

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

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation proposes to adopt regulation changes intended to assist with the improvement of air quality in the Fairbanks North Star Borough (FNSB) Nonattainment Area. The proposed regulations and State Implementation Plan (SIP) amendments incorporate elements of local ordinances enacted by the FNSB Assembly allowing their use in meeting federal Clean Air Act requirements for the FNSB Nonattainment Area.

The Alaska Department of Environmental Conservation proposes to adopt changes in 18 AAC 50 of the Alaska Administrative Code, dealing with air quality, including the following:

- 1) Amend 18 AAC 50.025 to establish three “air quality control zones” within the Fairbanks PM-2.5 Nonattainment Area: Goldstream, Fairbanks, and North Pole.
- 2) Amend 18 AAC 50.030 to adopt revisions to the State Air Quality Control Plan in Volume II Section III.D.5: Fairbanks North Star Borough PM-2.5 Control Plan.
- 3) Amend 18 AAC 50.075 to lower visible emission standards for solid fuel-fired heating devices during air quality advisories.
- 4) Amend 18 AAC 50.075 to allow Department discretion to prohibit operation of solid fuel-fired heating devices during air quality episodes.
- 5) Amend 18 AAC 50.076 to add to the list of materials that cannot be burned in a solid fuel-fired heating device.
- 6) Amend 18 AAC 50.077 to prohibit the reinstallation of wood-fired hydronic heaters and woodstoves that do not meet emissions standards within a nonattainment area.

Posting

The above list of proposed changes to the regulations only provides a summary of their subject matter. Copies of the proposed regulation changes and SIP amendments are available at http://dec.alaska.gov/air/anpms/comm/fbks_pm2-5_proposed-regs_2016.htm.

Questions

You may submit written questions relevant to the proposed action using the electronic question form at http://dec.alaska.gov/air/anpms/comm/fbks_pm2-5_proposed-regs_2016.htm; by email to dec.air.comment@alaska.gov; by facsimile to (907) 269-7508; or by mail to: Alex Edwards, Division of Air Quality, 555 Cordova St. Anchorage, Alaska 99501. Questions may also be submitted verbally in testimony at one of the public hearings. The Department will aggregate its response to substantially similar questions and make the questions and responses available on http://dec.alaska.gov/air/anpms/comm/fbks_pm2-5_proposed-regs_2016.htm. The questions must be received by July 18th, 2016. The Department may, but is not required to, answer written questions received after July 18th, 2016, the 10-day cut-off date.

Comments

You may comment on the proposed regulation changes, including the potential costs to private persons of complying and practical alternatives to the proposed changes. Submit written comments through the electronic comment form at <https://dec.alaska.gov/Applications/Air/airtoolsweb/FormalComments>; by e-mail to dec.air.comment@alaska.gov; by facsimile to (907) 269-7508; or by mail to: Alex Edwards, Division of Air Quality, 555 Cordova St. Anchorage, Alaska 99501. Comments must be received by 5:00 PM on July 28th, 2016. Comments received after this date will not be considered in any final action on these rules and the air quality plan.

Open Houses

The Department will hold two open houses: July 12th from 5:00 – 7:00 p.m. in North Pole, Alaska at the North Pole Library, 656 NPHS Blvd.; and July 13th from 5:00 – 7:00 p.m. in Fairbanks, Alaska at the Noel Wien Library, 1215 Cowles Street. The Department will give a short presentation at the beginning of each open house. Formal oral testimony will not be taken at the open houses, but written comments and questions may be submitted to Department staff.

Hearings

The Department will hold daytime public hearings on July 14th from 11:30 a.m. – 1:30 p.m. at 1) Fairbanks North Star Borough Assembly Chambers, 809 Pioneer Rd.; 2) ADEC Anchorage Office, 1st Floor Main Conference Room, 555 Cordova St.; and 3) ADEC Juneau Office, 2nd floor main conference room, 410 Willoughby Ave. An evening hearing will be held on July 14th from 5:00 – 7:00 p.m. at the Fairbanks North Star Borough Assembly Chambers. Oral or written comments may be submitted at the hearings. The hearings will be extended if necessary to accommodate those present before the published hearing end time who did not have an opportunity to comment.

If you experience a disability and need special accommodation to participate in this public process, please contact Natalie Wolfe at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 seven days prior to any open house or public hearing to ensure necessary accommodations can be provided.

After the public comment period ends on July 28th, 2016, DEC will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **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 46.03.010, AS 46.03.020, AS 46.14.030, AS 46.14.400

Statutes Being Implemented, Interpreted, or Made Specific: AS 46.14.030, AS 46.14.400

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

Date: June 2, 2016
Anchorage, Alaska



Larry Hartig, DEC Commissioner

FNSB PM2.5 AIR QUALITY PLAN (SIP) & PROPOSED REGULATIONS
 ADDITIONAL REGULATIONS NOTICE INFORMATION
 (AS 44.62.190(d))

1. Adopting agency: Alaska Department of Environmental Conservation
2. General subject of regulation: 18 AAC 50 is being amended to adopt regulations regarding air quality statewide and in the FNSB PM-2.5 Nonattainment Area and adopt various federally required amendments to the State Air Quality Plan.
3. Citation of regulation (may be grouped): 18 AAC 50.025; 50.030; 50.075; 50.076; and 50.077
4. Department of Law file number, if any JU2016200151
5. Reason for the proposed action:
 - compliance with federal law:
 The proposed regulations are intended to meet the requirements of Section 110 (Title 42 U.S.C. Chapter 85 §7410), Sections 171-179 (Title 42, U.S.C. Chapter 85 §7501-7509), and Section 189 (Title 42, U.S.C. Chapter 85 §7513) of the Clean Air Act and once adopted, will be submitted to the U.S. Environmental Protection Agency for approval.
 - compliance with new or changed state statute
 - compliance with federal or state court decision
 - development of program standards
 - other
6. Appropriation/Allocation: Air Quality/Non-Point and Mobile Sources.
7. Estimated costs in the aggregate to comply with the proposed action to:
 - a.) Private Persons: The proposed revisions reinforce current local Borough requirements and the Department does not anticipate additional compliance costs to private citizens resulting from these proposed regulations. Please see a complete discussion of estimated costs online at http://dec.alaska.gov/air/anpms/comm/fbks_pm2-5_proposed-regs_2016.htm. The Department encourages comments on potential costs of complying with these proposed regulations.
 - b.) Other State Agencies: None.
 - c.) Municipalities: No known additional compliance costs. Evaluating these proposed regulations using the existing FNSB Ordinance 2015-01 as a baseline, there do not appear to be additional compliance costs imposed on FNSB or any other municipalities.
8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY16	Subsequent Years
Operating Cost	\$ <u> 0</u>	\$ <u> 0</u>
Capital Cost	\$ <u> 0</u>	\$ <u> 0</u>
1002 Federal receipts	\$ <u> 0</u>	\$ <u> 0</u>
1003 General fund match	\$ <u> 0</u>	\$ <u> 0</u>
1004 General fund	\$ <u> 0</u>	\$ <u> 0</u>
1005 General fund/program	\$ <u> 0</u>	\$ <u> 0</u>
1037 General fund/mental health	\$ <u> 0</u>	\$ <u> 0</u>
Other	\$ <u> 0</u>	\$ <u> 0</u>

9. The name of the contact person for the regulations:

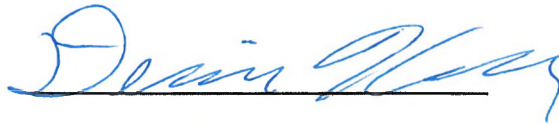
Name Alex Edwards
Title Environmental Program Specialist
Address 555 Cordova St.
Anchorage, AK 99501
Telephone 907-269-7695
E-mail alex.edwards@alaska.gov

10. The origin of the proposed action:

- staff of state agency
 federal government
 general public
 petition for regulation change
 other

11. Date: June 2, 2016

Prepared by:



Name Denise Koch
Title Air Quality Director
Telephone: 465-5105