

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
AIR QUALITY OPERATING PERMIT

Permit No. 296TVP01
Application No. A000296
Administrative Revision: December 13, 2002

Issue Date: December 28, 2000
Expiration Date: December 27, 2005

The Department of Environmental Conservation, under the authority of AS 46.14 and 18 AAC 50, issues an operating permit to the Permittee, **Harbor Enterprises, Inc.**, for the operation of the **Skagway Bulk Fuel Terminal**.

This permit satisfies the obligation of the owner and operator to obtain an operating permit as set out in AS 46.14.130(b).

As required by AS 46.14.120(c), the Permittee shall comply with the terms and conditions of this operating permit.

John F. Kuterbach, Manager
Air Permits Program

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List of Abbreviations Used in this Permit

AAC	Alaska Administrative Code
ADEC	Alaska Department of Environmental Conservation
AS	Alaska Statutes
ASTM	American Society for Testing and Materials
C.F.R.	Code of Federal Regulations
COMS	Continuous Opacity Monitoring System
dscf	Dry standard cubic feet
EPA	US Environmental Protection Agency
gr./dscf	grain per dry standard cubic feet (1 pound = 7000 grains)
GPH	gallons per hour
HAPs	Hazardous Air Pollutants [hazardous air contaminants as defined in AS 46.14.990(14)]
ID	Source Identification Number
kPa	kiloPascals
MACT	Maximum Achievable Control Technology
Mlb	thousand pounds
NESHAPs	Federal National Emission Standards for Hazardous Air Pollutants [as defined in 40 C.F.R. 61]
NSPS	Federal New Source Performance Standards [as defined in 40 C.F.R. 60]
ppm	Parts per million
PS	Performance specification
PSD	Prevention of Significant Deterioration
RM	Reference Method
SIC	Standard Industrial Classification
SO ₂	Sulfur dioxide
TPH	Tons per hour
TPY	Tons per year
VOC	volatile organic compound [as defined in 18 AAC 50.990(103)]
wt%	weight percent

Section 1. Identification

Names and Addresses

Permittee: **Harbor Enterprises, Inc.**
P.O. Box 396
Skagway, Alaska 99840

Facility: **Skagway Bulk Fuel Terminal**

Location: 59° 27' N; 135° 19' W

Physical Address: Beach Road
Skagway, Alaska

Owner: Harbor Enterprises, Inc.
P.O. Box 396
Skagway, Alaska 99840

Operator: Harbor Enterprises, Inc.
P.O. Box 396
Skagway, Alaska 99840

Permittee's Responsible Official R. J. Reiersen, President & CEO

Designated Agent: R. J. Reiersen, President & CEO
P.O. Box 389
Seward, Alaska 99664

Facility and Building Contact: Scott Mulvihill, Plant Manager
P.O. Box 396
Skagway, Alaska 99840
(907) 983-2259

Fee Contact: Chip Franke
P.O. Box 389
Seward, Alaska 99664

SIC Code of the Facility:

5171-Petroleum Bulk Stations and Terminals

Section 2. General Emission Information

Emissions of Regulated Air Contaminants, as provided in the Permittee's application:

Volatile Organic Compounds (VOCs)

Operating Permit Classifications:

1. The facility is classified under 18 AAC 50.325(b)(3) as one that contains a source subject to one or more of the standards adopted by reference in 18 AAC 50.040(a) - (c).
2. The facility is also classified under 18 AAC 50.325(b)(1) as a facility that has the potential to emit 100 TPY or more of a regulated air contaminant.

[18 AAC 50.350(b), 1/18/97]

Section 3. Fee Requirements

- 1. Assessable Emissions.** The permittee shall pay to the department annual emission fees based on the facility's assessable emissions as determined by the department under 18 AAC 50.410. The assessable emission fee rate is set out in 18 AAC 50.410. The department will assess fees per ton of each air contaminant that the facility emits or has the potential to emit in quantities greater than 10 tons per year. The quantity for which fees will be assessed is the lesser of

1.1 the facility's annual assessable potential to emit of 183.77 tons of VOC; or

1.2 the facility's projected annual rate of emissions that will occur from July 1 to the following June 30, based upon actual annual emissions emitted during the most recent calendar year or another 12 month period approved in writing by the department, when demonstrated by

- a. an enforceable test method described in 18 AAC 50.220;
- b. material balance calculations;
- c. emission factors from EPA's publication AP-42, Vol. I, adopted by reference in 18 AAC 50.035; or
- d. other methods and calculations approved by the department.

[18AAC50.400 - 420 & 18 AAC 50.350(c), 1/18/97]

- 2. Assessable Emissions Estimates.** Emission fees will be assessed as follows:

2.1 no later than March 31 of each year, the permittee may submit an estimate of the facility's assessable emissions to ADEC, Air Permits Program, ATTN: Assessable Emissions Estimate, 410 Willoughby Ave., Juneau, AK 99801-1795; the submittal must include all of the assumptions and calculations used to estimate the assessable emissions in sufficient detail so the department can verify the estimates; or

2.2 if no estimate is received on or before March 31 of each year, emission fees for the next fiscal year will be based on the potential to emit set out in condition 1.1.

[18AAC50.410 & 18 AAC 50.350(c), 1/18/97]

Section 4. Source Inventory and Description

Sources listed below have specific monitoring, record keeping, or reporting conditions in this permit. Source descriptions and ratings are given for identification purposes only.

TABLE 1 Source Inventory

Source ID	Source Description	Product Stored	Capacity			Installation Date
			Barrels	Gallons	Cubic meters	
1	Fixed-Roof Tank	Unleaded Gasoline	25231	1059702	4014	1965
5	Fixed-Roof Tank	Unleaded Gasoline	3770	158340	600	1947
10	Fixed-Roof Tank	Unleaded Gasoline	463	19446	73.6	1956
11	Fixed-Roof Tank	Aviation 100	463	19446	73.6	1965
12	Fixed-Roof Tank	Distillate	15000	630000	2385	1995
13	Fixed-Roof Tank	Distillate	15000	630000	2385	1995
14	Fixed-Roof Tank	Distillate or Gasoline	15000	630000	2385	1950
The tanks below exist at the facility, but are not subject to any Federal or State requirements						
2	Fixed-Roof Tank	Distillate	10160	426720	1616	1970
3	Fixed-Roof Tank	Distillate	10160	426720	1616	1965
4	Fixed-Roof Tank	Distillate	3770	158340	600	1947
6	Fixed-Roof Tank	Jet A-50	5435	228270	865	1947
7	Fixed-Roof Tank	Distillate	4295	180390	683	1947
8	Fixed-Roof Tank	Distillate	2390	100380	380	1937
9	Fixed-Roof Tank	Distillate	1679	70518	267	1942

Section 5. Source-Specific Requirements

3. For Source IDs 12 and 13, the Permittee shall keep readily accessible records for the life of the tank showing the dimensions and an analysis showing the capacity of the storage vessel

[18 AAC 50.040(a)(2)(M), 7/2/00]

[Federal Citation: 40 C.F.R. 60.110b(c) & 40 C.F.R. 60.116b(a) – (b), 7/1/99]

4. The Permittee shall ensure that

4.1 The total number of fixed-roof gasoline storage vessels at the facility without an internal floating roof does not exceed 5 tanks.

4.2 The facility does not handle any reformulated or oxygenated gasoline containing 7.6 percent by volume or greater methyl tert-butyl ether (MTBE).

4.3 The total gasoline throughput does not exceed an average of 170,900 gallons per day in any consecutive 30-day period.

[18 AAC 50.040(c)(7), 7/2/00]

[Federal Citation: 40 C.F.R. 63.420(c)(1), 7/1/99]

5. The Permittee shall maintain the following records:

5.1 The number of tanks being used to store gasoline at the facility. This number shall be recorded upon receipt of this permit and each time a tank changes service.

5.2 The MTBE contents by volume of each reformulated or oxygenated gasoline shipments received.

5.3 A daily record of the amount of gasoline, in gallons, shipped, and a calculation of the average daily amount of gasoline shipped over the past thirty days..

6. The Permittee shall report a permit deviation under Condition 23 if the records kept under condition 5 show an exceedance of condition 4.

[18 AAC 50.040(c)(7), 7/2/00]

[Federal Citation: 40 C.F.R. 63.428(i), 7/1/99]

7. The Permittee shall certify compliance with the requirements in condition 4 as set out in condition 26.

[18 AAC 50.350(j), 1/18/97][18 AAC 50.205, 1/18/97][18 AAC 50.040(c), 7/2/00][40 CFR 63.428(i), 7/1/99]

Section 6. Insignificant Sources

This section contains the requirements that the Permittee identified under 18 AAC 50.335(q)(2) as applicable to insignificant sources at the facility. This section also specifies the testing, monitoring, reporting, and recordkeeping for insignificant sources that the department finds necessary to ensure compliance with the applicable requirements. Insignificant sources are not exempted from any air quality control requirement or federally enforceable requirement, except that the requirements of conditions 23 and 25 do not apply to this section.

As set out in 18 AAC 50.350(m), the shield of AS 46.14.290 does not apply to insignificant sources.

8. The Permittee shall not cause or allow visible emissions, excluding condensed water vapor, emitted from an industrial process, fuel-burning equipment, or an incinerator to reduce visibility through the exhaust effluent by greater than 20% for more than three minutes in any one hour.

[18 AAC 50.050(a)(2) & 18 AAC 50.055(a)(1), 1/18/97]

9. The Permittee shall not cause or allow particulate matter emitted from an industrial process or fuel-burning equipment to exceed 0.05 grains per cubic foot of exhaust gas corrected to standard conditions and averaged over three hours.

[18 AAC 50.055(b)(1), 1/18/97]

10. The Permittee shall not cause or allow sulfur compound emissions, expressed as SO₂, from an industrial process or fuel-burning equipment, to exceed 500 PPM averaged over three hours.

[18 AAC 50.055(c), 1/18/97]

11. Based on reasonable inquiry, the Permittee shall certify compliance with the requirements specified in conditions 8, 9, and 10 as set out in condition 26.

[18 AAC 50.350(m)(3), 9/4/98]

Section 7. Generally Applicable Requirements

- 12. Asbestos NESHAP.** The Permittee shall comply with the requirements set forth in 40 C.F.R. 61.145, 61.150, and 61.152, and the applicable sections set forth in 40 C.F.R. 61, Subpart A and Appendix A.

[18 AAC 50.040(b)(3) & 18 AAC 50.350(d)(1), 1/18/97]
[Federal Citation: 40 C.F.R. 61, Subpart M, 12/19/96]

- 13. Refrigerant Recycling and Disposal.** The Permittee shall comply with the standards for recycling and emission reduction of refrigerants set forth in 40 C.F.R. 82, Subpart F.

[18 AAC 50.040(d) & 18 AAC 50.350(d)(1), 1/18/97]
[Federal Citation: 40 C.F.R. 82, Subpart F, 7/1/97]

- 14. Modification.** The Permittee shall not construct, operate, or modify a source that will result in a violation of the applicable emission standards or that will interfere with the attainment or maintenance of the ambient air quality standards or maximum allowable ambient concentrations.

[18 AAC 50.045(c) & 18 AAC 50.350(f)(3), 1/18/97]

- 14.1 Obtain all permits or permit revisions required for construction, modification, or operation under 18 AAC 50 and AS 46.14.

[18 AAC 50, Article 3, 1/18/97]

- 14.2 Comply with the conditions of all permits obtained under 18 AAC 50 and AS 46.14.

[18 AAC 50, Article 3, 1/18/97]

- 15. Bulk Materials Handling, Construction and Industrial Activities.** The Permittee shall take reasonable precautions to prevent particulate matter from being emitted into the ambient air as a result of industrial activities, construction projects, or the handling, transportation, and storage of bulk materials.

[18 AAC 50.040(e), 18 AAC 50.045(d) & 18 AAC 50.350(d)(1), 1/18/97]

- 15.1 Keep records describing all precautions taken to prevent particulate matter from becoming airborne due to any of the activities described in this condition. If the precautions taken by the Permittee are not listed in the State Air Quality Control Plan, also record a statement describing why the Permittee finds the precaution reasonable. Reasonable precautions, as listed in the State Air Quality Control Plan, include

- a. installation and use of hoods, fans, and dust collectors to enclose and vent the handling of dusty materials;
- b. use of water or chemicals for dust control in the demolition of existing structures, construction operations, road grading, or land clearing; and
- c. application of asphalt, oil, water, or suitable chemicals on dirt roads, material stockpiles and other surfaces which can create airborne dusts.

[18 AAC 50.040(e) & 18 AAC 50.350(g) – (h), 1/18/97]

- 15.2 At least once each month, perform visual surveys of fugitive particulate matter sources as follows:
- a. Conduct a survey of all bulk materials handling, construction and industrial activities at the facility for the potential of airborne particulate matter in accordance with the procedures listed in 40 C.F.R. 60, Appendix A, RM 22
 - b. Within 2 days of discovering that particulate matter emissions are leaving the property at a level which potentially could unreasonably interfere with the enjoyment of life or property, be injurious to human health or welfare, animal or plant life, or property, or cause an exceedance of a PM-10 ambient air quality standard or increment contained in 18 AAC 50.010(1) or 18 AAC 50.020(b)(2), initiate corrective actions to prevent emissions from leaving the property
 - c. Keep contemporaneous records of all visual surveys performed and corrective actions taken to prevent particulate matter emissions from leaving the property. Submit summaries of the records with the facility operating report required by condition 25.
 - d. Report per condition 23 whenever a visual survey reveals that particulate matter emissions at levels specified in condition 15.2b are leaving the property.

[18 AAC 50.350(g) – (i), 1/18/97]

- 16. Air Pollution Prohibited.** The Permittee shall not cause any emission which is injurious to human health or welfare, animal or plant life, or property, or which would unreasonably interfere with the enjoyment of life or property.

[18 AAC 50.040(e), 1/18/97; 18 AAC 50.110, 5/26/72; & 18 AAC 50.350(d)(1), 1/18/97]

- 16.1 Within 24 hours of receiving a complaint that is attributable to emissions from the facility, investigate the complaint and initiate corrective actions to alleviate or eliminate the cause of the complaint.

[18 AAC 50.240(c) & 18 AAC 50.350(g), 1/18/97]

- 16.2 Keep records of the date, time, and nature of all complaints received and summary of the investigation and corrective actions undertaken for complaints attributable to emissions from the facility. Upon request of the department, submit copies of the records.

[18 AAC 50.350(h) – (i), 1/18/97]

- 17. Technology-Based Emission Standard.** If an unavoidable emergency, malfunction, or non-routine repair, as defined in 18 AAC 50.235, causes emissions in excess of a technology-based emission standard listed in condition 13, the Permittee shall take all reasonable steps to minimize levels of emissions that exceed the standard.

[18 AAC 50.235(a) & 18 AAC 50.350(f), 1/18/97]

- 18. Permit Renewal.** To renew this permit, the Permittee shall submit a complete application under 18 AAC 50.335 no sooner than **June 27, 2004**, and no later than **June 27, 2005**, to renew this permit.

[18 AAC 50.335(a), 1/18/97]

Section 8. General Recordkeeping, Reporting, and Compliance Certification Requirements

- 19. Certification.** The Permittee shall certify all reports, compliance certifications, or other documents submitted to the Department under this permit by including the signature of a responsible official for the permitted facility following the statement: "Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete." For the same six-month reporting period, the excess emission and permit deviation reports submitted per condition 23 may be certified with the facility operating report required by condition 25. All other reports must be certified upon submittal.

[18 AAC 50.205, 18 AAC 50.345(a)(9), 18 AAC 50.350(b)(3) & 18 AAC 50.350(i) 1/18/97]

- 20. Submittals.** Unless otherwise directed by the department or this permit, the Permittee shall send reports, compliance certifications, and other documents required by this permit to ADEC, Air Permits Program, 610 University Ave., Fairbanks, AK 99709-3643, ATTN: Compliance Technician.

[18 AAC 50.350(i), 1/18/97]

- 21. Information Requests.** The Permittee shall furnish to the Department, within a reasonable time, any information the Department requests in writing to determine whether cause exists to modify, revoke and reissue, or terminate the permit or to determine compliance with the permit. Upon request, the Permittee shall furnish to the Department copies of records required to be kept by this permit. The Department, in its discretion, will require the Permittee to furnish copies of those records directly to the federal administrator.

[18 AAC 50.200, 18 AAC 50.345(a)(8), 18 AAC 50.350(b)(3) & 18 AAC 50.350(g) – (i), 1/18/97]

- 22. Recordkeeping Requirements.** The Permittee shall keep all records required by this permit for at least five years after the date of collection, including

- 22.1 Copies of all reports and certifications submitted pursuant to this section of the permit.
- 22.2 Records of all monitoring required by this permit, and information about the monitoring including
- a. calibration and maintenance records, original strip chart or computer-based recordings for continuous monitoring instrumentation;
 - b. sampling dates and times of sampling and measurements;
 - c. the operating conditions that existed at the time of sampling or measurement;
 - d. the date analyses were performed;
 - e. the location where samples were taken;

- f. the company or entity that performed the sampling and analyses;
- g. the analytical techniques or methods used in the analyses; and
- h. the results of the analyses.

[18 AAC 50.350(h), 1/18/97]

- 23. Excess Emission and Permit Deviation Reports.** The Permittee shall report all emissions or operations that exceed or deviate from the requirements of this permit or that present a potential threat to human health or safety as soon as possible, but no later than 48 hours, after the event commences. The report must include the information listed on the form contained at the end of this permit. The Permittee may use this form to report emissions under this condition.

[18 AAC 50.235(a)(2), 18 AAC 50.240(c) & 18 AAC 50.350(i), 1/18/97]

- 24. NSPS and NESHAP Reports.** The Permittee shall submit to the Department copies of reports required by condition 5 or 12, as they apply to the facility as follows:

- 24.1 Attach a copy of any NSPS and NESHAPs reports submitted to the U.S. Environmental Protection Agency (EPA) Region 10 to the facility operating report required by condition 25.
- 24.2 The Permittee shall notify the Department of any EPA granted waivers of NSPS or NESHAPs emission standards, recordkeeping, monitoring, performance testing, or reporting requirements within 30 days after the Permittee receives a waiver.

[18 AAC 50.040, 7/2/00 & 18 AAC 350(i)(2), 1/18/97]
[Federal Citation 40 C.F.R. 60, 7/1/99 & 40 C.F.R. 61, 7/1/97]

- 25. Facility Operating Reports.** During the life of this permit, the Permittee shall submit an original and two copies of an operating report by August 1 for the period January 1 to June 30 and by February 1 for the period July 1 to December 31. Facility operating reports must include copies of the records required to be reported by the conditions of this permit. In addition, facility operating reports must include a listing of all excess emissions and permit deviations that occurred during the reporting period and must identify

- 25.1 the date of the deviation;
- 25.2 the equipment involved;
- 25.3 the permit condition;
- 25.4 a description of the deviation; and
- 25.5 any corrective action or preventive measures taken and the date of such actions.

[18 AAC 50.350(d)(4), 18 AAC 50.350(f)(3) & 18 AAC 50.350(i), 1/18/97]

- 26. Annual Compliance Certification.** Each year by February 1, the Permittee shall compile and submit to the department an original and two copies of an annual compliance certification report as follows:

- 26.1 For each permit term and condition set forth in Section 3 through Section 8, including terms and conditions for monitoring, reporting, and recordkeeping:
- a. certify the compliance status over the preceding calendar year consistent with the monitoring required by this permit;
 - b. state whether compliance is intermittent or continuous; and
 - c. briefly describe each method used to determine the compliance status.
- 26.2 Submit a copy of the report directly to the U.S. EPA-Region 10, Office of Air Quality, M/S OAQ-107, 1200 Sixth Avenue, Seattle, WA 98101.

[18 AAC 50.350(j), 1/18/97]

Section 9. Standard Conditions Not Otherwise Included in the Permit

- 27.** Consistent with Alaska law, for purpose of submitting compliance certifications or establishing whether or not the Permittee has violated or is in violation of any standard in this permit, nothing in this permit precludes the use of any credible evidence or information relevant to whether the facility would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

[18 AAC 50.350(f)(3), 1/18/97]
[Federal Citation: 40 C.F.R. 52.12(c), 7/1/99]

- 28.** The Permittee must comply with each permit term and condition. Noncompliance constitutes a violation of AS 46.14, 18 AAC 50, and the Clean Air Act, except for those requirements designated as not federally-enforceable, and is grounds for:

28.1 an enforcement action,

28.2 permit termination, revocation and reissuance, or modification in accordance with AS 46.14.280, or

28.3 denial of an operating-permit renewal application.

[18 AAC 50.345(a)(1) & 18 AAC 50.350(b)(3), 1/18/97]

- 29.** It is not a defense in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with a permit term or condition.

[18 AAC 50.345(a)(2) & 18 AAC 50.350(b)(3), 1/18/97]

- 30.** Each permit term and condition is independent of the permit as a whole and remains valid regardless of a challenge to any other part of this permit.

[18 AAC 50.345(a)(3) & 18 AAC 50.350(b)(3), 1/18/97]

- 31.** Compliance with permit terms and conditions is considered to be compliance with those requirements that are:

31.1 included and specifically identified in the permit, or

31.2 determined in writing in the permit to be inapplicable.

[18 AAC 50.345(a)(4) & 18 AAC 50.350(b)(3), 1/18/97]

- 32.** The permit may be modified, reopened, revoked and reissued, or terminated for cause. A request by the Permittee for modification, revocation and reissuance, or termination or a notification of planned changes or anticipated noncompliance does not stay any operating permit condition.

[18 AAC 50.345(a)(5) & 18 AAC 50.350(b)(3), 1/18/97]

- 33.** The permit does not convey any property rights of any sort, nor any exclusive privilege.

[18 AAC 50.345(a)(6) & 18 AAC 50.350(b)(3), 1/18/97]

- 34.** The Permittee shall allow an officer or employee of the Department or an inspector authorized by the Department, upon presentation of credentials and at reasonable times with the consent of the owner or operator, to:
- 34.1 enter upon the premises where a source subject to the operating permit is located or where records required by the permit are kept,
 - 34.2 have access to and copy any records required by the permit,
 - 34.3 inspect any facilities, equipment, practices, or operations regulated by or referenced in the permit, and
 - 34.4 sample or monitor substances or parameters to assure compliance with the permit or other applicable requirements.

[18 AAC 50.345(a)(7) & 18 AAC 50.350(b)(3), 1/18/97]

Section 10. Permit As Shield from Inapplicable Requirements

In accordance with AS 46.14.290, this section of the permit contains the requirements determined by the department not to be applicable to the permitted facility.

35. The department has determined that Source IDs 2, 3, 4, 6, 7, 8, and 9 are not subject to the requirements set forth in 40 C.F.R. 60 Subpart Kb. This determination is based upon certification by the Permittee that Source IDs 2, 3, 4, 6, 7, 8, and 9 were installed prior to the applicability date of Subpart Kb.

36. The department has determined that the facility loading racks are not subject to the requirements set forth in 40 C.F.R. 60 Subpart XX. This determination is based upon certification by the Permittee that loading racks were installed prior to the applicability date of Subpart XX.

[18 AAC 50.350(l), 1/18/97]

37. In addition to the facility specific permit shields granted in Conditions 35 and 36 the Permittee also requested permit shields for 107 citations from subparts of 40 C.F.R. 60, 40 C.F.R. 61 and 40 C.F.R. 63. The department agrees that the requirements listed in the attached table are not applicable to this facility.

Requirement Origin	Citation(s) / Subpart(s)	Basis of Non-Applicability
40 C.F.R. 60 - Standards of Performance for New Stationary Sources	Subparts A, B, C, Ca, Cb, D, Da, Db, Dc, E, Ea, Eb, F, G, H, I, J, K, Ka, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, DD, EE, HH, KK, LL, MM, NN, PP, QQ, RR, SS, TT, UU, VV, WW, AAA, BBB, DDD, FFF, GGG, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, UUU and VVV	Not an affected facility, source, operation or industry
40 C.F.R. 61 - National Emission Standards for Hazardous Air Pollutants	Subparts B, C, D, E, F, H, I, J, K, L, N, O, P, Q, T, V, W, Y, BB and FF	Not an affected facility, source, operation or industry
40 C.F.R. 63 National Emission Standards for Hazardous Air Pollutants for Source Categories	Subparts F, G, H, L, M, N, O, Q, T, W, X and EE	Not an affected facility, source, operation or industry

<p>AS 46.14.010 Alaska Air Quality Control Statute concerning emission control regulations and AS 46.14.030 the State Air Quality Control Plan as it refers to the adoption of regulations to implement the plan.</p>	<p>18 AAC 50.055</p>	<p>Facility is exempt from all provisions of 18 AAC 50.055 except for 18 AAC 50.055(a)(1), (b)(1) and (c) as they apply to the insignificant fuel burning equipment at the facility. All other provisions of 18 AAC 50.055 apply to equipment not found at the facility.</p>
<p>AS 46.14.010 Alaska Air Quality Control Statute concerning emission control regulations and AS 46.14.030 the State Air Quality Control Plan as it refers to the adoption of regulations to implement the plan.</p>	<p>18 AAC 50.060 18 AAC 50.070 18 AAC 50.075 18 AAC 50.085 18 AAC 50.090</p>	<p>These portions of the Alaska Air Quality Control Regulations are not applicable to the facility as they apply to pulp mills, marine vessels, wood fired heating devices and emission sources in the Port of Anchorage</p>

[18 AAC 50.350(l), 1/18/97]

ADEC Notification Form Fax this form to (907) 269-7508 Telephone (907) 269-8888

Harbor Enterprises, Inc.

Company Name

Skagway Bulk Fuel Terminal

Facility Name

1. Reason for notification:

- Excess Emission** **Permit Condition Exceedence**

2. Event Information (Use 24-hour clock):

	START Time: (hr:min):	END Time:	Duration
Date: _____	_____:	_____:	_____:
Date: _____	_____:	_____:	_____:
		Total:	_____:

3. Cause of Event (Check all that apply):

- START UP UPSET CONDITION CONTROL EQUIPMENT
 SHUT DOWN SCHEDULED MAINTENANCE OTHER _____

Attach a detailed description of what happened, including the parameters or operating conditions exceeded.

4. Sources Involved:

Identify each Emission Source involved in the event, using the same identification number and name as in the Permit. List any Control Device or Monitoring System affected by the event. Attach additional sheets as necessary.

Source ID No.	Source Name	Description	Control Device
_____	_____	_____	_____
_____	_____	_____	_____

5. Emission Limit and/or Permit Condition Exceeded:

Identify each Emission Standard and Permit Condition exceeded during the event. Attach a list of ALL known or suspected injuries or health impacts. Attach additional sheets as necessary.

Permit Condition	Limit	Exceedence
_____	_____	_____
_____	_____	_____

6. Emission Reduction:

Attach a detailed description of ALL of the measures taken to minimize and/or control emissions during the event.

7. Corrective Actions:

Attach a detailed description of ALL corrective actions taken to restore the system to normal operation.

Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete.

Printed Name:

Signature: _____ Date: _____

Alaska Department of Environmental Conservation

Air Permits Program

December 28, 2000

Administrative Revision December 13, 2002

Harbor Enterprises, Inc.

Skagway Bulk Fuel Terminal

**LEGAL AND FACTUAL BASIS
of the terms and conditions for
Permit No. 296TVP01**

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INTRODUCTION

This document sets forth the legal and factual basis for the terms and conditions of Operating Permit No. 296TVP01.

The Skagway **Bulk Fuel Terminal** is a facility that receives and distributes bulk liquid gasoline and diesel fuel in the port of Skagway, Alaska. The facility is owned and operated by Harbor Enterprises, Inc. **Harbor Enterprises, Inc.** is the Permittee for the facility's operating permit.

PROCESS DESCRIPTION

As provided in the application, the facility contains fourteen tanks ranging in size from 463 barrels to 25,231 barrels constructed between 1937 and 1995. Five of the 14 tanks are routinely used for gasoline and the remaining tanks are used to store distillate fuels. Only 7 of the fourteen tanks are subject to Federal Requirements and the requirements in this permit.

The sources at the facility regulated in Operating Permit 296TVP01 are identified in TABLE 1 in Section 4 of the permit

SOURCE INVENTORY AND DESCRIPTION

Section 4 of Operating Permit No. 296TVP01 contains TABLE 1 describing the sources regulated by the permit. The table is provided for information and identification purposes only. Specifically, the source rating/size provided in the table is not intended to create an enforceable limit.

EMISSIONS

Table 1. Emissions Summary

Pollutant	NO _x	CO	PM	SO ₂	VOC	
Potential Emissions (TPY) per AS 46.14.990(21)	0.064	0.03	0.01	0.35	183.77	
Assessable Potential to Emit (TPY) per condition 1.1.	0	0	0	0	183.77	

The potential emissions were determined by the consultant in his Title V Application submittal on behalf of the owner. He used AP42 emission factors and the Tanks 3 Program to determine the potential emissions.

The assessable potential to emit is simply those regulated air contaminants for which the facility has the potential to emit quantities greater than 10 tons per year.

BASIS FOR REQUIRING AN OPERATING PERMIT

3. The Skagway **Bulk Fuel Terminal** requires an operating permit because it has the potential to emit 100 tons per year (tpy) or more of a regulated air contaminant. The Skagway Bulk Fuel terminal also requires an operating permit because it contains a source subject to one or more of the standards adopted by reference in 18 AAC 50.040(a) - (c). The Skagway **Bulk Fuel Terminal** meets the definition of operating permit facility in the state regulations at Section 2

Alaska regulations require operating permit applications to include identification of “regulated sources.” As applied to Skagway **Bulk Fuel Terminal**, the state regulations require a description of:

Each incinerator, including a demonstration showing each requirement in 18 AAC 50.050, Incinerator Emissions Standards, that applies [18 AAC 50.335(e)(4)(A)];

Each source regulated by a standard in 18 AAC 50.055, Industrial Processes and Fuel Burning Equipment [18 AAC 50.335(e)(4)(C)];

Each source subject to a standard adopted by reference in 18 AAC 50.040 [18 AAC 50.335(e)(2)]; and

Sources subject to requirements in an existing DEC permit [18 AAC 50.335(e)(5)]

The emission sources at the Skagway **Bulk Fuel Terminal** classified as “regulated sources” according to the above DEC regulations are listed in TABLE 1 of Permit No. 296TVP01.

CURRENT AIR QUALITY PERMITS

Previous Air Quality Permit to Operate

No previous air quality control permit-to-operate exists for this facility.

Construction Permits

No construction permits have been issued for this facility after January 18, 1997 (the effective date of the new divided operating and construction-permitting program).

Title-V Operating Permit Application History

The owner or operator submitted an application on December 8, 1997.

The owner or operator amended this application on March 12, 1998 and February 1999.

The application was complete on April 7, 1998.

COMPLIANCE HISTORY

The facility has operated at its current location since 1981. Review of the file for this facility indicates a facility generally operating in compliance with applicable Alaska Statutes and regulations.

LEGAL AND FACTUAL BASIS FOR THE PERMIT CONDITIONS

Conditions 1 - 2

Legal Basis: [18 AAC 50.350(c) & 18 AAC 50.400 – 420, 1/18/97]

The regulations require all permits to include due dates for the payment of fees and any method the Permittee may use to re-compute assessable emissions.

Factual Basis: These conditions require the Permittee to pay fees in accordance with the department's billing regulations. The department's billing regulations set the due dates for payment of fees based on the billing date.

The conditions also set forth how the Permittee may recompute assessable emissions. If the Permittee does not choose to annually calculate assessable emissions, emissions fees may be paid based on “potential to emit.”

Conditions 3

Legal Basis: [18 AAC 50.040(a)(2)(M), 7/2/00]

[Federal Citation: 40 C.F.R. 60.110b(c), 7/1/99]

[Federal Citation: 40 C.F.R. 60.116b(a) – (b), 7/1/99]

Factual Basis: Source IDs 12 and 13 were built or modified after July 23, 1984. The sources have storage capacities of 630,000 gallons each. The sources store a volatile liquid with a maximum true vapor pressure of less than 3.5 kPa. Therefore, the sources are subject to 40 C.F.R. 60.116b(a) and (b). This permit condition requires the same records as 40 C.F.R. 60.116b(a) and (b).

Because the condition is a permanent recordkeeping condition, no monitoring or reporting is required.

Condition 4

Legal Basis : [18 AAC 50.040(c)(7). 7/2/00]

[40 C.F.R. 63.420(c)(1), 7/1/99]

Factual Basis: These requirements ensure that the facility operates in such a way that the emission screening factor calculated from the Federal Regulation remains at 0.95 or less. The emission screening factor calculation depends on the number of tanks used to store gasoline, whether or not the gasoline product is reformulated or oxygenated, the number of valves, pumps, connectors, loading arms valves etc. at the facility, whether controlled or uncontrolled loading takes place and the gasoline throughput.

The emission screening factor formula from 40 C.F.R. 63.420(a)(1) is as follows:

$$E_t = CF[0.59(T_f)(1-CE) + 8.5 \times 10^{-6}(C) + KQ] + 0.04(OE)$$

For the Skagway Bulk Terminal the emission screening factor E_t was selected to be 0.95 to allow the facility to avoid the majority of the requirements of 40 C.F.R. Part 63 Subpart R. The term CF in the equation is 0.161 as this factor is applicable to bulk gasoline terminals that do not handle reformatted or oxygenated gasoline containing more than 7.6 per cent by volume MTBE. The term T_f in the equation is 5 and stands for the number of tanks in gasoline service with fixed roofs and no internal floating roofs. The term CE in the equation refers to the control efficiency of the vapor processing system used to control emissions. For the Skagway Bulk Plant there is no system in use and the control efficiency is therefore zero. The term C in the equation stands for the number of valves, pumps, connectors, loading arm valves and open ended lines in gasoline service. This number was estimated at 100. The factor K in the equation is used for bulk gasoline terminals with uncontrolled loading racks such as are used in Skagway. The factor is 4.52×10^{-6} . The quantity Q in the equation is the gasoline throughput of the facility in liters per day. The term OE in the equation represents other HAP emissions at the facility and was estimated at a tenth of a ton per year.

Solving this equation for gasoline throughput (Q) yields 646,858.2 liters per day or 170,900 gallons per day.

The Federal Regulations require that the facility be operated in such a way that none of the facility parameters used to calculate the emission screening factor are exceeded. Condition 4 states what the facility must do to comply with the Federal Requirement. Since the characteristics of the facility and the emission screening factor are fixed, the most important variable quantity is the gasoline throughput, which may not exceed an average of 170,300 gallons per day in any rolling thirty day period.

Condition 5

Legal Basis: [18 AAC 50.350(g) and (h)]
[18 AAC 50.040(c)(7), 7/2/00]
[40 C.F.R. 63.428(i), 7/1/99]

Factual Basis: This condition establishes the recordkeeping requirements to monitor compliance with Condition 4 above. Essentially this requires that the facility maintain records showing that each parameter does not exceed the value used in their screening factor calculation. The number of tanks used for gasoline service is recorded initially. Since we do not expect tank service to change frequently, the record must only be updated when a tank changes service. We do not expect this facility to receive any shipments of reformulated or oxygenated gasoline, but the permit requires the operator to record the MTBE content of each such shipment they receive. The most variable parameter in the screening equation is the facility's gasoline throughput. We monitor throughput by requiring the facility to daily record the amount of gasoline they load each day and calculate the average daily amount loaded over the past 30 days. Because the facility has to accurately account for their fuel loading for commercial purposes, we do not need to specify a particular method of fuel monitoring to ensure accuracy.

Condition 6

Legal Basis: [18 AAC 50.350(i)]
[18 AAC 50.040(c)(7), 7/2/00]
[40 C.F.R. 63.428(i), 7/1/99]

This condition requires the permittee to report any time the records indicate that a parameter is being exceeded. More frequent reporting is not needed for the Department to adequately monitor compliance. Because this facility serves a small community and we do not expect the gasoline loading to approach anywhere near the permit limits.

Condition 7

Legal Basis: [40 C.F.R. 63.428(i), 7/1/99]
[18 AAC 50.040(c), 7/2/00]
[18 AAC 50.205, 1/18/97]
[18 AAC 50.350(j), 1/18/97]

Factual Basis: This condition requires that the facility annually certify compliance with the requirements in condition 4 of the permit. The Federal Requirement is to certify compliance to the Administrator of the EPA Region annually. Since ADEC has been delegated responsibility for the enforcement of 40 C.F.R. Part 63 Subpart R the annual compliance certification to ADEC suffices.

Conditions 8 - 10

Legal Basis: [18 AAC 50.050(a)(2), 1/18/97]
[18 AAC 50.055(a)(1), 1/18/97]
[18 AAC 50.055(b)(1), 1/18/97]
[18 AAC 50.055(c), 1/18/97]

Factual Basis: These are general emission standards which apply to all industrial processes fuel-burning equipment, and incinerators regardless of size. The conditions re-iterate the general standards and require compliance for insignificant sources. The Permittee may not cause or allow their equipment to violate these standards. Insignificant sources are not listed in the permit unless specific monitoring, recordkeeping and reporting are necessary to ensure compliance.

The department finds that the insignificant sources at this facility do not need specific monitoring, recordkeeping and reporting to ensure compliance.

Condition 11

Legal Basis: [18 AAC 50.350(m)(3), 9/4/98]

Factual Basis: The regulations require the Permittee to certify that their insignificant sources comply with applicable requirements. The condition restates the regulatory requirement.

Condition 12

Legal Basis: [18 AAC 50.040(b)(3) & 18 AAC 50.350(d)(1), 1/18/97]

[Federal Citation: 40 C.F.R. 61, Subpart M, 12/19/96]

If the Permittee engages in asbestos demolition and renovation, then these requirements may apply.

Factual Basis: The condition cites and requires compliance with the regulations that will apply if the Permittee engages in asbestos demolition or renovation. Because these regulation include adequate monitoring and reporting requirements and because the Permittee is not currently engaged in such activity, simply citing the regulatory requirements is sufficient.

Condition 13

Legal Basis: [18 AAC 50.040(d) & 18 AAC 50.350(d)(1), 1/18/97]

[Federal Citation: 40 C.F.R. 82, Subpart F, 7/1/97]

Factual Basis: The condition cites and requires compliance with the regulations that will apply if the Permittee uses certain refrigerants. Because these regulation include adequate monitoring and reporting requirements and because the Permittee is not currently engaged in such activity, simply citing the regulatory requirements is sufficient

Condition 14

Legal Basis: [18 AAC 50.045(c) & 18 AAC 50.350(f)(3), 1/18/97]

[18 AAC 50, Article 3, 1/18/97]

Applies to the Permittee because they will operate a source in Alaska.

Factual Basis: This requirement prohibits violation of the air quality standards. Alaska's air quality control plan uses construction permit to ensure that new or increased pollution will not violate these standards. Therefore, as long as the Permittee obtains and complies with the required construction permits, the new or increased pollution will not violate the standards.

Monitoring simply requires the Permittee to obtain and comply with all required permits.

Condition 15

Legal Basis: [18 AAC 50.040(e), 1/18/97]

[18 AAC 50.045(d), 1/18/97]

[18 AAC 50.350(d)(1), 1/18/97]

[18 AAC 50.350(g) – (i), 1/18/97]

Applies to the Permittee if the Permittee engages in industrial activity at the facility.

Factual Basis: The condition restates the regulatory prohibition on fugitive dust. This prohibition calls for reasonable precautions to be taken to prevent particulate matter from being emitted into the ambient air while engaged in industrial activities.

The Permittee must keep records describing all precautions taken to prevent particulate matter from becoming airborne due to any of the activities described in this condition. If the precautions are not listed in the State Air Quality Control Plan, then the Permittee must also record a statement describing why the Permittee believes the precaution is reasonable. This monitoring ensures that the Permittee takes the reasonable precautions and has a reason for deciding if the precaution is reasonable.

The Permittee must perform visual surveys at least once each month, and take corrective action if particulate matter is observed leaving the property. This is intended to identify whether the reasonable precautions taken are working, and to correct the problem if the precautions are not working.

Condition 16

Legal Basis: [18 AAC 50.040(e), 1/18/97]
[18 AAC 50.110, 5/26/72]
[18 AAC 50.240(c), 1/18/97]
[18 AAC 50.350(d)(1), 1/18/97]
[18 AAC 50.350(g) – (i), 1/18/97]

Applies to the facility because the facility will have emissions.

Factual Basis: The condition restates the general prohibition on injurious air emissions, which applies to any emissions from the facility. While the other permit conditions and emissions limitation should ensure compliance with this condition, unforeseen emission impacts can violate this standard. These violations would go undetected except for complaints from affected persons. Therefore, to monitor compliance, the Permittee must monitor and respond to complaints.

The Permittee is to report any complaints and injurious emissions. The plant does not handle any large quantities of hazardous air pollutants. The Permittee must keep records of the date, time, and nature of all complaints received and summary of the investigation and corrective actions undertaken for these complaints and to submit copies of these records upon request of the department.

Condition 17

Legal Basis: [18 AAC 50.235(a) & 18 AAC 50.350(f), 1/18/97]

Applies to the facility because the facility contains equipment subject to a technology-based emission standard.

Factual Basis: This condition restates a regulation that requires the Permittee to take reasonable steps to minimize emissions if certain activity causes exceedance of a technology-based emission standard. Because the technology-based emission standard itself is a condition of the permit, the Permittee will report the excess emissions per condition 23. Because the excess emission report requires information on the steps taken to minimize emissions, this report is adequate monitoring for compliance with this condition.

Condition 18

Legal Basis: [18 AAC 50.335(a), 1/18/97]

Applies if the Permittee intends to renew the permit.

Factual Basis: The condition restates the regulatory deadlines, citing the specific dates applicable to the facility. Submittal of the renewal application is sufficient monitoring, recordkeeping and reporting.

Condition 19

Legal Basis: [18 AAC 50.205, 1/18/97]

[18 AAC 50.345(a)(9), 1/18/97]

[18 AAC 50.350(b)(3), 1/18/97]

[18 AAC 50.350(i), 1/18/97]

Applies because the permit requires the Permittee to submit reports, and because the condition is a standard condition.

Factual Basis: This condition restates the regulatory requirement that all reports must be certified. To ease the certification burden, the condition allows the excess emission reports to be certified with the semi-annual operating report, although the excess emission reports must be submitted more frequently. This condition supplements the reporting requirements of the permit and no monitoring, recordkeeping or reporting for this condition is needed.

Condition 20

Legal Basis: [18 AAC 50.350(i), 1/18/97]

Applies because the Permittee is required to send reports to the department.

Factual Basis: This condition merely specifies where submittals to the department should be sent. Receipt of the submittal at the correct department office is sufficient monitoring for this condition. This condition supplements the reporting requirements of the permit and no monitoring, recordkeeping, or reporting for this condition is needed.

Condition 21

Legal Basis: [18 AAC 50.200, 1/18/97]
[18 AAC 50.345(a)(8), 1/18/97]
[18 AAC 50.350(b)(3), 1/18/97]
[18 AAC 50.350(g) – (i), 1/18/97]

Applies to all Permittees, and incorporates a standard condition

Factual Basis: Incorporates a standard condition in regulation, which tells the Permittee to submit information requested by the department. Receipt of the requested information is adequate monitoring.

Condition 22

Legal Basis: [18 AAC 50.350(h), 1/18/97]

Applies to records required by a permit.

Factual Basis: The condition restates the regulatory requirements for recordkeeping, and supplements the recordkeeping defined for specific conditions in the permit. The records being kept provide adequate evidence of compliance with this requirement, therefore, no additional monitoring, recordkeeping, or reporting is required.

Condition 23

Legal Basis: [18 AAC 50.235(a)(2), 18 AAC 50.240(c) & 18 AAC 50.350(i), 1/18/97]

Applies when the emissions or operations deviate from the requirements of the permit.

Factual Basis: This condition satisfies two regulatory requirements related to excess emissions—the technology-based emission standard regulation and the excess emission regulation. Although there are some differences between the regulations, the condition satisfies the requirements of each regulation.

The condition does not mandate the use of the department's reporting form, but it does specify that the information listed on the form must be included in the report.

The reports themselves and the other monitoring records required under this permit provide an adequate monitoring of whether the Permittee has complied with the condition. Therefore, no additional monitoring, recordkeeping or reporting is required.

Condition 24

Legal Basis: [18 AAC 50.040 & 18 AAC 50.350(i)(2), 1/18/97]
[Federal Citation: 40 C.F.R. 60 & 40 C.F.R. 61, 7/1/97]

Applies to facilities subject to NSPS and NESHAP federal regulations.

Factual Basis: The condition supplements the specific reporting requirements in 40 C.F.R. 60 and 40 C.F.R. 61. The permit does not need any monitoring, recordkeeping or reporting. The reports themselves are adequate monitoring for compliance with this condition.

Condition 25

Legal Basis: [18 AAC 50.350(d)(4), 1/18/97]

[18 AAC 50.350(f)(3), 1/18/97]

[18 AAC 50.350(i), 1/18/97]

Applies to all permits.

Factual Basis: The condition restates the requirements for reports listed in regulation. The condition supplements the specific reporting requirements elsewhere in the permit and does not need any monitoring, recordkeeping or reporting. The reports themselves are adequate monitoring for compliance with this condition.

Condition 26

Legal Basis: [18 AAC 50.350(j), 1/18/97]

Applies to all permittees.

Factual Basis: This condition specifies the periodic compliance certification requirements, and specifies a due date for the annual compliance certification. Because this requirement is a report, no monitoring, recordkeeping, or reporting is needed.

Condition 27

Legal Basis: [18 AAC 50.350(f)(3), 1/18/97]

[Federal Citation: 40 C.F.R. 52.12(c), 7/1/99]

Applies to all federally approved permits.

Factual Basis: This condition clarifies that any credible evidence can be used to verify compliance with the permit, not just the monitoring required under the permit. This condition is necessary to ensure compliance with the Clean Air Act. No monitoring, recordkeeping, or reporting is necessary for this condition.

Conditions 28 - 34

Legal Basis: [18 AAC 50.345(a)(1) – (7) & 18 AAC 50.350(b)(3), 1/18/97]

Applies to all operating permits.

Factual Basis: These are standard conditions required for all operating permits.

Condition 35 - 37

Legal Basis: [18 AAC 50.350(l), 1/18/97]

Applies because the Permittee has requested a shield for the applicable requirements listed under this condition.

Factual Basis: The following table explains the permit shield requests and the department's applicability determination. The permit conditions sets forth the requirements that the department determined were not applicable to the facility based on the permit application.

Table 2. Permit Shield Decision

Requirement Origin	Citation(s) / Subpart(s)	Basis of Non-Applicability
40 C.F.R. 60 - Standards of Performance for New Stationary Sources	Subparts A, B, C, Ca, Cb, D, Da, Db, Dc, E, Ea, Eb, F, G, H, I, J, K, Ka, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, DD, EE, HH, KK, LL, MM, NN, PP, QQ, RR, SS, TT, UU, VV, WW, AAA, BBB, DDD, FFF, GGG, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, UUU and VVV	Not an affected facility, source, operation or industry
40 C.F.R. 61 - National Emission Standards for Hazardous Air Pollutants	Subparts B, C, D, E, F, H, I, J, K, L, N, O, P, Q, T, V, W, Y, BB and FF	Not an affected facility, source, operation or industry
40 C.F.R. 63 National Emission Standards for Hazardous Air Pollutants for Source Categories	Subparts F, G, H, L, M, N, O, Q, T, W, X and EE	Not an affected facility, source, operation or industry
AS 46.14.010 Alaska Air Quality Control Statute concerning emission control regulations and AS 46.14.030 the State Air Quality Control Plan as it refers to the adoption of regulations to implement the plan.	18 AAC 50.055	Facility is exempt from all provisions of 18 AAC 50.055 except for 18 AAC 50.055(a)(1), (b)(1) and (c) as they apply to the insignificant fuel burning equipment at the facility. All other provisions of 18 AAC 50.055 apply to equipment not found at the facility.
AS 46.14.010 Alaska Air	18 AAC 50.060	These portions of the Alaska

Quality Control Statute concerning emission control regulations and AS 46.14.030 the State Air Quality Control Plan as it refers to the adoption of regulations to implement the plan.	18 AAC 50.070 18 AAC 50.075 18 AAC 50.085 18 AAC 50.090	Air Quality Control Regulations are not applicable to the facility as they apply to pulp mills, marine vessels, wood fired heating devices and emission sources in the Port of Anchorage
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