

AIR QUALITY CONTROL: NOTICE OF PROPOSED CHANGES
IN THE REGULATIONS OF THE
ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation (ADEC) proposes to change its air quality regulations to: adopt by reference revised federal air quality regulations, adopt the 2nd 10-year PM-10 Limited Maintenance Plans for Eagle River and Juneau, adopt federal requirements that identify what triggers a contingency measure in nonattainment and maintenance areas statewide, clarify the definition of thermal soil remediation unit, and adopt an updated policy manual from the National Fireplace Institute.

ADEC proposes to adopt regulation changes in Title 18, Chapter 50 of the Alaska Administrative Code, dealing with updated adoptions by reference, clarifying language, the 2nd PM-10 Limited Maintenance Plans for Eagle River and Juneau, federal requirements that identify what triggers a contingency measure in nonattainment and maintenance areas statewide, and an update to the adoption by reference of a policy manual, including the following:

- (1) 18 AAC 50.015 and Editor's note are proposed to be amended, by adding clarification and updating the adoption by reference of federal regulations, to maintain current and consistent requirements related to federal air quality area designations.
- (2) 18 AAC 50.030 is proposed to be amended by updating the *State Air Quality Control Plan* to: amend Volume II, Section III, D.2 and D.3 by adopting the 2nd 10-year PM-10 Limited Maintenance Plans for Eagle River and Juneau; adopt federal language that identifies what triggers contingency measures for nonattainment and maintenance areas statewide; and amend Volume III Appendix to Volume II Section II to incorporate the proposed regulations after public review and comment.
- (3) 18 AAC 50.035(b) is proposed to be amended by updating the adoption by reference of federal regulations to maintain current and consistent air program requirements.
- (4) 18 AAC 50.040(a) and (c) are proposed to be amended by updating the adoption by reference of federal regulations to maintain current and consistent permitting requirements for engines in remote areas of Alaska and for stationary combustion turbines.
- (5) 18 AAC 50.077(i)(1) and 18 AAC 50.077 Editor's note are proposed to be amended by adopting the current approved version of the National Fireplace Institute Policy Handbook.
- (6) 18 AAC 50.542(d)(1)(B) is proposed to be amended by adding a requirement for the department to send notice of minor permit public comment periods to the Environmental Protection Agency.
- (7) 18 AAC 50.990(108) is proposed to be amended by revising the definition of thermal soil remediation unit (TSRU) to reflect the fact that TSRUs can process soil with contaminants other than just petroleum products.
- (8) 18 AAC 50.990(151) is proposed to be amended by updating the adoption by reference of the definition of Reasonably Available Control Technology (RACT) in federal regulations to maintain current and consistent permitting requirements.

If adopted, ADEC will submit the applicable regulation revisions to the U.S. Environmental Protection Agency (EPA) for inclusion in the approved State Implementation Plan (SIP).

Posting

The above list of proposed changes to the regulations provides only a summary of their subject matter. Copies of the proposed regulation changes and SIP amendments are available at the Proposed Updates to Air Quality Regulations and Eagle River and Juneau 2nd 10-year Limited Maintenance Plans – 2020 link on <https://dec.alaska.gov/air/anpms/sip/revisions/>. A copy of the proposed regulation changes is also available on the Alaska Online Public Notice System. Materials that are not feasible to post or are subject to copyright may be viewed at the ADEC office(s) at the following locations: ADEC Anchorage Building, 555 Cordova St., Anchorage; ADEC Fairbanks Office Building, 610 University Avenue; and ADEC Juneau Office Building, 410 Willoughby Avenue, Second Floor. To arrange to view the materials, contact Rebecca Smith at 907-465-5121 or rebecca.smith@alaska.gov.

Comments

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Adeyemi Alimi, Division of Air Quality, Department of Environmental Conservation, 555 Cordova Street, Anchorage, AK 99501; by e-mail to adeyemi.alimi@alaska.gov or dec.air.comment@alaska.gov; by facsimile at (907) 269-7508; or through the Air Quality Division's electronic comment submission web page at <https://dec.alaska.gov/Applications/Air/airtoolsweb/FormalComments>. **The comments must be received not later than 11:59 p.m. on Monday, June 15, 2020.** Comments received after this date will not be considered in final action on these rules and the air quality plan.

Hearing

ADEC has tentatively scheduled a public hearing for these proposed regulations, to be held on Friday, May 29, 2020, from 12:00 p.m. to 2:00 p.m. via teleconference. The public hearing will be held only if a request to hold the public hearing is received by ADEC by 5:00 p.m. on Thursday, May 21, 2020. You may request a public hearing by calling Rebecca Smith at 907-465-5121 between 9:00 a.m. and 5:00 p.m., Monday through Friday, or by e-mailing a request to rebecca.smith@alaska.gov. If no request for the public hearing is received by Thursday, May 21, 2020, the public hearing will be cancelled. ADEC will announce the cancellation of the public hearing by publishing a public notice, by 5:00 p.m. on Friday, May 22, 2020, on these websites:

<https://dec.alaska.gov/air/anpms/sip/pm10-maintenance-plans-eagle-river-juneau>, <https://dec.alaska.gov/Applications/Air/airtoolsweb/AirPermitsApprovalsAndPublicNotices>, and <https://dec.alaska.gov/commish/public-notices>. You may provide oral comments relevant to the proposed action **via telephone** at the hearing tentatively scheduled to be held on Friday, May 29, 2020, from 12:00 p.m. to 2:00 p.m. **by calling 1-800-315-6338; the Meet Me Code is 99549#.**

Due to public health and safety concerns associated with the COVID-19 pandemic, there will not be in-person attendance provided at the hearing site, so please prepare to share your oral comments by telephone only. Callers should be on the line **before** the hearing begins at 12:00 p.m. if they would like to provide oral testimony so that we can document contact information for the record. Priority will be given to those who called in before 1:00 p.m. Prior to the start of the hearing, ADEC may limit the time allotted for each person providing oral testimony, as reasonably necessary to

conclude the hearing in the time provided. If held, the hearing may be extended if necessary to accommodate those present before 2:00 p.m. who did not have an opportunity to comment.

Questions

You may submit written questions relevant to the proposed action to ADEC using the electronic question form at <https://dec.alaska.gov/Applications/Air/airtoolsweb/FormalQuestions> or by sending the questions to Adeyemi Alimi at adeyemi.alimi@alaska.gov or via mail to Adeyemi Alimi, Division of Air Quality, Department of Environmental Conservation, 555 Cordova Street, Anchorage, AK 99501. Questions may also be submitted verbally in testimony at the public hearing, if it occurs. ADEC will aggregate its response to substantially similar questions and make the questions and responses available on <https://dec.alaska.gov/air/anpms/communities/pm10-2020-questions-answers/>. The questions must be received at least 10 days before the end of the public comment period; **the question deadline is Friday, June 5, 2020**. The Department may, but is not required to, answer written questions received after Friday, June 5, 2020, the 10-day cut-off date.

If you are a person with a disability who may need a special accommodation in order to participate in this public process, please contact Kate Orozco at (907) 465-6171 or kate.orozco@alaska.gov not later than Wednesday, May 20, 2020, to ensure that any necessary accommodations can be provided.

After the public comment period ends, the ADEC will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.** Written comments received are public records and are subject to public inspection.

Statutory authority: AS 37.10.052; AS 44.46.025; AS 46.03.020; AS 46.14.010; AS 46.14.140, AS 46.14.240; AS 46.14.250

Statutes being implemented, interpreted, or made specific: AS 46.03.020; AS 46.14.010; AS 46.14.020; AS 46.14.030; AS 46.14.140; Sec 30, ch 74, SLA 1993

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

ADEC, Division of Air Quality keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Division of Air Quality notices of proposed regulation changes. To be added to or removed from the list, you may sign up on the Air Online Services (AOS) page at: <http://dec.alaska.gov/Applications/Air/airtoolsweb/Home/Index/>. A myAlaska account is required to use the AOS system.

Date: April 24, 2020



Jason W. Brune, ADEC Commissioner