

Alaska Oil and Gas Association



121 W. Fireweed Lane, Suite 207
Anchorage, Alaska 99503-2035
Phone: (907) 272-1481 Fax: (907) 279-8114
Email: williams@aoga.org
Kate Williams, Regulatory Affairs Representative

October 17, 2011

Ms. Rebecca Smith
Air Permit Program
Alaska Department of Environmental Conservation
410 Willoughby Ave., Suite 303
P.O. Box 111800
Juneau, AK 99811-1800

Re: Comments on Title V Standard Application Forms Package Included with the Public Comment Draft version of 18 AAC 50 dated August 25, 2011

Dear Ms. Smith:

The Alaska Oil and Gas Association (“AOGA”) appreciates the opportunity to provide comments on the standard application package being developed by the Alaska Department of Environmental Conservation (“ADEC”) for the Title V operating permit program. Based on our understanding of the underlying statutory and regulatory Title V permitting requirements and the experience of our members as permittees of a large number of Title V sources, we strongly encourage ADEC to consider the primary issues discussed in the attached, detailed comments on individual standard forms and their associated instructions.

In addition to the attached comments, we are also providing electronic copies of our redline/strikeout (“RLSO”) edits of ADEC’s proposed Title V permit application package and forms. The RLSO edits incorporate many, but not all, of our formal comments and provide additional edits that are not specifically addressed by, but are mentioned in, our comments as edits intended to make esoteric corrections and clarifications that are more difficult to describe in the written comments.

We understand that ADEC intends to provide the application forms in PDF format. In general, we recommend that ADEC use edit-protected Word and Excel documents that limit edits that may be made (e.g. protect the template, but provide flexibility to add rows, etc.) instead. We believe this would allow for a more user-friendly process and cleaner submission of Title V applications to ADEC.

Ms. Rebecca Smith
Comments Title V Standard Application Forms
October 17, 2011

Page 2

We believe ADEC will find our comments to be useful and informative. If you have any questions or need clarification regarding any of our comments, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Kate Williams". The signature is written in a cursive style with a large initial "K" and a long, sweeping underline.

KATE WILLIAMS
Regulatory Affairs Representative

Attachment(s)

AOGA's Comments on August 25, 2011 Proposed Title V Standard Application Package

Use of Forms should not be Mandatory

1. In the August 25, 2011 proposed amendment to 18 AAC 50.326(c), ADEC has included language indicating that “an applicant for an operating permit, modification, or revision to an operating permit, or renewal of an existing operating permit shall use the Title V Standard Application and Forms, adopted by reference in 18 AAC 50.035(a)(9). (emphasis added)

Section 502(b) of the Clean Air Act (CAA) requires EPA to promulgate regulations establishing minimum elements of the Title V permit program, with one of these elements being a standard application form. The Alaska Statute mirrors this requirement under AS 46.14.140(a)(1), directing the ADEC to adopt regulations addressing elements of the emission control program, including a standard application form that meets the requirements of Section 502(b) of the CAA.

EPA addressed the above CAA directive in 40 CFR 70.5(c) and 71.5(c). In both cases, EPA requires the development of a standard form by the permitting authority. However, neither Part 70 nor 71 require the owner or operator of the Title V source to use the forms developed by the administrator. At 40 CFR 70.5(a)(2) and 71.5(a)(2), an application is deemed complete if it provides all the information required by 40 CFR 70.5(c) or 71.5(c), as applicable. Use of the form is not specified.

In the 18 AAC 50 rule package, we suggest the ADEC insert clarifying language similar to that found in the State of Washington Title V program at WAC 173-401-500(7)(a), which states the use of a standard application form is not required if all of the data elements required in the application form and relevant to the stationary source are provided. AOGA believes this approach is consistent with 40 CFR 70.5(a)(2) and 71.5(a)(2).

Alternatively, AOGA believes that ADEC could insert additional language into the proposed revisions to 18 AAC 50.326(c) that allow the use of an alternative application format by an applicant if approved by the Department for that applicant, and provided the Department agrees in principle and would be willing to grant such an approval on a reasonable basis. (See our specific requested rule language revisions in comment 2, below.)

Importantly, whether the ADEC requires the use of specific forms or simply references in regulation the required form data elements that are to be included in an application, the forms themselves must contain only information required to deem the application complete as discussed in comments 5 and 6, below. Further, AOGA formally requests that ADEC explain in the public record how each individual data element that we have identified as unnecessary, but ADEC believes to be necessary and does not remove from the forms, is or will be specifically used to develop or renew Title V permits.

Allowance for a Delayed Effective Date

2. We request that if ADEC elects to require use of the standard application and forms, ADEC allow for at least a three month delay in making the Title V application forms required, but would prefer a 6 month delay due to the time that could be required to transfer an application for a large stationary source to the forms. Deferral of the effective date of a rule is common practice by EPA. For example, 40 CFR 63 Subpart ZZZZ (Subpart ZZZZ) regulations were

modified on March 3, 2010 and EPA delayed the “effective” date of the rule to two months later, May 3, 2010, in order to give affected facilities time to come into compliance.

Importantly, if the forms become effective upon adoption into regulations, there could be potential non-compliance for a source immediately upon the date of the rule change. For example, if the forms are adopted into regulation on February 28, 2012 and a stationary source is required to submit a permit application no later than March 1, 2012, the stationary source would only have 1 day to complete the forms. If a timely and complete application is not submitted before the required deadline, the stationary source will no longer qualify for a permit shield and either must stop operations or become a high priority violator for operating a stationary source without a Title V permit when the permit expires (6 months after the required submittal deadline). If the stationary source opts to shutdown the stationary source until a Title V permit can be issued or a compliance order by consent is agreed upon, the operations may be shutdown for a period of months to years. If the stationary source opts to continue to operate without a Title V operating permit, the stationary source would be a high priority violator (HPV). A HPV is subject to enforcement actions and severe penalties. Allowing a delay in the “effective” date of the requirement to use the Title V standard application forms could help to avoid both situations.

We understand that once the Commissioner signs the regulation into law, there will be a 30 day window before the Title V standard application forms would become a regulation. However, during those 30 days the Department of Law (DOL) can make changes to the forms. So even if a Permittee were to prepare the forms ahead of time, DOL could make significant enough changes that the forms would need to be completely redone. And continuing with the scenario described above, 1 day would not be or even 30 days may not be enough time to complete the forms and submit them timely.

The rule revisions we propose below would address this issue as well as our previous comment requesting that use of the forms should not be required. The following is our preferred revision to the regulation:

“An applicant for an operating permit, modification or revision to an operating permit, or renewal of an existing operating permit shall use the *Title V Standard Application and Forms*, adopted by reference in 18 AAC 50.035(a)(9), **unless the applicant has received approval from the department to use a stationary-source specific application format. To be deemed complete, the application must include all information outlined in the Title V Operating Permit Application Completeness Checklist, which is included with the Title V Standard Application and Forms package.**”

Alternatively, the rule language could be amended as follows to at least address deferral of the effective date:

“An applicant for an operating permit, modification or revision to an operating permit, or renewal of an existing operating permit shall use the *Title V Standard Application and Forms*, adopted by reference in 18 AAC 50.035(a)(9), **beginning no later than [6 months after the effective date of the amended regulation].**”

Experience with Minor Permit Forms

3. Based on our experience, the minor air quality permit application forms created by the ADEC did not streamline the application process and instead made the application process more burdensome for both the Permittee and ADEC. More information requests appear to be

required to complete the application process, not less. In many cases, the information requested is only necessary to complete the form, not to develop the permit, resulting in a “fill in the box” approach that is inefficient. We believe that the forms as currently proposed could be streamlined to improve their administrative efficiency and still meet the needs of the ADEC Title V program. Some requested improvements are included in our comments below.

Allow Cross References to External Information Sources

4. We suggest that where the requested information must be generated externally before being listed in the application form, e.g., emissions calculations prepared in Excel spreadsheets, the associated form be either eliminated or significantly simplified by stating only the required elements, and referencing the external information source, which would be required as an attachment.

For example, Form B4 requires a significant amount of information to be transferred from an external source into the forms (e.g., from the EPA TANKS output file). Transcribing such a large amount of data can cause significant delays if the format of the form is inconsistent with the format of the information from the original, external source. Such inconsistencies have been observed when using the Minor Permit forms and have caused significant delays in obtaining minor permits by prompting a series of information requests. We suggest redesigning the forms to eliminate the transfer of information, and to allow the Permittee to reference the “detailed” information attached to the application such as the TANKS output file containing all the tank parameters. We find this approach superior because transferring the information to the forms is unnecessarily time consuming, and subject to error. The forms are better served for bringing together in one place information that was obtained from several sources or documents, e.g., emission standards applicable to an emission unit.

Eliminate Data Unnecessary for Completeness Determination

5. The Series B Forms B1-B9 as currently drafted require the permittee to obtain and incorporate into the application very detailed emission unit information, the majority of which will not be utilized by ADEC to determine federal or state air quality rule applicability, estimate assessable emissions or prepare the permit. We strongly believe that information not directly used to develop the permit should not be required by the forms because the forms are being established to verify the completeness of the application. **The issue of completeness is a critical one.** As the ADEC is aware, the permittee cannot lawfully operate a Title V source without a valid Title V permit or permit application shield, the latter requiring a complete application.

We request that ADEC be very careful not to create incompleteness issues related to extraneous, unnecessary or redundant information. Because the forms do not otherwise differentiate between critical and noncritical data, we conclude that every applicable blank must be filled by the applicant, or the application will be deemed incomplete. Alternatively, ADEC would need to train staff to judge which information is actually required for completeness. By doing this, ADEC would then clearly establish that some of the information required by the forms was indeed irrelevant to evaluating completeness.

More practically, we believe the forms should be streamlined, and only require information directly related to the completeness determination. Collecting data that is extraneous is a significant burden to both the permittee and ADEC staff because its presence unnecessarily complicates and lengthens the forms. We can think of no reason how such an approach will improve/ streamline the Title V permitting process, which we assume is a key ADEC goal.

6. We also note that although ADEC provided for some differentiation between initial and renewal applications, the forms are generally more appropriate for an initial application. We suggest that ADEC revise the forms and instructions to better clarify and establish the information required for initial versus renewal applications, or prepare a completely different set of forms for renewal applications.
7. Further to our previous comment, as currently directed, permittees with Title V Operating Permits already in place and who would now be required to complete the forms cannot take advantage of the Department's direction suggesting that forms submitted previously that are unchanged need not be submitted again with a permit renewal application. Since in every case these forms have never been completed previously, all permittees will be required to prepare the next permit renewal application after the effective date of the rule as if it were an application for an initial permit, with extraneous data requests that clearly were not critical for preparation of the Title V Operating Permits that are already in place. We request that ADEC include a provision in the instructions for permit renewal applications indicating that the instructions for permit renewal form requirements can be followed as if a standard form had previously been used with the initial permit application, even if the standard forms were not used previously. In other words, submittal of a form as part of any permit renewal application for existing permits issued prior to the rule change would only be necessary to document changes to the source, applicable requirements, non-applicable requirements, etc.

Reduce Redundant Information

8. A signature by the Responsible Official is required by Forms A1 and A4. For a renewal permit, the Permittee is required to fill out Form A4. However, if any changes have been made to the information contained in Form A1, the Permittee must also fill out Form A1. Instead of including the certification statement within the forms, we request that ADEC state in the instructions that the application must include a signature by the Responsible Official following the certification statement. We request that if information is already required in one form that the Permittee may just reference that part of the application.
9. Each page of each form requires that the Permittee input the stationary source name and permit number. Since this going to be a fill-in PDF form, the Permittee will have to input the stationary source name and permit number on every page. Please remove the requirement to state the stationary source name and permit number on every page and just require the information be included only on Form A1. Instead of requiring the information on each page, please update the instruction to require that the entire hard copy of the application be bound into one single document. That will prevent the different pieces of the application from being separated and someone confusing one piece of an application as belonging to a different stationary source. Or if ADEC requires identifying information on each page, please only require either the stationary source name or the permit number.
10. On the first page of the instructions titled "Submitting the Alaska Title V Operating Permit Application to the Department" it states that:
 1. "Upon completing the application materials, the owner/operator should:
 1. Print a hard copy of the application and number the pages of the application sequentially starting with '1' in the top right corner of each page of the application."

We acknowledge that different applications will use different forms and therefore the numbering of each application may be different. However, requiring manual input of each page number is time consuming and costly. Instead, we request ADEC use the numbering system currently included in the forms as they currently are. If additional pages are needed, the instructions can require that the page number for that form be electronically updated. For example, the Form B Supplement Emission Unit-Specific Shield Request may require additional pages. In this case the Permittee would be required to update the page numbers currently located at the bottom right hand corner. This would require that the form allow manipulation of the total number of pages and the page number.

As a separate option to hand entering page numbers, include on the top of each page a field that can be updated for the page number and total number of pages.

The proposed forms will be more difficult for rural stationary sources to use because of their complexity. The forms are repetitive and require information not readily available to most stationary sources, some of which is not used to directly evaluate applicability or emissions (e.g., specific plot lines and acreage).

Application Submittal Instructions Comments

11. The permittee should not be required to submit electronic copies on CD, which are being phased out by the computer industry. Other formats should be allowed, e.g., USB flash memory drive, or email (perhaps to a dedicated email address of ADEC's choosing).
12. As discussed below, some supporting information is unnecessary, except for an initial Title V application. The instructions state that some information is only required "if applicable". We request that ADEC identify which components of the forms are only required "if applicable" in the actual form.
13. To aid an applicant's intent to be compliant with applicable submittal requirements, these instructions should include information on what is required to be submitted to EPA. We suggest using language similar to that used in ADEC's Standard Operating Permit Condition XIV, except that the permittee should be instructed to submit a copy of initial Title V Operating Permit applications as well as applications for modification or renewal (SPC XIV does not address initial applications). In addition, the instructions should provide the appropriate EPA address where copies are to be sent, similar to the standard language that ADEC includes in Title V Operating Permits.

Form Series A Instructions Comments

14. The instructions for Form Series A seem to provide conflicting instructions and directions regarding. On the one hand, the instructions indicate that for a renewal application, only certain forms and supporting documentation are to be provided. However, the instruction also indicate in bold font that renewal applications "shall not incorporate reference to any previous permit applications" and "shall be a complete stand-alone document with all required information", which implies that a renewal application must include all information that was provided in the initial application. We request that ADEC remove or modify the language indicating that each application must be a complete stand-alone document. The forms proposed by ADEC (at least those in Series A) suggest that the intent is not to require submittal of all forms with a renewal application.

Form A1 Comments

15. Although it is not a requirement of 40 CFR 71.5(c), we request that ADEC include on Forms A1 and A4 a location to enter the NAICS code of a source. This could be included in the instructions as an optional entry. The NAICS codes are used as part of the applicability determination for risk management plans (40 CFR 68) and are used in the emissions inventory reporting rule. The NAICS codes are intended to eventually replace the SIC codes (although that may never happen given the number of rules that refer to the SIC codes).

Form A2 Comments

16. Form A2, items 2, 5, 6, and 7, requires the submission of property area including a plot plan, regional map, and a USGS map. This information is not used to develop the operating permit. While the information may be required to obtain a minor permit or PSD permit, those are Title I permitting actions. Title V permits do not require modeling and knowing the area, terrain, and elevations of the stationary source is not required for permit/rule applicability determinations. We are concerned that ADEC would apparently deem an application incomplete if such information is not included but yet the information is unnecessary to develop the permit. While we understand that ADEC may want this information for different reasons, 18 AAC 50.326 requires that Title V applications include the information contained in 40 CFR Part 71 except as specified in 18 AAC 50.326(b) through (k). 18 AAC 50.326(b) through (k) deal with modifying definitions; stating that 40 CFR 71.5(a)(i)-(ii), (a)(3), (c)(11) and (d) do not apply; specifications of what constitutes an insignificant emission unit; required permit content; and how the permit is to be reviewed and issued.

ADEC's proposed *Title V Operating Permit Application Completeness Checklist* outlines the requirements of 40 CFR Part 71.5(c). The list of required application elements found in the checklist/§71.5(c) does not include data such as the property area, plot plan, or regional/USGS maps.

As noted in 40 CFR 71.5(c)(3)(ii), (iv), (vii), and (c)(5) and adopted in 18 AAC 50; only information required to determine rule applicability or to determine the applicable requirements of the Act are required to be in a Title V application. Therefore requiring property area including a regional map, USGS map, area, terrain, and elevations of the stationary source is not required for Title V permit/rule applicability. We request that ADEC remove all information from the forms that is strictly used for Title I permit applications.

17. Form A2, item 4, requires the maximum hourly and annual capacity to be reported. This information is required where necessary to complete emission calculations and is included with those emission calculations. Requiring this information in Form A2 is repetitive and unnecessary.
18. In summary of our comments 16 and 17, we request that ADEC delete items 2, 4, 5, 6, and 7 from Form A2.
19. Form A2, item 1 bullets 3 and 4, requests the Permittee include a description of any proposed modifications that will occur in the future and any proposed construction that the permit will need to address. Operating permits address requirements applicable at the time of permit issuance. Future, hypothetical changes at a stationary source are not required to be included in a Title V permit application. However, we acknowledge that this information would be pertinent if a Title V application was prepared and submitted in concert with a Title I application or if a Title I permit had not yet been issued by ADEC in response to a Title I

permit application that had previously been submitted by the permittee. Providing this information would help to tie together the two separate applications. We request a modification to the instructions for Form A2 to include the following prior to the last two bullets under item 1 – “If a Title I construction or minor permit application is submitted along with this Title V application or the owner/operator has previously submitted a Title I application and the Department has not yet issued the resulting Title I permit, then provide the following additional information:”

Form A3 Comments

20. This Form should be optional, and is unnecessary for what ADEC describes as the “base operating scenario,” a term not referenced in Part 70/71. Permittees can easily describe their very general, “base” scenario in Form A2, Source Description. Form A3 allows for the application to include different alternate operating scenarios that trigger different applicable requirements than to which the source is otherwise subject. Most stationary sources do not require multiple operating scenarios in their Title V permit making this form only applicable to a select few stationary sources. We request that ADEC only require that this form be completed if the stationary source chooses to have more than one operating scenario.

Form A4 Comments

21. Form A4, item 5, requires the Permittee to submit process information in the form of production, fuel usage, and raw material usage. This information, if relevant, is required to complete emission calculations and is included with those emission calculations. Requiring this information in Form A4 is repetitive and not necessary.
22. Form A4, item 7, requires the Permittee to report the number of employees. While it is understood that the definition of a Responsible Official can change depending upon whether a stationary source has more or less than 250 employees, it is not an element required to determine rule applicability and should not be a completeness issue as it is not an application element as described in Comment 16. If there are questions about whether a person claiming to be a Responsible Official, ADEC should handle that designation outside of the Title V application process. If ADEC decides to retain a request for this information, we request that it be included as part of Form A1 or Form A2. Form A4 is intended specifically for permit renewal applications. It seems unusual that ADEC would request this data as part of a renewal application, but not as part of an initial permit application.
23. Form A4 instructions indicate that the current permit as well as any permit addendums issued since the permit was issued should be gathered by the owner or operator. It seems to us that the “current” Title V permit would include all of the permit addendums, making it unnecessary to gather the original permit if it has been amended. We suggest deleting the third bullet at the top of page 1 and amending the first bullet as shown in our redline strikeout edits to this page.
24. Other general issues we have identified on the Form A4 (renewal application) instructions include:
 - a. The opening paragraph says that renewal applications are due twelve (12) months prior to the expiration date of the permit. The correct requirement is no sooner than 18 months and no later than 6 months prior to the expiration date of the permit.
 - b. The second bullet at the top of page 8 says to gather “a compliance certification for the stationary source”. We suggest that it would be most relevant to gather the most recent compliance certification.

- c. The third paragraph on page 8 provides instructions for submitting a renewal application to ADEC. We request that the form also include instructions for submitting a renewal application to EPA. See also our comment 13 for suggestions on how to address this.
 - d. The fifth paragraph on page 8 provides information about the schedule and process for deeming an application complete, including the potential need to submit an amended application. Since this is information pertinent to any type of application, not just a renewal application, we request that ADEC move this paragraph to page 1 of the Form Series A instructions.
 - e. The instructions for Item 1 of Form A4 indicate that the stationary source fax number is to be included on the form, but there is no place on the form to enter the fax number. There is also no requirement to include the fax number for an initial Title V permit application under Form A1. We suggest removal of the instruction to include a fax number for the source.
 - f. The instructions for Item 9 of Form A4 on page 9 refer to “18 AAC 50.500”. Since there is no such entry in the rules, we suggest, based on our understanding of the intent, a change to the language so that it states “18 AAC 50, Article 5” instead.
 - g. Items 11 (40 CFR 64) and 12 (40 CFR 68) of Form A4 should be stated on specific forms and instructions that pertain to these rules and as part of an initial permit application, not as requirements that need only be addressed as part of a renewal application.
 - h. Item 20 asks if a request is being made to change “the non-applicable requirement conditions”. We do not understand this instruction. If the requirement is non-applicable, it would not be included as a condition in the permit, unless ADEC is referring to the permit shield condition. Please clarify item 20 instructions and item 20 on the form. Perhaps the instruction and form should refer to the appropriate Form Series C form and request that the entry in item 20 would be to list the emission unit where a change in the non-applicable requirements is to be made in the permit, not the condition.
25. AOGA has also suggested changes to the Form Series A instructions and associated forms which we believe better clarify intent. See our proposed edits to the instructions and associated forms included in the redline/strikeout edits provided with these comments.

Form B Instructions and Form B Comments

- 26. Form B does not distinguish between significant and insignificant emission units. We request that ADEC update the form to allow the Permittee to distinguish between significant and insignificant emission units.
- 27. The instructions for Form A4 – Renewal Application, indicate that only Form A4 is required if there are no changes to incorporate into the renewal permit. However, the Form Series B instructions state that “Form Series B must be completed for each initial and renewal application...” AOGA believes that the Form A4 instructions are appropriate for a renewal application, and we have proposed changes to Form B instructions that eliminate the inconsistency, and for renewals, require Form Series B only for emission units that were not identified in the original or most recent Title V application, or that have been modified since the original or most recent Title V permit was issued. We also made appropriate changes to Form B. See our redline/strikeout edits provided with these comments to the forms.
- 28. The Form B Series instructions as well as instructions for Form Series C and E include discussions pertaining to a requirement to include “*all* state and federal standards applicable

and non applicable to...” indicating that *all* “must be identified”. (emphasis added) It is not a requirement of the Title V program that a permittee identify *all* non-applicable requirements. That would be excessive and certainly unnecessary. A literal read of the language in the instructions would be impossible to comply with. The requirement is better stated in the opening paragraph of the section pertaining specifically to identification of non-applicable requirements, where it states that “regulations for which the owner/operator would like a permit shield should be identified”. This is a much better description of the requirement. We request that ADEC rewrite the opening paragraph of the section titled “Applicable and Non-Applicable Requirements” as well as the opening paragraph of the section titled “Reasons for Regulatory Applicability Determinations” to better reflect the intent as stated in the opening paragraph of the section titled “Non-Applicable Requirements”.

29. Identification of emission unit specific applicable requirements is currently embedded in the emission unit data Forms B1-B9. This approach causes a great deal of redundancy because many air quality requirements are widely applicable, e.g., the emission standards in 18 AAC 50.055 apply to all fuel burning equipment, and therefore must be repeated for every heater, boiler, engine, and turbine at the source. Instead of requiring repetitive entry of the same information for each B1-B9 form and emissions unit, AOGA suggests that ADEC create new “emission unit applicable requirements” forms for each fundamental state and federal standard to be included as part of the Series E forms, along with the “stationary source applicable requirements” Form E1. All emission units subject to the standard would then be listed on the appropriate form. For example, all heaters, boilers, engines and turbines would be listed (based on the EU IDs on Form B) on the form “State of Alaska Fuel Burning Equipment Visible Emissions Standards.” This approach would help the applicant identify applicable standards, and also mirror the format used in the operating permit, where the standard is listed, followed by each emission unit subject to it.

For the vast majority of Alaska facilities (for which these forms should be optimally designed to address), there are only a handful of potentially applicable requirements – 18 AAC 50.055(a)-(c), NSPS Subparts Dc, J, Ka, Kb, GG, KKKK, IIII, JJJJ, and MACT Subparts JJJJJ, and ZZZZ. ADEC could create forms for these standards, and also a generic applicable standard form that could be used for all other rules (and Title I requirements) for which a specific form has not been created. This generic form would look very similar or identical to the current applicable requirements form used for all B Series forms B1-B9, which is already generic.

Alternatively, ADEC could use the current generic applicable requirements form, but incorporated into the Series E forms, rather than attached to each emission unit. The form would be revised only to allow for the identification (listing) of the emission unit or emission units to which the standard applies.

Either approach is workable with AOGA’s proposal that insignificant and significant emission units be listed on Form B, but Series B1-B9 forms only be required for significant emission units. If ADEC agrees with this approach, the stand-alone series of revised applicable requirements forms would allow the identification of applicable requirements for both significant and insignificant emission units by their listing therein.

30. Generally, Series B forms require data that is not directly used by ADEC to determine rule applicability or estimate emissions. For example, the serial numbers for each emission unit located onsite. Serial numbers are not used for rule applicability, and often are representative of only a component of an emission unit, or a package for which the emission unit is only a part

of, not the emission unit itself. AOGA can find no basis for determining an application without this information as incomplete.

31. The B Form series requires that each emission unit at the source be included in the Title V permit application regardless of whether the unit is insignificant, unregulated, or both. For example, the forms as presently instructed would require very detailed information on small, unregulated tanks that contain volatile organic or petroleum liquids. 18 AAC 50.326 specifically excludes certain insignificant emission units from being required in the application. While 18 AAC 50.326(d)(4) states that an application cannot omit information needed to evaluate fees, emissions from insignificant emission units are accepted by ADEC and industry to be negligible, and the cost of collecting the necessary data to rigorously document actual and potential emissions from insignificant sources and the cost of ADEC to verify the emissions would far out way the revenue ADEC would receive from them. Assessable emissions and fees are collected by ADEC mainly to pay for the Title V permit program. ADEC procedure is to conduct a fee study to determine if the fees collected on assessable emissions cover the cost of the Title V Operating Permit Program. If the fees do not cover the cost of the operating the program, ADEC increases fees to recover the loss. Requiring stationary sources to include, for example, unregulated lubricating oil storage tanks with potential emissions of perhaps a pound or two, that will not even be included in the permit, would not add any value to the Title V permit program, and therefore would not justify the additional cost for ADEC or the Permittee. AOGA has suggested changes to the forms such that Forms B1-B9 are only required for each regulated, significant emission unit. The Permittee would still need to list each emission unit that is insignificant on an emission rate basis or on a size/production rate basis in Form B.
32. B Series forms require that a separate form be completed for each emission unit. Many stationary sources have multiple emission units (e.g., heaters) with the same make, model, and emission profile. Completing the same form multiple times with the same information is repetitive and not necessary. The forms should be revised to allow for multiple units to be listed if identical. We acknowledge that other states typically require a separate form for each emission unit, but we suggest and request that ADEC improve upon this approach by simply modifying the form to allow all detailed identifying information (EU ID, tag number, etc.) for each otherwise identical emission unit with exactly the same applicable requirements to be listed on a single form.

Form B1 Comments

33. Form B1 requires the Permittee to report the date installed, serial number, steam production rate, steam pressure, and steam temperature (items 3, 4, 9, 10, and 11). This information is not required for rule applicability and should not be a completeness issue. Both the design rated capacity and maximum hourly firing rate information are unnecessary to evaluate applicability and emissions. ADEC should just require the design capacity, which is used to evaluate NSPS and MACT applicability.
34. Although we agree that the firing method should be included in the description of a boiler/heater, Form B1, item 7, requires “additional information needed to adequately describe the firing method”. This information is not required for rule applicability and should not be a completeness issue.
35. Fuel usage information required by Form B1, item 12, will be included with the emissions calculations attached to a permit application. A requirement to include that information here is unnecessary and redundant.

36. The question regarding waste heat (item 13) is unnecessary to evaluate applicability. If ADEC finds waste heat to be an applicability trigger, ADEC should specify the exact situation where the information is a completeness issue. In the form instructions, ADEC uses “glycol dehydrator heat source” as an example, which is confusing because fuel-fired dehydration unit reboilers typically use direct heat from the heater, not waste heat.

Form B2 Comments

37. The form (items 8 and 9) should be redesigned to require design capacity in either hp for engines, or MMBtu/hr, for turbines, not both. Engine rules base applicability on hp rating, and turbine rules base applicability on heat input.
38. Form B2 requires fuel usage and maximum hourly firing rate. This information is not typically required to complete emission calculations, but if necessary is included with those emission calculations. Requiring this information in Form B2 is repetitive and not necessary.

Form B3 Comments

39. Much of the required information in Form B3 is unrelated to rule applicability or emission calculations (e.g. primary combustion chamber temperature (part of items 10 and 11), gas residency time (part of item 11), maximum flue gas outlet temperature (item 16), incinerator design efficiency (item 19), a diagram of the incinerator (item 21), the energy balance equations for materials incinerated (item 22), etc.). Please revise the form by eliminating all extraneous information, otherwise ADEC will be forced to declare applications missing any required, yet unnecessary data element, to be incomplete. If there are any elements that are pertinent to rule applicability determination for certain (e.g., newer) incinerators which commenced construction after a certain date or dates, then the requirement to provide that data point should be set based on the applicability date of a rule that requires that data and the form should clarify this. It should not be required for older incinerators that are not subject to more recent rules.

Form B4 Comments

40. Much of the information requested is produced by the EPA TANKS program, and is listed in the TANKS emissions output file, which is required to be submitted as part of the application. AOGA sees no reason to base completeness on a transfer of the detailed tank parameters from the EPA TANKS output file to Form B4. Please either delete the form in its entirety, or delete the detailed information that is unnecessary to determine rule applicability (as shown).
41. ADEC should not require emissions estimates from tanks storing low vapor pressure products, such as distillate fuels. Such tanks represent the vast majority of units in Alaska, and are all insignificant, even at bulk storage facilities. ADEC can easily verify the very low emissions using the TANKS program, and a hypothetical case of a very large tank (e.g., 1,000,000 gal) and a very high throughput (e.g. 20,000,000 gal/yr). Emissions from such a scenario, which is grossly excessive, are less than 1 tpy VOC. Virtually all typical distillate tank emissions are less than 0.1 tpy VOC. Distillate storage tanks are also exempt from federal emission standards and have no applicable requirements. We can find no reason for ADEC to require such extensive data on such tanks as part of the permit process.
42. Item 5 of Form B4 requires providing the manufacturer of a tank. We believe this is not pertinent to rule applicability and, for tanks, not very useful information even for identifying

the tank at a source. We request removal of this data element from the form and suggest that it be replaced with a requirement to enter the material stored in a tank.

43. Items 10 and 21 of Form B4 require indicating if a tank has a submerged fill pipe and how submerged fill is achieved. We acknowledge that this is relevant information for gasoline tanks subject to NESHAP Subpart CCCCCC, but we do not believe it is relevant for most tanks. We request that ADEC add clarity to the form to identify when certain elements need to be reported, such as in these examples. There is no relevance to this question, for example, to distillate fuel storage tanks.
44. We are not aware of any rules that require the information required by item 13 of Form B4 (pipe data) to determine rule applicability, even for above ground storage tanks. We request remove of this and other extraneous requirements as indicated by our redline/strikeout edits of the form provided with these comments. If ADEC believes this information is necessary, we request that ADEC provide specific details in the public record.
45. This form uses the term “VOC storage tank”. We do not believe that this term is defined in regulation. 18 AAC 50.990 defines “volatile liquid storage tank”, NSPS Subparts K and Ka apply to storage vessels of petroleum liquids, and NSPS Subpart Kb applies to storage vessels of volatile organic liquids. We suggest that the form use the term defined in 18 AAC 50 – “volatile liquid storage tank”.
46. AOGA has also suggested changes to the Form B Series instructions and to the Form B Series forms which we believe better clarify intent. See our proposed edits to the instructions and associated forms included in the redline/strikeout edits provided with these comments.

Form B5-B9 Comments

47. Remove all requested data that is unnecessary to deem the application complete as described in Comment 16, and consistent with the comments on Forms B1-B4.

Form Series C Comments

48. Remove all requested data that is unnecessary to deem the application complete as described in Comment 16, consistent with the comments on Forms B1-B4. (We have not included all appropriate edits in our redline/strikeout edits of the Form C Series instructions and forms.)
49. In conjunction with our request to remove the portions of the B1-B9 forms addressing emission unit applicable requirements and incorporate them into Form Series E, please also move the control device applicable requirements forms to Form Series E.
50. AOGA has also suggested changes to the Form C Series instructions and to the Form C Series forms which we believe better clarify intent. See our proposed edits to the instructions and associated forms included in the redline/strikeout edits provided with these comments.

Form Series D Comments

51. The instructions for Forms D1 and D2 each indicate that emissions from all emission units are to be accounted for in these forms. We request that the instructions and forms distinguish between significant and insignificant emission units (IEUs). IEUs typically do not have an EU ID number and individually have minimal emissions. As commented above, we believe it is unnecessary to require emissions information from individual units that are classified as IEUs based on size or production rate (18 AAC 50.326(g)). However, if ADEC is unwilling to agree to removal of the requirement to document emissions from 18 AAC 50.326(g) IEUs, then we

request that the instructions indicate that only one Form D1 be completed to document emissions from all 18 AAC 50.326(g) IEUs identified in the Form Series B forms of the application.

52. In conjunction with our previous comment, we also request that ADEC amend the instructions for Forms D1 and D2 to clarify that emissions from any nonroad engines (NREs) at the source should not be included on these forms. Per 18 AAC 50.100, the actual and potential emissions of NREs are not included when determining the classification of a stationary source under AS 46.14.130 (*Stationary Sources Requiring Permits*) and, as determined by ADEC, emissions of NREs are not to be included when calculating the assessable potential to emit for fees.

53. Please revise Form D1 by making it a list of the documentation ADEC wants to see in the live Excel emissions calculation spreadsheets. As is, Form D1 is simply an emission unit by emission unit duplication of information already submitted because ADEC requires that all emissions calculations be documented in the application.

In conjunction with the changes to Form D1, and if ADEC still believes that it is necessary to document individual emission unit emissions in the spreadsheets and in a form, the Department could revise Form D2 such that it consolidates forms D1 and D2 by requiring a list of each emission unit (by number) and the emission unit's emissions, followed by a simple summary line at the bottom for total stationary source emissions.

54. Please delete the requirement to calculate expected actual annual emissions for all units. Significance is based on a unit's two year average actual emissions, not a projection of expected actual emissions. If ADEC believes that the applicant must document actual emissions when classifying an emission unit as insignificant on an emission rate basis, the Department could only require that actual emissions be presented in such cases, or alternatively, ADEC can address their concerns under 18 AAC 50.326(d)(4) or 18 AAC 50.200. Other than for determining significance, which is only necessary for a small subset of units, rule applicability is not based on actual emissions and therefore there is no basis for ADEC to require the information for the application to be complete. See our suggested revisions to Form D2 shown in the redline/strikeout amendments to the proposed form included with these comments.

55. Because permit limits are federally enforceable restrictions that are accounted for under the definition of potential emissions we request that ADEC remove from Form D1 the reference to "limitations" in the column heading "before controls/limitations." The only reason we can determine for ADEC to request pre-control device emissions is to assess the applicability of 40 CFR 64 (Compliance Assurance Monitoring or CAM) to an emission unit and its pollution control device. Since any limit other than that of a control device affects the "potential pre-control device emissions", which must be known to determine CAM applicability, we believe it is appropriate to take such limits into account when assessing the pre-control device potential emissions of a unit.

56. As stated in our previous comment, we believe the only purpose for requesting information on pre-control device potential emissions is to use that information to assess CAM applicability to an emission unit. We do not believe there is any reason to document the pre-control device potential emissions from the entire stationary source. As such, we request that ADEC delete the column from Form D2 titled "Potential Annual Emissions (before controls/limitations)(tons/year)" if our proposed revamp of Form D2 as stated in comment 53 (and shown in our redline/strikeout edits of Form D2) is not agreed upon by ADEC.

57. AOGA has also suggested changes to the Form D Series instructions and to the Form D Series forms which we believe better clarify intent. See our proposed edits to the instructions and associated forms included in the redline/strikeout edits provided with these comments.

Form Series E Comments

58. As discussed previously, we request that ADEC address all applicable requirements under Form Series E rather than on an emission unit-by-emission unit basis in Form Series B.
59. As discussed previously AOGA requests that ADEC develop forms for widely applicable emission standards. We also request that the ADEC pre-insert stationary source wide applicable requirements that apply to all facilities (e.g., 50.110) into the Stationary Source Applicable Requirements Form.
60. The ADEC should clarify that the emission unit and stationary source applicable requirements forms in this section are not generally required for renewal applications, except for requirements that are not addressed in the most recent Title V permit. Consistent with this approach, the emission unit and stationary source applicable requirements forms in this section would only address Title I permit conditions or recently promulgated rules under NSPS or NESHAP not included in a Title V permit.
61. Form E5 requires the Permittee to submit AMPs or EPA waivers with the renewal permit application. We request that ADEC specify that only AMPs and EPA waivers issued within the previous permit term are required to be included with a renewal permit application. The form should be modified to distinguish between an initial or renewal application.
62. The instructions for Forms E2 and E3 refer to “18 AAC 50.300” and “18 AAC 50.500”. Since there are no such entries in the rules, we suggest, based on our understanding of the intent, a change to the language so that it states “18 AAC 50, Article 3” and “18 AAC 50, Article 5” instead.
63. The next to last sentence in the first paragraph of the “Background” section of the instructions for Form E2 states that “if a condition has been imposed as a result of a NSR/PSD permit, then the condition may **not** be changed.” However, as noted in the previous paragraph of the Form E2 instructions, “one-time” requirements such as an initial source test or visible emissions observation or reporting requirement should be “removable” even if it is found in a PSD/NSR permit. In addition, monitoring, recordkeeping, and/or reporting used to determine compliance with a limit in a PSD/NSR permit can be changed if it is more stringent than that required by the PSD/NSR permit, so the “condition” in the permit can be changed in this case. ADEC’s instructions would be clarified if the language in the paragraph used the term “limit” instead of “condition” to describe applicable requirements from a PSD/NSR permit that cannot be changed. The quote stated above will then be changed to “if a *limit* has been imposed as a result of a NSR/PSD permit, then the *limit* may **not** be changed.” (Note: all of the examples provided on the form instructions are *limits*, not monitoring, recordkeeping, or reporting requirements.)
64. The five bullets included in the Form E5 instructions appear to have been copied from a Form Series B form and as a result include text that is out of context for Form E5. We have included suggested revisions to these bullets in our redline/strikeout edits of the Form Series E instructions provided with these comments.

65. AOGA has also suggested changes to the Form E Series instructions and to the Form E Series forms which we believe better clarify intent. See our proposed edits to the instructions and associated forms included in the redline/strikeout edits provided with these comments.

Comments on the Title V Operating Permit Application Completeness Checklist

66. We suggest and request that ADEC include the introductory language of 40 CFR 71.5(c)(2) adopted by regulation at the top of the checklist to clarify the specific requirements that apply in order to deem an application complete. The language to be inserted is – “To be deemed complete, an application must provide all information required pursuant to 40 C.F.R. 71.5(c), except that applications for permit revision need supply such information only if it is related to the proposed change.”
67. The majority of the language used in the checklist is taken directly from 40 CFR 71.5(c) without making changes to the language to provide context within the checklist instead of within the rule. We have made a number of proposed and suggested changes to the checklist to fix this problem. See our proposed edits to the Completeness Checklist included in the redline/strikeout edits provided with these comments.
68. ADEC has included in the checklist some basic information regarding which form(s) contain the required application information. However, we believe some of the direction included by ADEC is incorrect, as follows:
- a. The second and fourth bullet identified under §71.5(c)(3) – Emissions-Related Information appears to be found in Form Series D, not in Form Series B as indicated on the checklist;
 - b. The fifth bullet identified under §71.5(c)(3) – Emissions-Related Information pertains to identification of air pollution control equipment. This is done in Form Series C, not Form Series B;
 - c. The checklist indicates that Form E1 includes the information required under 40 CFR 71.5(c)(4) – Air Pollution Control Requirements. However, we believe the checklist should instead refer to Form Series C here;
 - d. ADEC has not identified which form(s) address the general requirement of 40 CFR 71.5(c)(5) – Other Specific Information. It would be helpful to the applicant and the ADEC personnel reviewing the completeness of an application if the checklist identified the applicable form(s) that address this required application element;
 - e. The checklist indicates that the requirements of §71.5(c)(6) – Exemptions is found on Form E5. §71.5(c)(6) requires that the applicant include an explanation of any proposed exemptions from otherwise applicable requirements. We do not see this as being part of Form E5.
 - f. Form A3 does not appear to address the requirement under 40 CFR 71.5(c)(7) to provide additional information to “define permit terms and conditions implementing §71.6(a)(10) [emissions trading] or §71.6(a)(13) [operational flexibility]”. Form A3 only addresses alternate operating scenarios under §71.6(a)(9);
 - g. The checklist indicates that Form Series E includes the requirements of §71.5(c)(8) – Compliance Plan as well as §71.5(c)(9) – Compliance Certification. However, we do not find in any Series E form the required compliance plan information. In fact, we do not find anywhere in the application a place to make either of the required statements under

§71.5(c)(8) that must be made for requirements for which the source is in compliance and for requirements that will become effective during the permit term. Further, we do not find any forms in the application package that address submittal of a compliance plan and schedule for requirements for which a source is not in compliance at the time of permit issuance;

- h. The last two bullets under §71.5(c)(9) – Compliance Certification (i.e., a schedule for submission of compliance certifications during the permit term and a statement indicating the source’s compliance status with any applicable enhanced monitoring and compliance certification requirements of the Act) do not appear to be included on any forms. Frankly, though, we are not sure what the last bullet is referring to as far as the required compliance status is concerned;
 - i. The checklist addresses the timeliness of an initial application under 18 AAC 50.326(c) and AS 46.14.150, but does not address timeliness for permit renewal applications under 40 CFR 71.5(a)(1)(iii). We have added proposed language to the draft checklist in our redline/strikeout edit of the checklist included with these comments;
 - j. We do not believe that the last bullet under the “Timely Application” section of the checklist is relevant in the context of the checklist and we propose that it be deleted. If ADEC elects not to delete this bullet, it should be clarified as it is difficult to understand, especially in the context of a checklist;
 - k. The “Fees” section of the checklist should be supplemented to include instructions on where to find in the regulations information on the required fee retainer to be submitted with an application. We believe that the “retainer fee” referenced by this section of the checklist is required only when submitting an application to administratively amend a Title V permit (per 18 AAC 50.400(f)). There does not appear to be a requirement to submit a retainer for any other types of Title V permit applications, so the checklist as currently written is misleading;
 - l. The information regarding “Confidentiality of Information” indicates that the permittee may request confidentiality of submitted information. Please add this to Form A1 and/or Form A4 and their respective instructions. We do not see that these or any other forms in the application package provide a place for the applicant to make this request;
 - m. The final statement of the checklist pertaining to records that are considered to be public documents does not seem relevant for a checklist. However, the statement, which is from AS 46.14.525, might be very appropriate as part of the “Introduction to Alaska Title V Permitting” section of the Form Series A instructions. If ADEC elects not to remove this final statement, we request that ADEC review the language of AS 46.14.525 and correct the typographical errors found in the checklist language.
69. AOGA has suggested additional changes to the Completeness Checklist which we believe better clarify its intent and context and to correct typographical errors. See our proposed edits to the Completeness Checklist included in the redline/strikeout edits provided with these comments.

Other General Comments

70. ADEC has indicated in the instructions pertaining to current compliance status responses to enter “in” or “out”. The question on the various forms (“Currently in Compliance?”) suggests a “yes or no” response, not “in” or “out”. We suggest that ADEC revise the form instructions

accordingly. In most cases, we have deleted this particular instruction as part of our redline/strikeout edits to the proposed forms, but for situations where ADEC elects to retain this instruction, we suggest this change.

71. We request that the application package include instructions on the following –
 - a. How to use the application forms and which form to use to request that multiple Title V permits be issued for a single stationary source as allowed under AS 46.14.190(b).
 - b. Where and how to propose source-specific revisions to Standard Operating Permit Conditions found in 18 AAC 50.346 and the basis for use of the proposed language instead of the standard condition. Is this something that might be included in Form E3? If so, please clarify. We further request that ADEC provide instructions as to what types of revisions to standard conditions will be considered by ADEC.