

# ALASKA STATE LEGISLATURE



## SENATE RESOURCES COMMITTEE

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### Sectional Analysis

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

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

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

**Sec. 3.** This adds a new subsection AS 46.14.140(a)(15) directing DEC to use applicable federal CAA definitions when adopting air emission permit program regulations. This is a continuation of the effort to have our state air permit programs mirror their federal counterparts. **[Note EPA uses “recordkeeping” as a single word-See 40 CFR 71.6]**

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

**Sec. 5.** This corrects the phrase “major stationary source” to read “major source” in AS 46.14.255(a) and makes other stylistic changes.