

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

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation proposes to revise regulations on air quality for the Fairbanks North Star Borough (FNSB) nonattainment area. The proposed technical amendments and new regulations are needed to meet federal requirements in the Clean Air Act.

The Alaska Department of Environmental Conservation (ADEC) proposes to adopt regulation changes in Title 18, Chapter 50 of the Alaska Administrative Code, dealing with revising and adding new air quality regulations for the Fairbanks North Star Borough (FNSB), including the following:

- (1) 18 AAC 50.030 is proposed to be amended to adopt revisions to the *State Air Quality Control Plan*. Those revisions include amending Volume III Appendix to Volume II Section II to incorporate the proposed regulations after public review and comment. This appendix within the *State Air Quality Control Plan* contains the state's air quality regulations.
- (2) 18 AAC 50.055 is proposed to be amended to create an emission limit for coffee roasters in the nonattainment area.
- (3) 18 AAC 50.076 is proposed to be amended to revise requirements for dry wood labeling, frequency of wood moisture content measurement, and confirmation, as well as documentation timing of dry status.
- (4) 18 AAC 50.077 is proposed to be amended to clarify the intent of the regulation.
- (5) 18 AAC 50.078 is proposed to be repealed and readopted to create control device installation requirements; an emission factor and opacity limit; maintenance and observation requirements; and registration, recordkeeping, and reporting requirements for commercial coffee roasters in the nonattainment area.
- (6) 18 AAC 50.079 is proposed to be amended to clarify that a testing protocol required under this section must be approved by the department prior to conducting a test.
- (7) 18 AAC 50.079 is proposed to be amended to specify an allowable emission rate for particulate matter.
- (8) 18 AAC 50.079 is proposed to be amended to establish a specific duration for waivers issued under the subsection.
- (9) 18 AAC 50.079 is proposed to be amended to clarify deadlines for coal-fired heating devices.
- (10) 18 AAC 50.079 is proposed to be amended by adding a new subsection adding requirements for devices that may not be reinstalled in the nonattainment area.
- (11) 18 AAC 50. is proposed to be amended by adding a new section, 18 AAC 50.081, to establish real estate transaction and energy rating requirements for buildings in the nonattainment area.

If adopted, ADEC will submit the applicable regulation and *State Air Quality Control Plan* revisions to the U.S. Environmental Protection Agency (EPA) for inclusion in or removal from the approved State Implementation Plan (SIP).

Posting

The above list of proposed changes to the regulations only provides a summary of their subject matter. Copies of the proposed regulation changes are available at the 2024 Fairbanks North Star Borough Fine Particulate Matter (PM_{2.5}) Amendments link on:

<https://dec.alaska.gov/air/anpms/sip/revisions/>. Materials not feasible to post, such as those that are copyrighted, may be viewed at the ADEC offices at the following locations: ADEC Anchorage Building, 555 Cordova St., Anchorage; ADEC Fairbanks Office Building, 610 University Avenue, Fairbanks; and ADEC Juneau Office Building, 333 Willoughby Ave., Eighth Floor, Suite 800. 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 comments electronically via our public notice site at <https://dec.alaska.gov/comment/>**. If you are unable to submit comments via this site, you may submit written comments to Rebecca Smith, Division of Air Quality, Department of Environmental Conservation, P.O. Box 111800, Juneau, Alaska 99811-1800; by facsimile at (907) 465-5129; or by e-mail to dec.air.comment@alaska.gov. **The comments must be received not later than 11:59 p.m. on Friday, May 10, 2024.** Comments received after this date will not be considered in final action on these rules and the air quality plan.

Hearings

DEC has scheduled two public hearings for these proposed regulations, to be held on Wednesday, April 10, 2024, from 12:00 p.m. to 2:00 p.m. in the Yukon Room at the Westmark Fairbanks Hotel and Conference Center, 813 Nobel Street, Fairbanks, Alaska, and from 5:00 p.m. to 8:00 p.m. in the Yukon Room at the Westmark Fairbanks Hotel and Conference Center, 813 Nobel Street, Fairbanks, Alaska. Formal oral or written comments may be submitted at the hearings. Prior to the start of the hearing, DEC may limit the time allotted for each person providing oral testimony, as reasonably necessary to conclude the hearing in the time provided. The hearing may be extended for a reasonable amount of time to accommodate those present before 2:00 p.m. or 8:00 p.m., respectively, who did not have an opportunity to comment prior to that time.

Questions

You may submit written questions relevant to the proposed action to DEC by **submitting questions electronically via our public notice site at <https://dec.alaska.gov/comment/>**, by electronic mail to dec.air.comment@alaska.gov; or by mail to Rebecca Smith, Division of Air Quality, Department of Environmental Conservation, P.O. Box 111800, Juneau, Alaska 99811-1800. Questions may also be submitted verbally in testimony at the public hearing. The Department will aggregate its response to substantially similar questions and make the questions and responses available on <https://dec.alaska.gov/air/anpms/communities/fbks-pm2-5-qa-table->

2024/. The questions must be received at least 10 days before the end of the public comment period, **Tuesday, April 30, 2024**. The Department may, but is not required to, answer written questions received after Tuesday, April 30, 2024, the 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 Megan Kohler at (907) 269-4198 or megan.kohler@alaska.gov not later than Wednesday, April 3, 2024, 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 46.03.020; AS 46.14.020; AS 46.14.030; AS 46.14.140, Sec. 30, ch. 74, SLA 1993

Statutes being implemented, interpreted, or made specific: AS 46.03.020; AS 46.14.020; AS 46.14.030; AS 46.14.140

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: March 5, 2024



Emma K. Pokon, Commissioner Designee