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**OFFICE OF THE LIEUTENANT GOVERNOR
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MEMORANDUM

TO: Gary Mendivil, Department of Environmental Conservation

FROM: Scott Meriwether, Office of the Lieutenant Governor - 465.4081 *cm*

DATE: October 28, 2016

RE: Filed Permanent Regulations: Department of Environmental Conservation
Department of Environmental Conservation: 18 AAC 50: Air Quality Control:
Fairbanks North Star Borough urban nonattainment areas (18 AAC 50)

Attorney General File: JU2016200151

Regulation Filed: October 27, 2016

Effective Date: November 26, 2016

Print: 220, January 2017

cc with enclosures: Linda Miller, Department of Law
Dianne Blumer, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

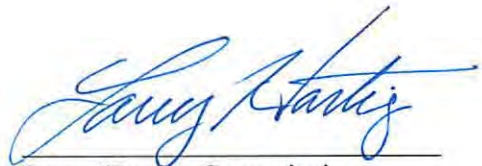
The attached 6 pages of regulations, dealing with air quality regulations are hereby adopted and certified to be a correct copy of the regulation changes that the Department of Environmental Conservation adopts under the authority of AS 46.03 and AS 46.14 and after compliance with the Administrative Procedures Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Environmental Conservation paid special consideration to the cost to private persons of the regulatory action being taken. The Department of Environmental Conservation also gave special attention to alternate practical methods in this regulatory action, as required by AS 46.03.024.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor as provided in AS 44.62.180.

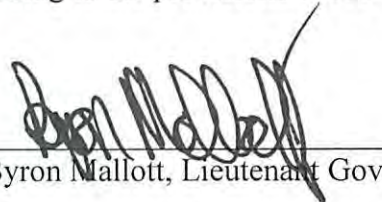
DATE: September 7th, 2016
Anchorage, Alaska



Larry Hartig, Commissioner
Department of Environmental Conservation

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on October 27, 2016, at 3:30pm., I filed the attached regulations according to the provisions of AS 44.52.040 – 44.62.120.



Byron Mallott, Lieutenant Governor

Effective: November 26, 2016

Register : 220, January 2017

18 AAC 50.025 is amended to ^{by adding} add a new subsection to read:

Three air quality control zones are established

to establish control measures for reduction of PM-2.5

(d) ~~To establish control measures for reduction of PM-2.5 within the Fairbanks and North Pole urban nonattainment area,~~ the area is divided into three ^{cap} air quality control zones, ~~as are~~ described in the local air quality plan incorporated in the *State Air Quality Control Plan*, adopted by reference in 18 AAC 50.030, as ^{the} follows:

- (1) North Pole Control Zone;
- (2) Fairbanks Control Zone; and
- (3) Goldstream Control Zone.

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 11/26/2016, Register 220)

Authority: AS 46.03.020 AS 46.14.010 AS 46.14.030

^{introductory} The ~~lead~~ language of 18 AAC 50.030 is amended to read:

18 AAC 50.030. State air ^{control} quality plan. Volumes II and III of the *State Air Quality Control Plan* for implementing and enforcing the provisions of AS 46.14 and this chapter, as amended through November 26, 2016 ^{effective date of regulation} [DECEMBER 17, 2015], are adopted by reference. The plan includes the following documents which are also adopted by reference:

...

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 9/4/98, Register 147; am 1/1/2000, Register 152; am 12/30/2000; Register 156; am 9/21/2001, Register 159; am 1/27/2002, Register 161; am 3/27/2002, Register 161; am 5/3/2002, Register 162; am 2/20/2004, Register 169; am 6/24/2004, Register 170; am 10/1/2004, Register 171; am 12/14/2006, Register 180; am 12/30/2007, Register 184; am 5/17/2008, Register 186; am 7/25/2008, Register 187; am 11/9/2008, Register 188; am 5/6/2009, Register 190; am 11/4/2009, Register 192; am 4/1/2010,

Register 220, January 201⁷ ENVIRONMENTAL CONSERVATION

Register 193; am 10/29/2010, Register 196; am 4/13/2011, Register 198; am 9/17/2011, Register 199; am 8/1/2012, Register 203; am 5/8/2013, Register 206; 2/5/2015, Register 213; am 4/17/2015, Register 214; am 3/2/16, Register 217 (am 11/26/2016, Register 220)

Authority: AS 46.03.020 AS 46.14.030 Sec. 30, ch. 74, SLA 1993
AS 46.14.020 AS 46.14.140

(a)
18 AAC 50.075 is amended to read:

18 AAC 50.075. Solid fuel-fired [WOOD-FIRED] heating device visible emission standards. (a) A person may not operate a solid fuel-fired [WOOD-FIRED] heating device in a manner that causes

- (1) black smoke; or
- (2) visible emissions that exceed 20 [50] percent opacity for more than six

minutes in any one hour in an area for which an air quality advisory is in effect under 18 AAC 50.245 or 18 AAC 50.246, except during the first 15 minutes after initial firing of the device; visible emissions are measured following opacity reading procedures as required under 40 C.F.R. Part 60, Appendix A, Method 9, adopted by reference in 18 AAC 50.040, as modified in Volume III, sec. IV-3, Appendix IV-3, of the *State Air Quality Control Plan*, adopted by reference in 18 AAC 50.030; alternatively, visible emissions may be measured using the alternative method to Method 9, ALT-082, approved and revised by EPA as of May 17, 2012.



cd)
18 AAC 50.075 is amended to read:

(d) A person may operate a **solid fuel-fired** [WOOD-FIRED] heating device in an area for which the department has declared a PM-2.5 air quality episode under 18 AAC 50.246 or under emergency episode provisions included in a local air quality plan incorporated in the *State Air Quality Control Plan*, adopted by reference in 18 AAC 50.030, only if

(1) visible emissions or opacity from the **solid fuel-fired** [WOOD-FIRED] heating device is below the opacity limits identified in the episode announcement for that area as defined in the *State Air Quality Control Plan*, adopted by reference in 18 AAC 50.030; [OR]

(2) the owner or operator of the **solid fuel-fired** [WOOD-FIRED] heating device obtains a written temporary waiver from the department or local air quality control program from the opacity limits identified in the episode announcement; the department or local air quality program may grant a temporary waiver after considering

(A) financial hardship information provided by the owner or operator;

(B) technical feasibility **and device design** information provided by the owner or operator;

(C) potential impact to locations with populations sensitive to exposure to PM-2.5; locations under this subparagraph include hospitals, schools, child care facilities, health clinics, long-term care facilities, assisted living homes, and senior centers;

(D) mitigation measures implemented by the owner or operator to prevent adverse health impacts to individuals sensitive to exposure to PM-2.5; and

(E) the contribution of the device to the exceedance of the PM-2.5 concentration triggering the episode announcement; or bold/underline

~~(3) the department has not prohibited operation under 18 AAC 50.075(e).~~ ^{(c) of this section}

18 AAC 50.075 is amended ^{by adding} ~~to add~~ a new subsection: ^{to read}

(e) The department may prohibit operation of a solid fuel-fired heating device in an area for which the department has declared a PM-2.5 air quality episode under emergency episode provisions included in a local air quality plan incorporated in the *State Air Quality Control Plan*, adopted by reference in 18 AAC 50.030, only if

(1) the temperature is warmer than any ^{temperature} ~~above any triggering~~ threshold identified in a local air quality plan incorporated in the *State Air Quality Control Plan*, adopted by reference in 18 AAC

50.030; and

(2) the announcement identifies ^{§ (A)} the air quality zone(s) affected by the prohibition; and

^{§ (B)} any ~~the announcement~~ identifies exceptions as identified in the *State Air Quality Control Plan*, adopted by reference in 18 AAC 50.030.

(Eff. 1/18/97, Register 141; am 5/6/2009, Register 190; am 2/28/2015, Register 213; am 11/26/2016, Register 220)

Authority: AS 46.03.020 AS 46.14.020 Sec. 30, ch. 74, SLA 1993
AS 46.14.010 AS 46.14.030

18 AAC 50.076(c) is amended to read:

(c) A person operating a solid fuel-fired device may not burn or incinerate in the device

(1) wood that has paint, stains, or other types of coating;

(2) wood that has been treated with preservatives, including copper chromium

arsenate, creosote, or pentachlorophenol;

(3) asphalt, rubber, tires, or tar products, including materials contaminated with petroleum, petroleum derivatives, oily wastes, or oil cleanup materials;

(4) chlorinated or halogenated organic compounds, including plastics, polyurethane products, pesticides, herbicides, or fungicides;

(5) compounds containing cyanide or asbestos;

(6) animal carcasses; [OR]

(7) putrescible garbage; (1)

(8) construction and demolition debris, including plywood and particleboard;
(cc bold/underline new paragraphs))

(9) flooring products; or

(10) manure; *(cc don't bold/underline period.)*

*am 3/2/2016,
Register 217*

(Eff. 2/28/2015, Register 213; *am 11/26/2016*, Register 220)

Authority: AS 46.03.020 AS 46.14.020 Sec. 30, ch. 74, SLA 1993
AS 46.14.010 AS 46.14.030

The introductory language of

^ 18 AAC 50.077(b) is amended to read:

(b) Except as provided under (f), (g), or (h) of this section, a person may not operate,
[OR] install, or reinstall a wood-fired hydronic heater in an area identified in 18 AAC
50.015(b)(3), and may not supply, sell, lease, distribute, or convey a wood-fired hydronic heater
for operation or installation in an area identified in 18 AAC 50.015(b)(3), unless

...

The introductory language of
^

18 AAC 50.077(c) is amended to read:

(c) Except as provided under (f), (g), or (h) of this section, a person may not operate,
[OR] install, **or reinstall** a woodstove in an area identified in 18 AAC 50.015(b)(3), and may not
supply, sell, lease, distribute, or convey a woodstove for operation or installation in an area
identified in 18 AAC 50.015(b)(3), unless

• • •

(Eff. 2/28/2015, Register 213; am 11/26/2016, Register 220)

Authority: AS 46.03.020 AS 46.14.020 Sec. 30, ch. 74, SLA 1993
AS 46.14.010 AS 46.14.030