

**NOTICE OF CANCELLATION OF PUBLIC HEARING  
ON PROPOSED CHANGES IN THE REGULATIONS OF  
THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**BRIEF DESCRIPTION**

The Department of Environmental Conservation (DEC) proposes changes to its air quality regulations, to adopt current U.S. Environmental Protection Agency (EPA) air quality regulations used in air quality control permits and EPA and Federal Highway Administration regulations needed to ensure that transportation projects funded by federal agencies protect air quality and conform to local air quality plans.

The Department of Environmental Conservation (DEC) proposes to adopt regulation changes in Title 18, Chapter 50 of the Alaska Administrative Code, dealing with air quality, the state air quality plan, air quality standards specific to the Mendenhall Valley area of Juneau, and conformity of federally funded transportation projects with air quality requirements and local air quality plans, including the following:

- **18 AAC 50.010(1)(A)** will be amended to include a cross-reference to an adopted test method.
- **18 AAC 50.015(b)(2)(A)** will be repealed and **18 AAC 50.015(e)** will be amended to re-designate the Mendenhall Valley Area of Juneau from "nonattainment" for coarse particulate matter (PM-10) to "attainment." These amendments reflect the fact that this area now meets the federal requirements for coarse particulates (PM10).
- **18 AAC 50.020** will be amended to establish the minor source baseline date for fine particulate matter (PM-2.5) in the Northern Alaska Intrastate Air Quality Control Region.
- **18 AAC 50.030** will be amended to adopt revisions to the State Air Quality Control Plan to address changes in federal regulations regarding the following topics: Conformity (Transportation and General), Clean Air Act Section 110 Infrastructure Certification (updated National Ambient Air Quality Standards (NAAQS) for nitrogen dioxide (NO<sub>2</sub>) and sulfur dioxide (SO<sub>2</sub>)), and incorporating additional Appendix documents, including new regulations, and other documents that further support previously adopted plan revisions (Regional Haze Plan and Fairbanks Carbon Monoxide Limited Maintenance Plan).
- **18 AAC 50.035** and **18 AAC 50.215** will be amended to specify which quality assurance handbooks should be used when collecting meteorological data.
- **18 AAC 50.035** will be amended to reflect changes in Title 40 of the Code of Federal Regulations (C.F.R.), Parts 50 (national primary and secondary ambient air quality standards), 58 (ambient air quality surveillance), 60 (standards of performance for new stationary sources), and 63 (national emission standards for hazardous air pollutants for source categories) and to adopt appendices of 40 C.F.R. Parts 58, 60, and 63 for use in monitoring and reference method testing actions.
- **18 AAC 50.040** will be amended to update the adoption by reference revision dates of 40 C.F.R. parts to adopt the most recent applicable requirements for operating permits.
- **18 AAC 50.040** will be amended to remove sections that are not required for states to adopt, and to reflect the adoption of the definition for "regulated NSR pollutant" in 40 C.F.R. 51.165(A)(1)(xxxvii).
- **18 AAC 50.215(d)** will be amended to revise language applicable to modeling demonstrations.
- **18 AAC 50.220(c)(1)(E) and 18 AAC 50.220(c)(2)** will be amended to revise cross references to adopted-by-reference test methods in 18 AAC 50.035.
- **18 AAC 50.700 - 18 AAC 50.740 (Article 7)** will be amended to conform with the requirements of the federal 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Public Law

109–59). SAFETEA-LU eliminates the requirement for states to adopt and submit General Conformity State Implementation Plans.

- **18 AAC 50.990** (definitions) will be amended to add, clarify and modify definitions relevant to the overall proposal.

The Department published a public notice regarding these proposed changes on March 19, 2014. In the public notice, the Department announced that a public hearing for these proposed regulations was tentatively scheduled for **April 18, 2014**, from 12:00 p.m. to 1:30 p.m. at the Department of Environmental Conservation Building, 619 E. Ship Creek Ave., Ste. 249, Conference Room A, Anchorage, AK 99501. The Department did not receive a request to hold the public hearing by 5:00 p.m. on **April 15, 2014, as required in the original public notice. Therefore, the public hearing will not be held.**

You may comment on the proposed regulation changes, including the potential costs to private persons of complying and alternative practical methods of complying with the proposed changes, by submitting written comments to: Rebecca Smith, Division of Air Quality, Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, P.O. Box 111800, Juneau, Alaska 99811-1800; by e-mail to [rebecca.smith@alaska.gov](mailto:rebecca.smith@alaska.gov); through the Air Quality Division's electronic comment submission web page at <https://dec.alaska.gov/Applications/Air/airtoolsweb/FormalComments>; by e-mail to the Air Quality Comments Docket at [dec.aq.airdocket@alaska.gov](mailto:dec.aq.airdocket@alaska.gov), or by facsimile at (907) 465-5129. **Comments must be received by 5:00 p.m. on April 22, 2014.** Comments received after this date and time will not be considered in final action on these rules.

If you are a person with a disability who may need a special accommodation in order to participate in this public process, please contact Deborah Pock at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 by April 16, 2014, to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes please call Rebecca Smith at 907-465-5121 between 9:00 a.m. and 5:00 p.m., Monday through Friday, or refer to this DEC webpage: <http://dec.alaska.gov/Applications/Air/airtoolsweb/AirPermitsApprovalsAndPublicNotices/> or <http://dec.alaska.gov/air/ap/regulati.htm>. The proposed regulations are intended to meet the requirements of Section 110 (Title 42 U.S.C. Chapter 85 §7410) of the Clean Air Act and, once adopted, will be submitted to the U.S. Environmental Protection Agency for approval and eventual inclusion in Alaska's State Air Quality Control Plan.

After the public comment period ends on **April 22, 2014**, DEC will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. 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 44.46.025, AS 46.03.010, AS 46.03.020, AS 46.03.710, AS 46.14.010, AS 46.14.020, AS 46.14.030, AS 46.14.120, AS 46.14.130, AS 46.14.140, AS 46.14.150, AS 46.14.160, AS 46.14.170, AS 46.14.180, AS 46.14.210, AS 46.14.230, AS 46.14.240, AS 46.14.250, AS 46.14.255, AS 46.14.280, AS 46.14.285, AS 46.14.290, AS 46.14.300, AS 46.14.400, AS 46.14.560

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 46.14.010, AS 46.14.020, AS 46.14.030, AS 46.14.120, AS 46.14.140, AS 46.14.400

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