112); or

4 (3) [(4) CONTAINS] another stationary source designated by the
5 federal administrator by regulation.

6 * Sec. 2. AS 46.14.130 is amended by adding a new subsection to read:

7 (d) In this section, "major source" has the meaning given in 42 U.S.C.
8 7661(2).

9 * Sec. 3. AS 46.14.140(a) is amended to read:

10 (a) The department shall adopt regulations to address substantive and
11 procedural elements of the emission control permit program established under this
12 chapter that are not addressed in statute, except elements that relate only to the internal
13 management of the department and do not affect the public or govern the way the
14 department deals with the public. The regulations must be reasonable and adequate,
15 and provide flexibility in the operation of a stationary source consistent with 42 U.S.C.
16 7401 - 7671q (Clean Air Act), as amended, and applicable federal regulations. Except
17 for regulations concerning minor permits required under AS 46.14.130(c), the
18 regulations must include

19 (1) a standard permit application form that meets the requirements of
20 federal regulations adopted under 42 U.S.C. 7661a(b) (Clean Air Act, sec. 502(b));

21 (2) monitoring, record keeping [RECORDKEEPING], and reporting
22 requirements for facilities that are subject to AS 46.14.130(b), which must comply
23 with the requirements established for state operating permit programs in 40 C.F.R.
24 70.6, but which may be modified to take into account this state's unique conditions;

25 (3) procedures for preparation and submission of a monitoring,
26 reporting, and quality assurance plan and, if required, a compliance schedule
27 describing how a permitted stationary source will comply with the applicable
28 requirements of this chapter;

29 (4) procedures for

30 (A) specifying when permit applications and renewal requests
31 are to be submitted;

1 (B) specifying the time duration for department review of
2 permit applications;

3 (C) processing and reviewing an application;

4 (D) providing public notice, including opportunity for public
5 comment and hearing; and

6 (E) issuing permits, including procedures for issuing permits
7 for temporary operations or open burn activities;

8 (5) reasonable standard permit conditions, including conditions for

9 (A) emission standards and limitations;

10 (B) monitoring, record keeping, and reporting for facilities
11 subject to AS 46.14.130;

12 (C) inspection and entry;

13 (D) certification of corporate or other business organization
14 reports;

15 (E) annual certification of compliance;

16 (F) excess emission or process deviation reporting; and

17 (G) equipment malfunctions and emergencies;

18 (6) fees and procedures for collecting fees;

19 (7) provisions addressing late payment or nonpayment of fees, which
20 may include assessment of penalties and interest or refusal to issue, amend, modify, or
21 renew an air quality control permit;

22 (8) the duration of permits;

23 (9) procedures for modifying or amending a permit that provide
24 flexibility in the operation of the stationary source, including procedures to allow
25 changes to a permitted stationary source without requiring a permit modification,
26 consistent with the purposes of this chapter and with 42 U.S.C. 7401 - 7671q (Clean
27 Air Act);

28 (10) reasonable provisions for renewing, reopening, revoking and
29 reissuing, and terminating a permit consistent with the purposes of this chapter and 42
30 U.S.C. 7401 - 7671q (Clean Air Act);

31 (11) provisions allowing for physical or operational limitations that

1 will reduce a stationary source's emissions to levels below those that would make the
2 stationary source subject to part or all of AS 46.14.120 and 46.14.130;

3 (12) provisions authorizing stationary source operation while a permit
4 application is pending, consistent with 42 U.S.C. 7661b(d) (Clean Air Act, sec.
5 503(d));

6 (13) provisions for ensuring that compliance with an operating permit
7 issued under this chapter will be considered to be compliance with 42 U.S.C. 7661a
8 (Clean Air Act, sec. 502) and other provisions of state or federal law specifically
9 provided for by the department consistent with 42 U.S.C. 7401 - 7671q (Clean Air
10 Act) and regulations adopted under state and federal law; [AND]

11 (14) provisions allowing for certification of inspectors who evaluate
12 compliance with the terms and conditions of a permit, order, regulation, or other
13 provision of law authorized under this chapter; and

14 (15) definitions of terms incorporating applicable definitions in 42
15 U.S.C. 7401 - 7671q (Clean Air Act), as amended, and applicable federal
16 regulations, to the extent that those definitions are not inconsistent with this
17 chapter.

18 * Sec. 4. AS 46.14.255(b) is amended to read:

19 (b) If a permittee has failed to pay a fee imposed under AS 46.14.240 -
20 46.14.250, a penalty, assessment, or damage award imposed under AS 46.03.760(e) or
21 46.03.790 for a violation of this chapter, or interest imposed under (a) of this section,
22 the department may, after 30 days' written notice to the permittee, revoke a minor
23 permit, refuse to issue or renew permits requested by the permittee, or refuse to
24 amend or modify a permit when the amendment or modification is requested by the
25 permittee.

26 * Sec. 5. AS 46.14.280(a) is amended to read:

27 (a) After 30 days' written notice to the permittee, the department
28 (1) may terminate, modify, or revoke and reissue a construction, [OR]
29 operating, or minor permit if the department finds that
30 (A) the permit was obtained by misrepresentation of material
31 fact or by failure of the owner and operator to disclose fully the facts relating

1 to issuance of the permit;

2 (B) the permittee has violated this chapter, a regulation, a
3 judicial or administrative order, or a material term or condition of a permit,
4 approval, or acceptance issued under this chapter; or

5 (C) the permittee has failed to construct or modify a stationary
6 source within the time period specified in a construction permit, if any,
7 required under AS 46.14.130(a);

8 (2) may modify, or revoke and reissue a construction, operating, or
9 minor permit if the department finds that

10 (A) the permit contains a material mistake; or

11 (B) there has been a material change in the quantity or type of
12 air pollutant emitted from the stationary source; or

13 (3) shall reopen a permit issued under this chapter

14 (A) based on a determination of the federal administrator or the
15 department that the permit must be revised to comply with 42 U.S.C. 7401 -
16 7671q (Clean Air Act) and regulations adopted under 42 U.S.C. 7401 - 7671q
17 [THEREUNDER]; or

18 (B) to incorporate changes in law, or to impose equivalent
19 emission limitations, that become applicable after the permit is issued if the
20 permit is issued to a major [STATIONARY] source and has a remaining
21 duration of three or more years; the department shall make revisions allowed
22 under this subparagraph as soon as practicable, but, regarding a change in law,
23 not [NO] later than 18 months after the change in law takes effect; the
24 department may not reopen the permit of a major [STATIONARY] source
25 under this subparagraph if the change in law is not effective until after the date
26 that the permit expires.

27 * Sec. 6. AS 46.14.990(11) is amended to read:

28 (11) "emission unit" has the meaning given in 40 C.F.R. 51.166(b))
29 or 40 C.F.R. 70.2, depending on the context in which the term is used [40 C.F.R.
30 51.166(b)];

31 * Sec. 7. AS 46.14.990(27) is amended to read:

1

(27) "stationary source" has the meaning given in 40 C.F.R. 51.166(b)

2

or 40 C.F.R. 70.2, depending on the context in which the term is used;

3

* **Sec. 8.** AS 46.14.990(18) is repealed.

4

* **Sec. 9.** This Act takes effect July 1, 2005.

SB 144

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB144
() Publish Date: _____

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
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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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
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

ALASKA STATE LEGISLATURE



Official Business

SENATE RESOURCES COMMITTEE

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Sectional Analysis

SB 144 EMISSION CONTROL PROGRAM PERMITS/REGS

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.

Sec. 7661. Definitions

As used in this subchapter--

(1) Affected source

The term "affected source" shall have the meaning given such term in subchapter IV-A of this chapter.

(2) Major source

The term "major source" means any stationary source (or any group of stationary sources located within a contiguous area and under common control) that is either of the following:

- (A) A major source as defined in section 7412 of this title.
- (B) A major stationary source as defined in section 7602 of this title or part D of subchapter I of this chapter.

#1 MAJOR SOURCE
Pg. 2; Sec. 2

SB 144

Sec. 7412. Hazardous air pollutants

(a) Definitions

For purposes of this section, except subsection (r) of this section--

(1) Major source

The term "major source" means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants. The Administrator may establish a lesser quantity, or in the case of radionuclides different criteria, for a major source than that specified in the previous sentence, on the basis of the potency of the air pollutant, persistence, potential for bioaccumulation, other characteristics of the air pollutant, or other relevant factors

#1 * MAJOR SOURCE
Supplemental
Pg. 2, Sec. 2

(j) Except as otherwise expressly provided, the terms "major stationary source" and "major emitting facility" mean any stationary facility or source of air pollutants which directly emits, or has the potential to emit, one hundred tons per year or more of any air pollutant (including any major emitting facility or source of fugitive emissions of any such pollutant, as determined by rule by the Administrator).

1 B MAJOR SOURCE

MAJOR stationary source

Pg 2. Sec 2

#2 Pg. 4 line 14

refers to entire CLEAN
AIR ACT = not copied

#3 Pg. 5, line 16 = refers
to entire CLEAN AIR ACT
not copied.

(7) Emissions unit means any part of a stationary source that emits or would have the potential to emit any regulated NSR pollutant and includes an electric utility steam generating unit as defined in paragraph (b)(30) of this section. For purposes of this section, there are two types of emissions units as described in paragraphs (b)(7)(i) and (ii) of this section.

(i) A new emissions unit is any emissions unit that is (or will be) newly constructed and that has existed for less than 2 years from the date such emissions unit first operated.

(ii) An existing emissions unit is any emissions unit that does not meet the requirements in paragraph (b)(7)(i) of this section. A replacement unit, as defined in paragraph (b)(32) of this section, is an existing emissions unit.

#4 EMISSION UNIT

pg. 5, Sec. 6

Emissions unit means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any pollutant listed under section 112(b) of the Act. This term is not meant to alter or affect the definition of the term "unit" for purposes of title IV of the Act.

5

EMISSION UNIT

Ps. 5, Sec 6

(5) Stationary source means any building, structure, facility, or installation

[[Page 208]]

which emits or may emit a regulated NSR pollutant.

6 Stationary Source

pg. 6 Line 2

(40 CFR, 51.166.(b)(5))

Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. Where such meaning is clear from the context, "State" shall have its conventional meaning. For purposes of the acid rain program, the term "State" shall be limited to authorities within the 48 contiguous States and the District of Columbia as provided in section 402(14) of the Act.

Stationary source means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under section 112(b) of the Act.

Whole program means a part 70 permit program, or any combination of partial programs, that meet all the requirements of these regulations and cover all the part 70 sources in the entire State. For the purposes of this definition, the term "State" does not include local permitting authorities, but refers only to the entire State, Commonwealth, or Territory.

[57 FR 32295, July 21, 1992, as amended at 66 FR 59166, Nov. 27, 2001]

Effective Date Note: At 69 FR 31505, June 3, 2004, Sec. 70.2 was amended by amending by redesignating paragraphs (7) through (12) of the definition of "applicable requirement" as paragraphs (8) through (13) and adding a new paragraph (7) effective July 6, 2004. For the convenience of the user, the added text is set forth as follows:

Sec. 70.2 Definitions.

* * * * *

Applicable requirement * * *

(7) Any standard or other requirement under section 126(a)(1) and (c) of the Act;

* * * * *

7 Stationary Source
Pg. 6 : 40 CFR 70.2

(5) Stationary source means any building, structure, facility, or installation

[[Page 208]]

which emits or may emit a regulated NSR pollutant.

6 Stationary Source

pg. 6 Line 2

(40 CFR, 51.166.(b)(5))

SB 144 Packet – materials

- Sponsor Statement – 1 page
- Sectional Analysis – 1 page
- DEC letter 2-01-05 re: minor permits (3 pages)
- Bill - 6 pages
- Fiscal Note: not yet received, will be handed out on Monday.

ALASKA STATE LEGISLATURE



Official Business

SENATE RESOURCES COMMITTEE

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Senator Ben Stevens

Senator Kim Elton

Senator Fred Dyson

Senator Bert Stedman

Senator Gretchen Guess

Sponsor Statement

SB 144 - EMISSION CONTROL PROGRAM PERMITS/REGS

As part of Governor Murkowski's permit reform initiative, the 23rd 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 not required by federal law, but is needed to ensure a solvent program. The air permit program is funded entirely by user fees. This bill would give DEC the authority to revoke a permit for failure to pay valid fees.

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Sectional Analysis

SB 144 - EMISSION CONTROL PROGRAM PERMITS/REGS

Sec. 1. This section 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. This 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. This adds a new subsection AS 46.14.140(a)(15) directing DEC to use applicable federal CAA definitions when adopting air emission permit program regulations. This is a continuation of the effort to have our state air permit programs mirror their federal counterparts. **[Note EPA uses "recordkeeping" as a single word- See 40 CFR 71.6]**

Sec. 4. This 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. This corrects the phrase "major stationary source" to read "major source" in AS 46.14.255(a) and makes other stylistic changes.

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

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

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<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 at (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
113GP301	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	99815
021AC008	Alaska Complete Tank SRU	Alaska Complete Tank	2700 Huffman Rd	Anchorage	AK	99516
391GP301	AEDCO Asphalt Plant	Alaska Roadbuilders	44482 Frontier Ave	Soldotna	AK	99669
392GP901	OP9 Crusher	Alaska Roadbuilders	44482 Frontier Ave	Soldotna	AK	99669
393GP301	Adm Drum Mix Asphalt Plant	Alaska Roadbuilders	44482 Frontier Ave	Soldotna	AK	99669
341GP302	AEDCO All Mix Asphalt Plant	Bicknell Inc	PO Box 33517	Juneau	AK	99803-3517
626GP301	AEDCO All Mix Asphalt Plant	Bicknell Inc	PO Box 33517	Juneau	AK	99803-3517
783GP301	SE Paving Wylie 3140	Bicknell Inc	PO Box 33517	Juneau	AK	99803-3517
332GP302	AESCO Madsen DM7228 Drum	Brechan Enterprises Inc	2705 Mill Bay Rd	Kodiak	AK	99615
794GP901	Near Island Crusher	Brechan Enterprises Inc	2705 Mill Bay Rd	Kodiak	AK	99615
795GP901	Bella Plata Crusher	Brechan Enterprises Inc	2705 Mill Bay Rd	Kodiak	AK	99615
479GP301	Asphalt Plant	Brice Incorporated	PO Box 70668	Fairbanks	AK	99707-0668
775GP902	Brice Crusher	Brice Incorporated	PO Box 70668	Fairbanks	AK	99707-0668
400GP302	Builders Asphalt Plant	Builders Services Inc	PO Box 809	Homer	AK	99603
212GP301	Asphalt Plant	COLASKA Inc	240 W 68th Ave	Anchorage	AK	99518
246GP301	AEDCO 60" Drum Plant	COLASKA Inc	240 W 68th Ave	Anchorage	AK	99518
247GP301	Aster Super Six Pack	COLASKA Inc	240 W 68th Ave	Anchorage	AK	99518
248GP301	CMI Plant A248	COLASKA Inc	240 W 68th Ave	Anchorage	AK	99518
423GP301	AEDCO 42" Drum Plant	COLASKA Inc	240 W 68th Ave	Anchorage	AK	99518
424GP301	CMI 2500 Plant	COLASKA Inc	240 W 68th Ave	Anchorage	AK	99518
498GP301	Cedar Rapids Asphalt Plant	COLASKA Inc	240 W 68th Ave	Anchorage	AK	99518
347GP301	Eagle River Asphalt Plant	Emulsion Products	20130 New England Dr	Eagle River	AK	99577
097GP301	Sealand Pit Asphalt Plant	Exclusive Landscaping & Paving Inc	PO Box 58136	Fairbanks	AK	99711-0136
312GP301	Stansteel Asphalt Plant	H & H Contractors	PO Box 60610	Fairbanks	AK	99706
848GP901	Hamilton GP9 Crusher	Hamilton Construction LLC	465 Pease Rd	Burlington	WA	98233
219GP301	Drum Mix Asphalt Plant	Harris Sand & Gravel Inc	PO Box 6	Valdez	AK	99686
597GP301	Pioneer Drum Mix Asphalt Plant	Harris Sand & Gravel Inc	PO Box 6	Valdez	AK	99686
800GP901	Valdez Crusher	Harris Sand & Gravel Inc	PO Box 6	Valdez	AK	99686
412GP301	CMI UVM-250	Herndon & Thompson LLC	PO Box 1548	Seward	AK	99664
832GP901	Wrangell Airport Quarry Crusher	Kiewit Pacific Company	PO Box 1769	Vancouver	WA	98668-1769
338GP301	Knik Asphalt Plant	Knik Construction	PO Box 3757	Seattle	WA	98124
611GP902	Seward Crusher	Metro Inc	2701 Seward Hwy	Seward	AK	99664
170GP301	X551 CMI Hot Plant	North Star Paving & Construction	265 Wilson Lane	Soldotna	AK	99669
776GP301	NuVuk Asphalt Plant	NuVuk Construction LLC	5300 A St	Anchorage	AK	99518
366GP301	Fairbanks Asphalt Plant	Paving Products Inc	PO Box 80430	Fairbanks	AK	99708
596GP301	AESCO MADSEN DM Asphalt Plant	Pruha Corporation	2193 Viking Dr	Anchorage	AK	99501
616GP301	CMI Asphalt Plant	Pruha Corporation	2193 Viking Dr	Anchorage	AK	99501
799GP901	QS&G Crusher Palmer	Pruha Corporation	2193 Viking Dr	Anchorage	AK	99501
801GP301	ASTEC Drum Mix Asphalt Plant	Pruha Corporation	2193 Viking Dr	Anchorage	AK	99501
346GP301	AEDCO Asphalt Plant	Secon Inc	PO Box 32159	Juneau	AK	99803-2159
357GP301	Stansteel 3000 Asphalt Batch Plant	Secon Inc	PO Box 32159	Juneau	AK	99803-2159
358GP301	Stansteel TM50	Secon Inc	PO Box 32159	Juneau	AK	99803-2159
788GP902	Secon Crusher Ketchikan	Secon Inc	PO Box 32159	Juneau	AK	99803-2159
615GP301	Boeing Asphalt Plant Anchorage	SKW Eskimos Inc	PO Box 92479	Anchorage	AK	99509-2479
204GP401	Soil Remediation Unit	Soil Processing Inc	207 E Northern Lights Blvd Ste 103A	Anchorage	AK	99503
401GP301	Movable Facility	Tagish Construction	PO Box 1306	Haines	AK	99827
X150	Tesoro Asphalt Plant	Tesoro Alaska Petroleum	PO Box 3369	Kenai	AK	99611-3369
792GP401	TPS Technologies SRU Cold Plant	TPS Technologies Inc	7400 E McDonalds Dr Ste 3-123	Scottsdale	AZ	85250
175GP301	Central Paving Products Hot Plant	Wilder Construction	11301 Lang St	Anchorage	AK	99515

1770P301	X700 Barber Green Hot Plant	Wilder Construction	11301 Lang St	Anchorage	AK	99515
1780P301	X400 Cedar Rapids Hot Plant	Wilder Construction	11301 Lang St	Anchorage	AK	99515
1920P301	Pioneer Batch Plant	Wilder Construction	11301 Lang St	Anchorage	AK	99515
4410P901	X800 Portable Crusher	Wilder Construction	11301 Lang St	Anchorage	AK	99515
4420P901	X900 Portable Crusher	Wilder Construction	11301 Lang St	Anchorage	AK	99515

ALASKA STATE LEGISLATURE



Official Business

SENATE RESOURCES COMMITTEE

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Sectional Analysis

SB 144 EMISSION CONTROL PROGRAM PERMITS/REGS

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.