

§ 52.70

40 CFR Ch. I (7-1-07 Edition)

335-3-6-.05(3), (4), (5)(a), (5)(f), (6), (7); 335-3-6-.06(3)(a), (3)(a)3, (4-5); 335-3-6-.07(1), (2)(d), (3), (4), (4)(c), (5)(a), (5)(c), (7); 335-3-6-.11(1)(a), (1)(b-c), (2)(a), (2)(b-c), (3), (3)(b-c), (4)(a), (4)(b-d), (5)(a), (5)(b-c), (6)(a), (6)(b-c), (7)(a), (7)(b-c), (8)(a-c), (9)(a)3, (9)(b), (10)(a), (10)(b), (10)(c-d), (11)(a), (11)(b), (11)(c), (11)(d-e); 335-3-6-.12(4), (5), (6), (6)(b)3; 335-3-6-.13(2)(a); 335-3-6-.15(1)(a), (1)(b), (2)(a), (2)(c), (3)(a), (3)(b), (4)(a), (4)(c-d), (5); 335-3-6-.16(1)(e)1, (1)(e)2I, (2)(g)1, 335-3-6-.49(1), (5)(a); 335-3-6-.50(1); 335-3-6-.53(13); 335-3-8-.02(1); 335-3-9-.01(3); 335-3-12-.02(2); 335-3-13-.02(3); 335-3-13.03(3); 335-3-13-.04(3); 335-3-13-.05(3); 335-3-13-.06(3); 335-3-14-.01(1)(b-c), (1)(e), (1)(g), (1)(k), (1)(k)1-5, (6)(a), (6)(b), (6)(b)1, (6)(b)3, (6)(c), (7)(a)2, (7)(c-d); 335-3-14-.02(1)(a), (4)(b-c), (4)(e)1, (4)(e)4, (5)(a-c); 335-3-14-.03(1)(g)1-3, (1)(h)2(V), (2)(a), (2)(a)4(V), (2)(a)6(i-ii), (2)(a)7, (2)(a)7(i-ii), (2)(a)7(I), (2)(a)7(II)(iii), (2)(b-c), (2)(f-g); 335-3-14-.04(2), (2)(a)1(i-iii), (2)(b)1, (2)(c)2(i), (2)(c)4, (2)(c)6(i-ii), (2)(f), (2)(i), (2)(i)1, (2)(m)1, (2)(m)1(i), (2)(n)2, (2)(u)1, (2)(u)4, (2)(w)3, (6)5(b), (8)(a-d), (8)(e-f), (8)(g-h), (8)(h)3, (8)(k), (8)(l), (11)(a), (12)(a)(6-8), (12)(c), (13)(a), (15)(c), (15)(f-h), (17)(c), (18)(a), (18)(b)2-3, (18)(c), (18)(d), (19)(a), (19)(c); 335-3-14-.05(2)(c)1(ii), (2)(l), (3), (3)(c), (4)(c), (4)(c)2, (4)(d), (5-6), (6)(c), (7)(a), (9)(c)2, (9)(d), (11), (12)(a), (13)(b)7; 335-3-15-.01(b), (d-f), (h); 335-3-15-.02(3-4), (7)(c), (8)(f), (8)(h)2, (8)(h)4(i), (8)(h)4(iv), (9)(a)4(iv)1-3, (9)(a)4(iv)(V), (9)(a)6(i-ii), (9)(a)7, (9)(a)7(i-ii), (9)(a)7(ii)(I), (9)(a)7(iii), (9)(b-c), (9)(f-g); 335-3-15-.04(1)(a-d), (1)(e), (1)(g-h), (2)(a)(3)(c), (4)(a-b); and 335-3-15-.05(a) were adopted on October 15, 1996.

(ii) *Other material.* None.

(71) The State of Alabama submitted revisions to the ADEM Administrative Code for the Air Pollution Control Program on October 30, 1996. These revisions involve changes to Chapters 335-3-1, 335-3-3 and 335-3-6.

(i) *Incorporation by reference.* Chapters 335-3-1-.02(gggg)(24-27), 335-3-3-.01(9) and 335-3-6-.16 except for (5) were adopted on August 19, 1997.

(ii) *Other material.* None.

(72) The State of Alabama submitted revisions to the ADEM Administrative Code for the Air Pollution Control Program on March 5, 1998. These revisions

involve changes to Chapters 335-3-1, 335-3-12, 335-3-14 and Appendix F.

(i) *Incorporation by reference.* Rules 335-3-1-.02(gggg), 335-3-12-.02(1)(b), 335-3-14-.01(7)(c), 335-3-14-.05(2)(c)2, 335-3-14-.05(3)(c), and Appendix F were adopted on February 17, 1998.

(ii) *Other material.* None.

[37 FR 10846, May 31, 1972. Redesignated at 63 FR 70672, Dec. 22, 1998]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.69, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

Subpart C—Alaska

§ 52.70 Identification of plan.

(a) Title of plan: "State of Alaska Air Quality Control Plan."

(b) The plan was officially submitted on April 25, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Modifications to the implementation plan including a revision to Title 18, Chapter 50, section 160 and other nonregulatory provisions submitted on June 22, 1972, by the Governor.

(2) Compliance schedules submitted on August 2, 1973, by the State of Alaska Department of Environmental Conservation.

(3) Compliance schedules submitted on August 23, 1973, by the State of Alaska Department of Environmental Conservation.

(4) Compliance schedules submitted on September 30, 1975, by the State of Alaska Department of Environmental Conservation.

(5) Compliance schedules submitted on January 6, 1976, by the State of Alaska Department of Environmental Conservation.

(6) Compliance schedules submitted on September 30, 1975, by the State of Alaska Department of Environmental Conservation.

(7) Part D attainment plans for the Anchorage and Fairbanks carbon monoxide nonattainment areas submitted by the Governor of Alaska on January 18, 1980 as follows:

Environmental Protection Agency

§ 52.70

VOLUME II. ANALYSIS OF PROBLEMS, CONTROL ACTIONS

Section III. *Areawide Pollutant Control Efforts*, Subsection A.

Carbon Monoxide, except subparts 1.c (Other areas) and 5.h (Fairbanks Emergency Avoidance Plan)

VOLUME III. APPENDICES

III-1 A Review of Carbon Monoxide Emissions from Motor Vehicles during Cold Temperature Operation

III-2 Cold Weather Related Strategy Support Development

III-3 Preliminary Assessment of Meteorological Conditions during Days of Ambient Air Quality Violations in Anchorage

III-4 Summary of the 1978 Fairbanks Voluntary Vehicle Emissions Inspection Program

III-5 Approach of Evaluating an Alaska I/M Program

III-6 Appendices to the Anchorage Air Quality Plan

III-7 Appendices to the Fairbanks Air Quality Plan

(8) On January 18, 1980, the State of Alaska Department of Environmental Conservation submitted a plan revision to meet the requirements of Air Quality Monitoring, 40 CFR part 58, subpart C, § 58.20, as follows:

VOLUME II. ANALYSIS OF PROBLEMS, CONTROL ACTIONS

Section V. *Ambient Air Monitoring*

- A. Purpose
- C. Air Monitoring Network
- E. Annual Review

(9) Provisions of a State Air Quality Control Plan submitted by the Governor of Alaska on January 18, 1980, as follows:

VOLUME II. ANALYSIS OF PROBLEMS, CONTROL ACTIONS

Section I. *Introduction*

- A. Summary
- B. Air Quality Control Regions
- C. Attainment/Nonattainment Designations

Section II. *Alaskan Air Quality Control Programs*

- A. State Program
- B. Local Programs
- C. Resource Needs

Section III. *Areawide Pollutant Control Efforts*

- A. Carbon Monoxide, Subpart 1.c (Other areas)
- B. Total Suspended Particulate Matter
- C. Ice Fog
- D. Open Burning—Forest Practices

Section IV. *Point Source Control Efforts*

- A. Summary
 - B. Description of Source Categories and Pollutants
 - C. Summary of Major Emitting Sources
 - D. History of Alaskan Point Source Program
 - F. Local Program Enforcement
 - G. New Source Review and Approval
 - H. Compliance Assurance
 - I. State Air Quality Control Regulations
- #### Section V. *Ambient Air Monitoring*
- B. Description of Previous Air Monitoring Network

VOLUME III. APPENDICES

I-1 Summary of Public Hearings, Written Testimony, etc.

I-2 Recommendations for attainment/Nonattainment designations

II-1 Alaska Statutes, except section 46.03.170

II-2 Regulations of the Fairbanks North Star Borough, except section 8.04.070

II-3 Fairbanks North Star Borough/Alaska Department of Environmental Conservation Agreement

II-4 Municipality of Anchorage/Alaska Department of Environmental Conservation Agreement

II-5 Alaska State Department of Law Legal Opinion

IV-1 Summaries of Emission Inventories

IV-2 D. Permit to Operate for the Fairbanks Municipal Utilities System

IV-3 Testing Procedures

V-1 Air Quality Data

An amended Appendix II-5, "Alaska State Department of Law Legal Opinion" submitted by the State of Alaska Department of Environmental Conservation on February 29, 1980. Amendments to the January 18, 1980 submittal, submitted by the State of Alaska Department of Environmental Conservation on September 29, 1982 as follows:

VOLUME II. ANALYSIS OF PROBLEMS, CONTROL ACTIONS

Section I. *Introduction*

- C. Attainment/Nonattainment Designations

Section III. *Areawide Pollutant Control Efforts*

- D. Open Burning—Forest Practices

Section IV. *Point Source Control Efforts*

- C. Summary of Major Emitting Sources
- D. History of Alaskan Point Source Program
- F. Local Program Enforcement
- G. New Source Review and Approval
- H. Compliance Assurance
- I. State Air Quality Control Regulations

Section V. *Ambient Air Monitoring*

- C. Air Monitoring Network
- E. Annual Review

VOLUME III. APPENDICES

IV-4 ADEC Ambient Analysis Procedures

§ 52.70

(10) On November 15, 1983 the State of Alaska Department of Environmental Conservation submitted a revision to add a lead strategy to the Alaska Implementation Plan.

(11) Provisions of a State Air Quality Control Plan submitted by the Alaska Department of Environmental Conservation on November 15, 1983, as follows:

VOLUME II. ANALYSIS OF PROBLEMS, CONTROL ACTIONS

Section I. *Background*

- A. Introduction
- B. Air Quality Control Regions
- C. Attainment/Nonattainment Designations
- D. Prevention of Significant Deterioration Designations

Section II. *State Air Quality Control Program*

Section III. *Areawide Pollutant Control Program*

- D. Total Suspended Particulate Matter
- E. Ice Fog
- F. Open Burning
- G. Wood Smoke Pollution Control

Section IV. *Point Source Control Program*

- A. Summary
 - 1. Annual Review Report
 - B. State Air Quality Regulations
 - C. Local Programs
 - D. Description of Source Categories and Pollutants
 - 1. Typical Point Sources
 - 2. Summary of Major Emitting Facilities
 - E. Point Source Control
 - 1. Introduction
 - F. Facility Review Procedures
 - 1. Who needs a permit?
 - 2. Standard Application Procedures
 - 3. PSD Application Procedures, Preliminary report and meeting, Pre-construction monitoring, PSD application format
 - 4. Nonattainment Application Procedures
 - G. Application Review and Permit Development
 - 1. Application Review
 - 2. Permit Development Requirement, Monitoring and Testing Requirements, Ambient Monitoring, Continuous Emissions Monitoring, Source Testing
 - 3. Prevention of Significant Deterioration Review, Basis of Program, PSD Regulations, PSD Analysis Procedure
 - 4. Nonattainment Area Review
 - 5. New Source Performance Standards Source Review
 - 6. Visibility Review
 - 7. Sources under EPA Review
 - H. Permit Issuance Requirements

40 CFR Ch. I (7-1-07 Edition)

Section V. *Ambient Air Monitoring*

- A. Purpose
- B. Completed Air Monitoring Projects
 - 1. Carbon Monoxide
 - 2. Nitrogen Oxides
 - 3. Sulfur Dioxide
 - 4. Ozone
 - 5. Total Suspended Particulates (TSP)
 - 6. Lead
- C. Air Monitoring Network
 - 1. Network Description
 - 2. Station Designations
 - 3. Air Quality Monitoring Procedures
 - 4. Ambient Sampling for Specific Pollutants
- E. Annual Review

VOLUME III. APPENDICES

Section II. *State Air Quality Control Program*

- II.A. State Air Statutes, except section 46.03.170, State Attorney General Opinions on Legal Authority
- II.B. Municipality of Anchorage/Cook Inlet/ADEC Agreements
- II.C. Fairbanks North Star Borough Ordinances/FNSB & ADEC Agreements

Section III. *Areawide Pollutant Control Program*

- III.G. Ordinance of the City and Borough of Juneau

Section IV. *Point Source Control Program*

- IV.1. PSD Area Classification and Reclassifications
 - A. Class I Area Boundaries
 - B. Areas Protected from Visibility Degradation
 - C. Reclassification
 - 1. Limitations on PSD Reclassification
 - 2. PSD Reclassification Procedures
- IV.2. Compliance Assurance
- IV.3. Testing Procedures

Section V. *Ambient Air Monitoring*

ADEC Ambient Analysis Procedures

Title 18. Environmental Conservation, *Chapter 50. Air Quality Control*, Sections 021(d), 030(g), 040(a)(2), 040(c), 050(a)(2), 050(b)(4), 085, 300(a)(1), 300(a)(7), 400(d)(6), 500(d), 500(e), 510 (Editor's Note), 520(a), 520(b), 610(a), 620, 900(15), 900(39), 900(47), and 900(48).

(12) On September 29, 1982, the Commissioner of the Alaska Department of Environmental Conservation submitted a carbon monoxide attainment plan for the cities of Anchorage (section III.B) and Fairbanks (section III.C) as a revision to the Alaska State Implementation Plan. On November 15, 1983, a revision to this plan was submitted for the city of Anchorage. Supplement to the

Environmental Protection Agency

§ 52.70

Anchorage and Fairbanks plans revisions to section III.A (Areawide Pollutant Control Program, Statewide Transportation Control Program) and a new State Regulation 18 AAC Chapter 52 (Emissions Inspection and Maintenance Requirements for Motor Vehicles) were submitted on May 31, 1985.

(i) *Incorporation by reference.* (A) May 31, 1985 letter from the State of Alaska to EPA, and State Regulation 18 AAC 52 (Emissions Inspection and Maintenance Requirements for Motor Vehicles) as filed by the Commissioner for the State of Alaska on May 19, 1985.

(B) Page section III.B.8-3 of the Anchorage Transportation Control Program, Alaska Air Quality Control Plan, revised June 1, 1985 (emissions and air quality projections for Anchorage with vehicle inspection and maintenance program).

(C) Table C.6.a of the Fairbanks Transportation Control Program, Alaska Air Quality Control Plan [reasonable further progress required reductions for Fairbanks] (page section III.C.6-2) revised November 20, 1982.

(ii) *Other material.* (A) Section III.A Statewide Transportation Control Program.

(B) Section III.B Anchorage Transportation Control Program.

(C) Section III.C Fairbanks Transportation Control Program.

(D) The I/M Program Design for the Fairbanks North Star Borough dated October 25, 1984.

(E) The I/M Program Design for the Municipality of Anchorage dated 1984.

(13) On June 26, 1987, the State of Alaska Department of Environmental Conservation submitted Section III.B.10-1 through III.B.10-6 (Anchorage Air Pollution Episode Curtailment Actions); Section III.C.10-1 through III.C.10-9 (Fairbanks Emergency Episode Prevention Plan); and minor modifications to Section III.C.5-7 (Fairbanks Inspection and Maintenance Program Design).

(i) *Incorporation by reference.* (A) June 26, 1987 letter from the State of Alaska Department of Environmental Conservation to EPA Region 10.

(B) Section III.B.10-1 through III.B.10-6 of Volume II (Anchorage Air Pollution Episode Curtailment Actions) as adopted as an ordinance by

the Anchorage Assembly on September 9, 1986.

(C) Section III.C.10-1 through III.C.10-9 of Volume II (Fairbanks Emergency Episode Prevention Plan) as adopted as an ordinance by the Assembly of the Fairbanks North Star Borough on December 19, 1985.

(D) Page number Section III.C.5-7 of Volume II (Fairbanks Inspection and Maintenance Design). This new page supercedes the current page number Section III.C.5-7 of the Alaska Air Quality Control Plan as adopted by the Alaska Department of Environmental Conservation on June 26, 1987.

(14) On June 26, 1987, the Commissioner of the Alaska Department of Environmental Conservation submitted revised rules regulating the height of stacks and the use of dispersion techniques, specifically revisions to 18 AAC 50.400(a), 18 AAC 50.530(c), 18 AAC 50.900(16), 18 AAC 50.900(20), 18 AAC 50.900(23), and 18 AAC 50.900(29), and the deletion of 18 AAC 50.900(17).

(i) *Incorporation by reference.* (A) June 26, 1987 letter from the State of Alaska Department of Environmental Conservation to EPA, Region 10.

(B) August 11, 1987 letter from the State of Alaska Department of Environmental Conservation to EPA, Region 10.

(C) 18 AAC 50.400(a) and 18 AAC 50.900(16), (20), (23), and (29) as adopted by the State of Alaska Department of Environmental Conservation on December 31, 1986.

(15) On September 12, 1988, the State of Alaska Department of Environmental Conservation submitted revisions to AAC 18 Chapter 52 (Emission Inspection and Maintenance Requirements for Motor Vehicles). Those sections amended through June 2, 1988, are: 18 AAC 51.010 [Purpose and General Requirements] (a)(3), (b), (d), (e), and (g); 18 AAC 52.020 [Vehicles Subject to this Chapter] (1); 18 AAC 52.070 [Waivers] (5)(A) through (C); and 18 AAC 52.900 [Definitions] (14).

(i) *Incorporation by reference.* (A) September 12, 1988 letter from the State of Alaska Department of Environmental Conservation to EPA Region 10.

(B) Chapter 52 [Emissions Inspection and Maintenance Requirements for Motor Vehicles] section 52.010 [Purpose

§ 52.70

40 CFR Ch. I (7-1-07 Edition)

and General Requirements (a)(3), (b), (d), (e), and (g); section 52.020 [Vehicles Subject to This Chapter] (1); section 52.070 [Waivers] (5)(A) through (C); and section 52.900 [Definitions] (14) as adopted by the State of Alaska Department of Environmental Conservation on March 10, 1988.

(16) On September 12, 1988, the State of Alaska Department of Environmental Conservation submitted revisions to the State of Alaska state implementation plan. Specifically pages IV.F.1-1 through IV.F.1-8 of section IV.F "Project Review Procedures" and amendments to title 18, chapter 50, sections 050(a)(4), 050(b), 050(d)(1), 300(a)(5)(C), 300(a)(6)(C), 300(a)(7), 300(c), 300(g), 500(d), 510(a), 520(a), 520(b), and 620 of the Alaska Administrative Code.

(i) *Incorporation by reference.* (A) September 12, 1988, letter from the State of Alaska Department of Environmental Conservation to EPA Region 10 submitting a revision to the Alaska state implementation plan.

(B) Vol. II, Analysis of Problems, Control Actions, Pages IV.F.1-1 through IV.F.1-8 of section IV.F, "Project Review Procedures," revised June 2, 1988.

(C) Title 18, chapter 50, (Air Quality Control) section 050 (Industrial Processes and Fuel Burning Equipment) (a)(4), 050(b), 050(d)(1), 300 (Permit to Operate) (a)(5)(C), 300(a)(6)(C), 300(a)(7), 300(c), 300(g), 500 (Source Testing) (d), 510 (Ambient Analysis Methods) (a), 520 (Emission and Ambient Monitoring) 520(a), 520(b), and 620 (Air Quality Control Plan) of the Alaska Administrative Code as adopted by the State of Alaska Department of Environmental Conservation on March 10, 1988 and effective on June 2, 1988.

(17) On October 17, 1991, the State of Alaska Department of Environmental Conservation submitted a PM₁₀ nonattainment area state implementation plan for Eagle River, Alaska.

(i) *Incorporation by reference.* (A) October 15, 1991 letter from Alaska Department of Environmental Conservation to EPA Region 10 submitting the PM₁₀ nonattainment area state implementation plan for Eagle River, Alaska.

(B) The PM₁₀ nonattainment area state implementation plan for Eagle

River, Alaska, as adopted by the Anchorage Assembly on February 6, 1990 and effective on September 24, 1991.

(18) On June 22, 1993, the Governor of the State of Alaska submitted revised rules to satisfy certain Federal Clean Air Act requirements for an approvable moderate PM₁₀ nonattainment area SIP for Mendenhall Valley, Alaska. Also included in this SIP were PM₁₀ contingency measures for the Mendenhall Valley. On January 21, 1992, a supplement to the existing Eagle River PM₁₀ control plan was submitted by ADEC to EPA and certified on March 8, 1993, by the Lieutenant Governor of Alaska.

(i) *Incorporation by reference.* (A) June 22, 1993, letter from the Governor of the State of Alaska to EPA, Region 10, submitting the moderate PM₁₀ nonattainment area SIP for Mendenhall Valley, Alaska.

(B) The Control Plan for Mendenhall Valley of Juneau, effective July 8, 1993.

(C) August 25, 1993, letter from ADEC showing, through enclosures, the permanent filing record for the supplement to the existing Eagle River PM₁₀ control plan. The Lieutenant Governor certified the supplement on March 8, 1993.

(D) The January 21, 1992, supplement to the existing Eagle River PM₁₀ control plan, effective April 7, 1993. Also included is an August 27, 1991 Municipality of Anchorage memorandum listing the 1991 capital improvement project priorities and an October 11, 1991, Municipality of Anchorage memorandum summarizing the supplement to the existing PM₁₀ control plan.

(19) The Environmental Protection Agency (EPA) takes action on and/or approves regulations from three submittals received from the ADEC on July 17, 1990, October 15, 1991 and on March 24, 1994, which pertain to correcting SIP deficiencies in the CFR; amendments to regulations dealing with Air Quality Control, 18 AAC 50, for inclusion into Alaska's SIP; and additional amendments to 18 AAC 50, Air Quality Control, for inclusion into Alaska's SIP to assure compliance with new source review permitting requirements for sources located in nonattainment areas for either carbon monoxide or particulate matter.

(i) *Incorporation by reference.* (A) July 17, 1990 letter from ADEC to EPA requesting correction for findings of SIP deficiency in 40 CFR Part 52, and including the version of Alaska Statutes, "Title 46. Water, Air, Energy, and Environmental Conservation," in effect at the time of the July 17, 1990 letter, of which Sections 46.03.020, 46.03.030, 46.03.032, and 46.03.715, amended in 1987, were the most recently amended of the enclosed statutes.

(B) October 15, 1991 letter from ADEC to EPA, and including amendments to regulations and the State Air Quality Control Plan to assure compliance with national ambient air quality standards for particulate matter; the Order Amending Regulations of the Department of Environmental Conservation, effective July 21, 1991; and the following *Alaska Administrative Code, 18 AAC 50, Air Quality Control Regulations:* (50.020; 50.085; 50.100; 50.300; 50.400; 50.510, 50.520, 50.610, and 50.900), effective July 21, 1991, Register 119.

(C) March 24, 1994 letter from Walter J. Hickel, Governor of Alaska, to Chuck Clarke, Regional Administrator of EPA, and including amendments to 18 AAC 50, State Air Quality Control Plan; the Order Adopting and Amending Regulations of the Department of Environmental Conservation, effective April 23, 1994, Register 130; and the amendments to 18 AAC 50 (50.021, 50.300(a)(7) and (a)(8), 50.300 (d), (e), and (g), 50.400(a)(1)(A), 50.400(c)(3)(B)(ii), 50.400(c)(4), 50.400(d)(4), and 50.620), State Air Quality Control Plan, found in Volume III: Appendices, Modifications to Section III.A, effective April 23, 1994, Register 130.

(20) On April 18, 1994, the Commissioner of the Alaska Department of Environmental Conservation (ADEC) submitted "The Alaska Air Quality Small Business Assistance Program State Air Quality Control Plan Amendment," adopted April 8, 1994, as a revision to the Alaska SIP.

(i) *Incorporation by reference.* (A) Letter dated April 8, 1994, from the Commissioner of ADEC to the Regional Administrator of EPA, submitting "The Alaska Air Quality Small Business Assistance Program State Air Quality Control Plan Amendment" to EPA; the Alaska Air Quality Small Business As-

sistance Program State Air Quality Control Plan Amendment (which includes Appendix A the Alaska Statutes Title 46, Chapter 14, Article 3), dated April 1994, and adopted April 8, 1994.

(ii) *Additional information.* (A) Letter dated July 24, 1995, from Alaska Department of Environmental Conservation, submitting information necessary for approval of the SBAP revision to EPA; the July 1995 SBAP Update, Responses to EPA Comments, and the Air Quality/Small Business Assistance Compliance Advisory Panel Board Information.

(21) On July 11, 1994 ADEC submitted a SIP revision for a basic motor vehicle inspection and maintenance (I/M) program in the Municipality of Anchorage (MOA) and the Fairbanks North Star Borough (FNSB).

(i) *Incorporation by reference.* (A) July 11, 1994 letter from the Governor of Alaska to the Regional Administrator of EPA submitting Alaska's amendments to the Air Quality Control Plan and to 18 AAC 52, Emissions Inspection and Maintenance Requirements for Motor Vehicles; the amendments to 18 AAC 52 (52.005, .015, .020, .030, .035, .040, .045, .050, .055, .060, .065, .070, .075, .080, .085, .090, .095, .100, .105, .400, .405, .410, .415, .420, .425, .430, .440, .445, .500, .505, .510, .515, .520, .525, .527, .530, .535, .540, .545, .550, and .990), effective February 1, 1994; and the State Air Quality Control Plan, Vol. II: Analysis of Problems, Control Actions, Modifications to Section I, June 9, 1994; Vol. II: Analysis of Problems, Control Actions, Modifications to Section I, II, III and V, adopted January 10, 1994; Vol. III: Appendices, Modifications to Section III.A, June 9, 1994; Vol. III: Appendices, Modifications to Section III.B, June 9, 1994; and Vol. III: Appendices, Modifications to Section III.C, June 9, 1994.

(22) On March 24, 1994, ADEC submitted a revision to its SIP for the State of Alaska addressing the attainment and maintenance of the National Ambient Air Quality Standards for carbon monoxide in the Anchorage carbon monoxide nonattainment area.

(i) *Incorporation by reference.* (A) March 24, 1994 letter from Alaska Governor Walter Hickel to EPA Regional Administrator Chuck Clarke including as a revision to the SIP the State of

§ 52.70

40 CFR Ch. I (7-1-07 Edition)

Alaska, Department of Environmental Conservation, 18 AAC 53, "Fuel Requirements for Motor Vehicles," (Article 1, 18 AAC 53.005-18 AAC 53.190 and Article 9, 18 AAC 53.990) with amendments adopted through March 19, 1994.

(23) On March 24, 1994, ADEC submitted a SIP revision to EPA to satisfy the requirements of sections 187(a)(2)(A) and 187(a)(3) of the CAA, forecasting and tracking VMT in the Anchorage area.

(i) *Incorporation by reference.* (A) March 24, 1994 letter from the Alaska Governor to the EPA Regional Administrator including as a revision to the SIP the VMT requirement in the Anchorage area, contained in ADEC's State Air Quality Control Plan, Volume III: Appendices, Modifications to Section III.B.6, III.B.8, III.B.10 and III.B.11, adopted January 10, 1994; and further description on pages 10-14, 57-60 and 69-75 contained in ADEC's State Air Quality Control Plan, Volume III: Appendices, Modifications to Section III.B, III.B.1, and III.B.3, adopted January 10, 1994.

(24) On December 5, 1994 the Alaska Department of Environmental Conservation sent EPA revisions for inclusion into Alaska's SIP that address transportation and general conformity regulations as required by EPA under the CAA.

(i) *Incorporation by reference.* (A) December 5, 1994 letter from the Governor of Alaska to EPA, Region 10, submitting amendments addressing transportation and general conformity revisions to the SIP:

(1) Regulations to 18 AAC 50, Air Quality Control, including Article 5, Procedure and Administration, 18 AAC 620; Article 6, Reserved; Article 7, Conformity, 18 AAC 50.700-18 AAC 50.735; Article 8, Reserved; and Article 9, General Provisions, 18 AAC 50.900, all of which contain final edits (23 pages total) by the Alaska Department of Law, were filed by the Lieutenant Governor on December 5, 1994 and effective on January 4, 1995.

(2) Amendments to the Alaska State Air Quality Control Plan, "Volume II: Analysis of Problems, Control Actions," as revised on December 1, 1994, adopted by reference in 18 AAC 50.620, containing final edits by the Alaska

Department of Law, all of which were certified by the Commissioner of Alaska to be the correct plan amendments, filed by the Alaska Lieutenant Governor on December 5, 1994 and effective on January 4, 1995.

(25) On March 24, 1994, ADEC submitted a revision to its SIP for the State of Alaska addressing the attainment and maintenance of the NAAQS for CO in the Anchorage CO nonattainment area.

(i) *Incorporation by reference.* (A) March 24, 1994 letter from the Alaska Governor to the EPA Regional Administrator including as a revision to the SIP the State of Alaska, Department of Environmental Conservation, 18 AAC 53, "Fuel Requirements for Motor Vehicles," (Article 1, 18 AAC 53.005-18 AAC 53.190 and Article 9, 18 AAC 53.990, with the exception of 18 AAC 53.010(c)(2)), filed March 24, 1994 and effective on April 23, 1994.

(26) Submittal to EPA from the ADEC of CO contingency measure for Fairbanks, AK.

(i) *Incorporation by reference.* (A) Letter dated July 12, 1995 from the Commissioner of the ADEC to the EPA Regional Administrator submitting its repair technician and certification program element found in State regulation 18 AAC 52.400-410, effective June 24, 1994.

(27) On October 31, 1997, ADEC submitted revisions to Fuel Requirements for Motor Vehicles, title 18, chapter 53 of the Alaska Administrative Code (18 AAC 53) regarding the use of oxygenated fuels.

(i) *Incorporation by reference.* (A) Title 18, Chapter 53, Alaska Administrative Code (AAC), Fuel Requirements for Motor Vehicles, adopted October 31, 1997 (Article 1, 18 AAC 53 .005, .007, .010, .015, .020, .030, .035, .040, .045, .060, .070, .080, .090, .100, .105, .120, .130, .140, .150, .160, .170, .190; Article 9, 18 AAC 53.990).

(28) On January 8, 1997, the Director of the Alaska Department of Environmental Conservation submitted the Alaska air quality regulations, 18 Alaska Administrative Code (AAC) 50 (with the exception of 18 AAC 50.055(a)(9), 50.085, 50.090, 50.110, 50.300(g), and 50.310(l) which were not submitted), as effective on January 18, 1997. On March

17, 1998, the Director of the Alaska Department of Environmental Conservation resubmitted 18 AAC 50.055(a)(3) and (b)(6). EPA has approved the following provisions of 18 AAC 50, as effective on January 18, 1997: Section 005; Section 010, except for subsections (7) and (8); Section 025; Section 030; Section 035; Section 045; Section 050; Section 055, except for paragraph (d)(2)(B) and (a)(9); Section 060; Section 065; Section 070; Section 075; Section 200; Section 201; Section 205; Section 220; Section 240; Section 245; Section 400, paragraphs (a), (b)(1), and (c); Section 420; Section 430; Section 900; and Section 990, subsections (2), (3), (4), (5), (6), (8), (9), (10), (11), (14), (15), (16), (17), (19), (20), (23), (24), (25), (26), (29), (31), (32), (33), (34), (35), (37), (39), (40), (42), (43), (45), (47), (48), (50), (51), (53), (58), (59), (60), (61), (62), (63), (65), (66), (67), (69), (70), (71), (72), (74), (75), (78), (79), (80), (81), (83), (84), (85), (86), (89), (90), (91), (92), (93), (94), (95), (96), (97), (99), and (100). On January 8, 1997, the Director of the Alaska Department of Environmental Conservation submitted the current Alaska Statutes for air pollution control, specifically the 1993 Alaska Act (Chapter 74 State Legislative Act 1993). EPA has approved as federally enforceable provisions of the SIP, the following provisions of the Alaska Statutes, as effective June 25, 1993: AS 46.14.510(b); AS 46.14.550; AS 46.14.560; AS 46.14.990(1), (2), (3), (6), (7), (8), (10), (13), (15), (16), (17), (18), (22), (24), and (25); and AS 45.45.400(a). On January 8, 1997, the Director of the Alaska Department of Conservation submitted the "In Situ Burning Guidelines for Alaska (revised 5/94)."

(i) *Incorporation by reference.* (A) 18 AAC 50.005; 18 AAC 50.010, except for subsections (7) and (8); 18 AAC 50.025; 18 AAC 50.030; 18 AAC 50.035; 18 AAC 50.045; 18 AAC 50.050; 18 AAC 50.055, except for paragraphs (d)(2)(B) and (a)(9); 18 AAC 50.060; 18 AAC 50.065; 18 AAC 50.070; 18 AAC 50.075; 18 AAC 50.200; 18 AAC 50.201; 18 AAC 50.205; 18 AAC 50.220; 18 AAC 50.240; 18 AAC 50.245; 18 AAC 50.400, paragraphs (a), (b)(1), and (c); 18 AAC 50.420; 18 AAC 50.430; 18 AAC 50.900; and 18 AAC 50.990, subsections (2), (3), (4), (5), (6), (8), (9), (10), (11), (14), (15), (16), (17), (19), (20), (23), (24), (25), (26), (29), (31), (32), (33), (34), (35), (37), (39), (40),

(42), (43), (45), (47), (48), (50), (51), (53), (58), (59), (60), (61), (62), (63), (65), (66), (67), (69), (70), (71), (72), (74), (75), (78), (79), (80), (81), (83), (84), (85), (86), (89), (90), (91), (92), (93), (94), (95), (96), (97), (99), and (100); as effective on January 18, 1997.

(B) AS 46.14.510(b); AS 46.14.550; AS 46.14.560; AS 46.14.990(1), (2), (3), (6), (7), (8), (10), (13), (15), (16), (17), (18), (22), (24), and (25); and AS 45.45.400(a); as effective on June 25, 1993.

(C) Remove the following provisions of 18 AAC 50, as effective on June 2, 1988, from the current incorporation by reference: 18 AAC 50.010; 18 AAC 50.070; 18 AAC 50.900, subsections (19), (27), (30), (45), (46), and (48).

(29) The Environmental Protection Agency (EPA) approves various amendments to the Alaska State Air Quality Control Plan which are contained in three separate submittals to EPA, dated February 6, 1997, June 1, 1998, and September 10, 1998, and which include the inspection and maintenance program.

(i) *Incorporation by reference.* (A) Air Quality Control Regulations, 18 AAC 50.

Effective September 4, 1998: Section 700; Section 705; Section 710 (except for the incorporation by reference of sections 93.102(c), 93.102 (d), 93.104(d), 93.104(e)(2), 93.109(c)-(f), 93.118(e), 93.119(f)(3), 93.120(a)(2), 93.121(a)(1) and (b), and 93.124(b) of 40 CFR); Section 715; and Section 720.

(B) Emissions Inspection and Maintenance Requirements for Motor Vehicles 18 AAC 52.

(1) Effective January 1, 1998: Section 005; Section 010; 015; 020; 025; 035; 037; 050; 060, except for subsections (8)(c), (8)(d)(2) and (8)(e); 065; 070; 080; 085; 095; 100; 105; 400; 405; 415, except subsection (f)(1); 420, except subsection (a)(11); 425; 440; 500; 515; 520, except subsection (c)(9); 525; 527; 530, except subsections (b)(3), (c)(4)(C) and (d)(9); 535; 540; 545; 546; 990.

(2) Effective January 1, 1997: Section 055; 090.

(3) Remove the following provisions of 18 AAC 52, effective January 1, 1997: Section 060, subsection 8 (c) and 8 (e); Section 520, subsection (c)(9).

(4) Remove the following provisions of 18 AAC 52, effective January 1, 1998:

§ 52.70

40 CFR Ch. I (7-1-07 Edition)

Section 060, subsection 8 (d)(2); Section 415, subsection (f)(1); Section 420, subsection (a) (11); Section 530, subsection (b)(3) and (d)(9).

(5) Remove the following provisions of 18 AAC 52, effective January 4, 1995: Section 530, subsection (c) (4)(c).

(C) Fuel Requirements for Motor Vehicles 18 AAC 53.

(1) Effective October 31, 1997: Section 05; 07; 10; 20; 30; 35; 40; 45; 60; 70; 80; 90; 200; 105; 120; 130; 140; 150; 160; 170; 190 and effective September 4, 1998, Section 990.

(2) Remove the following provision of 18 AAC 53.015, Expansion of Control Area, effective October 31, 1997.

(i) *Additional material.* (A) Revisions to Alaska's State Air Quality Control Plan, Volume II: Section I, "Background," I.A; I.B., I.C., I.D., and I.E., adopted 11/26/96; Part B—Anchorage Contingency Measures, adopted 5/18/98; Section II, "State Air Quality Control Program," pages II-1 through II-4, adopted 5/18/98; Section III.A. "State-wide Carbon Monoxide Control Program," pages III.A.1-1 through III.A.3-4, adopted 5/18/98; III.B. "Anchorage Transportation Control Program," pages III.B.1-1 through III.B.6-7, adopted 5/18/98; III.B.8. "Modeling and Projections," pages III.B.8-1 through III.B.9-2, adopted 5/18/98; III.B.10, "Anchorage Air Pollution Episode Curtailment Plan," pages III.B.10-1 and III.B.10-2, revised 12/19/93; III.B.11. "Assurance of Adequacy," pages III.B.11-1 through III.B.11-3, revised 5/18/98; III.B.12. "Emissions Budget," page III.B.12-1, adopted 11/26/96; and various CO SIP streamlining edits throughout Volume II and Volume III of the State Air Quality Control Plan which make the document easier to read and better organized, adopted 5/18/98.

(30) On November 1, 1999, the Alaska Department of Environmental Conservation (ADEC) submitted a SIP revision to revise the visible emission limit for coal burning boilers, during start-up; shutdown; soot-blowing; grate cleaning; or other routine maintenance activities, that began operation before August 17, 1971, and submitted the required demonstration. This SIP revision is approved for the following facilities that submitted the required demonstration: Golden Valley Electric

Association (GVEA), Healy (Unit #1); Eielson Air Force Base, Fairbanks (6 units); Aurora Energy, Fairbanks (4 units); and Clear Air Force Base, Clear (3 units). Additionally, we are approving a revision to the definitions section that will add definitions of grate cleaning and soot-blowing.

(i) *Incorporation by reference.* (A) 18 Alaska Administrative Code (AAC) 50.055(a)(9), Industrial Processes and Fuel-Burning Equipment; as State effective on November 4, 1999. 18 AAC 50.990, subsections (106) and (107), Definitions; as State effective on January 1, 2000.

(31) The Environmental Protection Agency (EPA) approves various amendments to the Alaska State Air Quality Control Plan which are contained in two separate submittals to EPA, dated February 24, 2000 and February 2, 2001, and which include the inspection and maintenance and fuels program.

(i) *Incorporation by reference.* (A) Air Quality Control Regulations, 18 AAC 50. Effective December 30, 2000: Section 030.

(B) Emissions Inspection and Maintenance Requirements for Motor Vehicles 18 AAC 52.

(1) Effective January 1, 2000: Sections 005; 015; 020; 025; 035; 037; 055; 060; 065; 070; 085; 100; 105; 410; 415; 420; 440; 500; 510; 515; 520; 525; 527; 530; 535; and 540.

(2) Effective December 30, 2000: Sections 050 and 990.

(C) Fuel Requirements for Motor Vehicles 18 AAC 53. Effective December 30, 2000: Section 080.

(32) On August 30, 2001 the Alaska Department of Environmental Conservation submitted revisions to the Carbon Monoxide State Implementation Plan for Fairbanks, Alaska.

(i) *Incorporation by reference.* (A) Air Quality Control Regulations, 18 AAC 50.030, as adopted 7/27/01, effective 9/21/01.

(B) Assembly Ordinance 2001-17 mandating a Fairbanks North Star Borough motor vehicle plug-in program, as adopted 4/12/2001, effective 4/13/01.

(ii) *Additional material.* Volume II, Section III.C of the State Air Quality Control Plan adopted 7/27/01, effective 9/21/01; Volume III.C3, III.C.5, C.11, and

Environmental Protection Agency

§ 52.73

C.12 of the Appendices; adopted 7/27/01, effective 9/21/01.

(33) [Reserved]

(34) On February 18, 2004, the Alaska Department of Environmental Quality submitted a CO maintenance plan and requested the redesignation of Anchorage to attainment for CO. The State's maintenance plan, attainment year emissions inventory, and the redesignation request meet the requirements of the Clean Air Act.

(i) *Incorporation by reference.* (A) 18AAC50.010, Ambient air quality standards, as effective June 21, 1998, except for subsections (7) and (8).

(B) 18AAC50.015, Air quality designations, classifications, and control regions, as in effect February 20, 2004.

(C) 18AAC53.010, Control periods and control areas, as in effect February 20, 2004.

(D) 18AAC53.190, Suspension and reestablishment of control period, as in effect February 20, 2004.

(E) 18AAC50.021, of the State Air Quality Control Plan, as referenced in

(c)(19)(i)(C) of this section, effective April 23, 1994, is removed.

(35) On June 21, 2004, the Alaska Department of Environmental Conservation submitted a carbon monoxide maintenance plan and requested the redesignation of Fairbanks to attainment for carbon monoxide. The State's maintenance plan and the redesignation request meet the requirements of the Clean Air Act.

(i) *Incorporation by reference.* (A) 18AAC50.015, Air quality designations, classifications, and control regions, as in effect June 24, 2004.

(B) Assembly Ordinance No. 2003-71—An Ordinance amending the Carbon Monoxide Emergency Episode Prevention Plan including implementing a Woodstove Control Ordinance, adopted October 30, 2003.

[37 FR 10848, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.70, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 52.71 Classification of regions.

The Alaska plan was evaluated on the basis of the following classifications:

Air quality control Region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
Cook Inlet Intrastate	I	III	III	I	III.
Northern Alaska Intrastate	I	III	III	I	III.
South Central Alaska Intrastate	III	III	III	III	III.
Southeastern Alaska Intrastate	III	III	III	III	III.

[37 FR 10848, May 31, 1972, as amended at 48 FR 30625, July 5, 1983]

§ 52.72 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Alaska's plan for the attainment and maintenance of the national standards. The State included in the plan a regulation prohibiting idling of unattended motor vehicles. However, the plan stated that this regulation was included for informational purposes only, and was not to be considered part of the control strategy to implement the national standards for carbon monoxide. Ac-

cordingly, this regulation is not considered a part of the applicable plan.

[37 FR 15080, July 27, 1972]

§ 52.73 Approval of plans.

(a) Carbon monoxide.

(1) Anchorage.

(i) EPA approves as a revision to the Alaska State Implementation Plan, the Anchorage Carbon Monoxide Maintenance Plan (Volume II Section III.B of the State Air Quality Control Plan,