

**In The Matter Of:**  
*Proposed Regulation Amendments to  
Alaska Administrative Code, Title 18, Chapter 50*

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*June 26, 2019*

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1 DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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Proposed Regulation Amendments to

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Alaska Administrative Code, Title 18, Chapter 50

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Wednesday, June 26, 2019

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Fairbanks, Alaska

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DEC Members Present:

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Jason Brune, DEC Commissioner

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Alice Edwards, Air Quality Director

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Cindy Heil, Environmental Program Manager

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Steven Hoke, Environmental Program Specialist

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1 WEDNESDAY, JUNE 26, 2019

2 FAIRBANKS, ALASKA

3 5:00 P.M.

4

5 COMMISSIONER BRUNE: Good evening. Thank you,  
6 everyone, for coming out. This public hearing has now  
7 started. Please open the public record.

8 My name is Jason Brune. I am the Alaska  
9 Department of Environmental Conservation Commissioner.  
10 Today's date is June 26, 2019. It is 5 p.m. in Fairbanks,  
11 Alaska.

12 The purpose of today's public hearing is to  
13 receive testimony on proposed regulation amendments to  
14 Alaska Administrative Code Title 18, Chapter 50, which is  
15 being revised to update adoption by reference dates of  
16 federal air quality regulations used in air quality  
17 control permits, to clarify additional regulatory  
18 language, adopt federally required amendments to the state  
19 air quality plan, revise Standard Conditions, and repeal  
20 regulatory language no longer needed.

21 The proposed regulation revisions include the  
22 following:

23 18 AAC 50.030 is amended to adopt revisions to  
24 the State Air Quality Control Plan, including adding a new  
25 section -- Volume II, Section III.D.7: Fairbanks North

1 Star Borough (FNSB) Fine Particulate Matter (PM-2.5)  
2 Serious State Implementation Plan (SIP) and amending  
3 Volume III Appendix to Volume II, Section II to  
4 incorporate the proposed regulations after public review  
5 and comment.

6 18 AAC 50.075 is amended to add requirements  
7 regarding visible emissions.

8 18 AAC 50.076 is amended to add requirements  
9 for wood sellers.

10 18 AAC 50.077 is amended to add requirements  
11 for wood-fired heating devices within the serious  
12 nonattainment area.

13 18 AAC 50.078 is a new section to add new  
14 control measures related to diesel fuel use and smaller  
15 commercial sources of PM-2.5 within the serious  
16 nonattainment area.

17 18 AAC 50.079 is amended to add requirements  
18 for coal-fired heating devices.

19 18 AAC 50.990 is amended to add definitions  
20 for catalytic oxidizer, charbroiler, chain-driven  
21 charbroiler, and used oil.

22 Today's hearing does not include a forum for  
23 questions and answers. There is a handout in the back of  
24 the room with additional information on the proposed  
25 regulations and public-comment options, including the DEC

1 Web site address for this effort and where you can provide  
2 comments online. There is no requirement to provide both  
3 oral and written testimony. All testimony is treated  
4 equally.

5 Your testimony may include questions for the  
6 department regarding the proposed regulations. All  
7 questions received before July 16, 2019, at 5 p.m., either  
8 in writing or at a public hearing, will be answered.  
9 Answers will be posted on our Web site before the close of  
10 the public comment period.

11 Again, thank you, everyone, for coming out  
12 tonight. We have with us a number of DEC staff, about 20  
13 people in the room -- 15 or so -- and, you know, I think  
14 it's incredibly important to point out that we very much  
15 value the public's participation.

16 Your input at this hearing is one of the  
17 principal ways to contribute to the decision-making  
18 process. Your comments may influence the final  
19 regulations, and they will help us to better serve you and  
20 other Alaskans.

21 So what we need anyone who wishes to testify  
22 to do if you are interested in testifying, Alice has a  
23 sheet in the back where we would like you to please sign  
24 in if you wish to testify.

25 The sign-up sheet will set the order of the

1 testimony. Anyone who is present and has signed in before  
2 8 p.m., when this hearing is scheduled to close, will be  
3 given the opportunity to testify.

4 All testimony will be accepted during the  
5 public hearing, but it will not be addressed until after  
6 the close of the public-comment period on July 26 of 2019.  
7 We will also accept written comments at this hearing. The  
8 department will accept written comments until July 26,  
9 2019, at 5 p.m.

10 Please deliver or mail comments to the  
11 attention of Department of Environmental Conservation,  
12 Division of Air Quality, 555 Cordova Street, Anchorage,  
13 Alaska 99501, Attention: Cindy Heil.

14 You can also fax them to (907) 269-7508.  
15 E-mail them to [dec.air.comment@alaska.gov](mailto:dec.air.comment@alaska.gov).

16 Or you can submit them online via  
17 [dec.alaska.gov/applications/air/airtoolsweb/formalcomments](http://dec.alaska.gov/applications/air/airtoolsweb/formalcomments)

18 For tonight's testimony, individuals will be  
19 given three minutes to testify, and folks that represent  
20 organizations will be given five minutes -- up to five  
21 minutes to testify.

22 When you come up when your name is called -- I  
23 will be reading three names at a time, who's up, who's on  
24 deck, and who's in the hole so that we can keep this  
25 hearing moving. We'll ask that folks identify their name

1 and spell it out for Crystal here, the organization, if  
2 appropriate, that you represent, and your mailing address  
3 for the record as well.

4           When all signed up people have been given an  
5 opportunity to testify, if anyone wishes to -- some people  
6 will have -- said they don't want to testify, but if they  
7 have changed their minds, we're happy to take them at the  
8 end as well.

9           With that I will read the first names that are  
10 on here that wish to testify. We have a lot of people who  
11 do not wish to testify. So I'm going to read the four  
12 names of people that do wish to testify and the order that  
13 they are in.

14           So, Tara Zhugar, you'll be first, followed by  
15 Marissa Sharrah, Representative Tammie Wilson, and Lee  
16 Hazen.

17           So again, three minutes for individuals, five  
18 minutes for groups. And, Ms. Zhugar, you have the floor.

19           MS. TARA ZHUGAR: Hi. My name is Tara Zhugar.  
20 My first name is spelled T-a-r-a, last name Z-h-u-g-a-r.  
21 I live at 877 Lynnwood Way, North Pole.

22           I've lived in Alaska my whole entire life, and  
23 this is a lot of change really fast. And I know that this  
24 has been rules coming along for a long time, but that's  
25 been debated over.



1           What I worry about -- well, there's a lot of  
2 things I worry about -- but the fact that DEC and the laws  
3 it's proposing to be allowed to have warrants to enter a  
4 person's home. Now, seen as in the Lower 48, there has  
5 been all-out raids by EPA, Fish and Game with guns and  
6 going to people's businesses, this is something that the  
7 community is really worried about because we don't want  
8 people entering our home with guns over our wood-burning  
9 capabilities. This is -- and I know that people said that  
10 it's not supposed to be used like that, but the fact that  
11 it's in the proposed paperwork is a really dangerous thing  
12 for us as citizens. And I really think it's over the top  
13 and more than you need as far as being able to help, you  
14 know, enforce the laws.

15           Also, I wanted to propose an idea for --  
16 instead of requiring installations to be done by a  
17 certified installer, I think it would be a lot cheaper to  
18 require more of an inspection by DEC as opposed to the  
19 installer costing -- you know, all the costs for the  
20 installer coming to a person's home. Many people are very  
21 capable. I know that not everybody does it properly, but  
22 if we have an inspection, it's going to be cheaper and  
23 more efficient, and people will have a cheaper solution  
24 for doing their own things. And they will still have to  
25 follow the rules regardless.

1                   That's about it for me.

2                   COMMISSIONER BRUNE: Thank you for your  
3 testimony, Ms. Zhugar. I appreciate it a lot.

4                   So next up we have Marissa Sharrah, followed  
5 by Representative Tammie Wilson, and followed by Lee  
6 Hazen.

7                   MS. MARISA SHARRAH: Thank you. My name is  
8 Marisa Sharrah. I'm the president and CEO of the Greater  
9 Fairbanks Chamber of Commerce.

10                  That's M-a-r-i-s-s-a S-h-a-r-r-a-h. Address is  
11 100 Cushman Street, Suite 102, right here in Fairbanks.

12                  The Greater Fairbanks Chamber of Commerce  
13 supports the Alaska Department of Environmental  
14 Conservation's efforts to approve air quality through the  
15 Draft Serious State Implementation Plan. While we do have  
16 some concerns about the specific details of the draft  
17 plan, we believe in its attempts to strike a workable  
18 balance between the needs of all residents to breathe  
19 healthy air and the need for cost-effective heat and  
20 power.

21                  We're making progress. And it's worth noting  
22 that the community has reduced airborne particulates by  
23 approximately 50 percent over the last ten years.

24                  The Chamber supports measures that can be  
25 shown to directly reduce PM-2.5 particulates in the air,

1 while mitigating negative impacts on area businesses,  
2 institutions, point sources, and residents. We support  
3 DEC's recognition of the economic value of point sources  
4 to the Fairbanks community and the economic feasibility  
5 requiring best available control technologies or  
6 (indiscernible).

7           However, this finding should be extended to  
8 incorporate all point sources in the nonattainment area.  
9 The businesses and residents of the borough rely on a  
10 small number of utilities for heat and power. We request  
11 that any requirements for new control devices take into  
12 account the unique constraints of each producer and the  
13 vital services that they provide to the community.

14           We do not want to see unfeasible restrictions  
15 forcing these utilities to close, ultimately leading to  
16 higher production of harmful airborne particulates as wood  
17 burning would likely increase.

18           We agree that DEC's finding the  
19 ultra-low-sulfur diesel is economically unfeasible.  
20 However, we remain concerned that existing suppliers'  
21 ability to meet the proposed conversion time line from  
22 number 2 diesel to number 1 and potential cost increases.  
23 We encourage DEC to analyze the impacts of such a fuel  
24 switch in a small market like Fairbanks.

25           We recognize that the value to the community

1 of solid fuels and support consistent standards for  
2 responsible solid-fuel use. A major shortcoming of the  
3 EPA's evaluation process is that it does not consistently  
4 apply emission standards to solid-fuel-burning devices.  
5 Focus should be on emission rates per unit of energy  
6 rather than banning specific devices.

7           We so support the grandfathering of existing  
8 wood stoves, recognizing that a change of status, such as  
9 a house sale or participation in a recognized solid-fuel  
10 program, will require device registration, a measure  
11 largely for the purpose of improving future air quality  
12 planning.

13           We support community and government entities  
14 and their efforts to promote responsible energy  
15 consumption to new residents and repeat emission  
16 offenders. Though not specifically called out in the  
17 Serious SIP, ongoing communication is a key component of  
18 any real solution.

19           The Fairbanks community that includes both our  
20 businesses and our residents have been working  
21 collaboratively on additional solutions outside the  
22 proposed -- those proposed in the Serious SIP with the  
23 anticipation that these will positively impact air  
24 quality. These include a study to use retrofit control  
25 technology, such as ESPs, or electrostatic

1 precipitators -- I do know how to say that -- to reduce  
2 particulate discharge of the source; a wood kiln to  
3 increase availability of dry wood, which would  
4 significantly reduce emissions from the residential and  
5 commercial wood burning; and a good neighbor program to  
6 support Burn Wise, or the Split, Stack, Store program.

7           We appreciate the efforts that DEC has put  
8 into the Serious SIP, and we look forward to working with  
9 you in the future to promote responsible use of solid-fuel  
10 devices. Together we look forward to improving air  
11 quality for all residents and bringing the borough into  
12 attainment of EPA standards.

13           COMMISSIONER BRUNE: Thank you for your  
14 comments, Ms. Sharrah.

15           MS. MARISSA SHARRAH: Thank you.

16           COMMISSIONER BRUNE: Next up is Representative  
17 Tammie Wilson, followed by Lee Hazen and John Ringstad.

18           Representative, the floor is yours.

19           REPRESENTATIVE TAMMIE WILSON: Thank you.

20           Tammie Wilson. T-a-m-m-i-e Wilson,  
21 W-i-l-s-o-n. State representative for District 3. And  
22 believe it or not I do not live in the triangle of death.  
23 I live in a very great community.

24           I wrote it down so I can stay within my  
25 minutes.

1           Thank you for being here today and hearing our  
2 testimony. I want to commend my district for all of the  
3 progress they have made through mostly volunteering  
4 programs. It shows you do not have to fine someone to get  
5 their cooperation. Personal contact with resources at  
6 work has gotten us to where we are today and I believe can  
7 get us to the finish line without these additional  
8 regulations, if the EPA allowed credit for the positive  
9 program at the same level as they do for negative actions.  
10 Although I know these regulations could have been more  
11 intrusive, it is hard to comment on many of them because  
12 what things cost now may be substantially different a year  
13 from now.

14           But here are my concerns: One, last winter,  
15 October 30th, 2018, to March 2nd, 2019, a Stage 1 or Stage  
16 2 was in effect for 71 days out of 104 possible shutdowns.  
17 Now, these regulations have -- that would lower the Stage  
18 1 air alert to 20 micrograms per cubic meter, and Stage 2  
19 to 30 micrograms per cubic meter would increase that by  
20 another 7 to 12 days, which would only allow one to burn,  
21 without registering their appliances, about 21 to 26 days  
22 all winter. Although temperatures went as low as negative  
23 45 for a spell, many said it was overall a mild winter.  
24 Because it's your attitude.

25           What would these numbers look like during a

1 colder winter?

2           Why would someone want to invest in cleaner  
3 technology, like electrostatic precipitators or more  
4 efficient stoves, if they won't be able to utilize it but  
5 for a short time?

6           Two: Heating appliances should be judged on  
7 their output, not on what source they were utilizing --  
8 pellets, wood, or coal.

9           Three: Coal-fired plants would be asked to  
10 switch to a low-sulfur coal by 2021. Do we have  
11 low-sulfur coal in the state? I honestly don't know. Or  
12 it will have to be imported, and at what cost?

13           Four: Golden Valley Electric Association will  
14 be asked to burn number 1 oil on bad air days. Is this in  
15 all their plants? And what will the cost be to the  
16 consumer?

17           Five: Under an emergency episode, it appears  
18 that one has three hours of the declaration to shut down  
19 their fires. If everyone shuts their fires down at the  
20 same time, will that not just pollute the air more? Since  
21 the air is stagnant during the winter, will this not cause  
22 more days of being noncompliant? What if you're at work  
23 or at school and cannot leave?

24           Six: Commercial wood sellers should only sell  
25 dry wood that is either seasoned, split, and stored under

1 cover for at least nine months, mechanically dried or  
2 harvested for an inspected fire-killed source that has  
3 been split, stacked, and stored, and confirm dry prior to  
4 freezing. I'm not sure who's going to do all that. But  
5 how much will this cost? Where will most store the wood?

6 I'm currently splitting wood right now, that I  
7 won't burn until next year, that I bought green last year.  
8 It's my summer project. Why is this the responsibility of  
9 the wood seller and not of the one who is making the  
10 determination of when to burn the wood?

11 If wood becomes too expensive or hard to get,  
12 as you heard earlier, we have seen in the past that some  
13 will burn whatever they can get. There are many that live  
14 in my district that must choose heat over food for the  
15 family. This regulation will just make it harder.

16 Seven: Wood-fired outdoor hydronic heaters  
17 must be 330 feet from the closest property line, or more  
18 than 660 feet from a school, clinic, hospital, or senior  
19 housing unit. What about the automatic-fed units such  
20 as -- that take wood chips? Do they have the same output  
21 as those that take split wood?

22 Eight: A temporary waiver may be granted  
23 based on financial hardship. What qualifies as a  
24 financial hardship? Who verifies this information? Does  
25 that information become public if requested?



1           Nine: For a new wood stove, pellet stove, and  
2 gas insert, the installer must be certified by the  
3 National Fireplace Institute. How many individuals in the  
4 borough are currently certified by this institution? Will  
5 the cost be covered by the change-out program?

6           Masonry heaters, the same thing. They have to  
7 be certified. How many are certified?

8           Any retrofit-control device such as  
9 electrostatic precipitators should be professionally  
10 installed by certified installers or manufacturer  
11 representatives. How many of them live here? Any why are  
12 we even regulating them when we're not even considering  
13 them as part of the plan?

14           "Wood-fired devices shall not be the primary  
15 or only heat source." We live in Alaska. Really? What  
16 if we can't afford another source? What if you have a  
17 unit that's cleaner than an oil-fired device? It could  
18 happen.

19           Electrostatic precipitators may be the most  
20 affordable and cleanest solution that is immediately  
21 available. It is my understanding that they are  
22 retrofitted separately for each type of stove and will  
23 reduce the PM-2.5 up to 85 percent of the stove's output.  
24 Why would we not include these in the plan?

25           The EPA has done little to nothing to force

1 manufacturers to have more efficient stoves, and to change  
2 one out is costly and more likely does not drop the amount  
3 of emissions substantially enough to warrant the cost.  
4 The State needs to push harder for the utilization of  
5 these devices, and opportunity for individuals to burn in  
6 Stage 1 and Stage 2 if they have them installed.

7           Looking at the graph within the proposed  
8 draft, in 2012, North Pole was at 158.4, and now in 2018,  
9 52.8. If the commissioner's statement is true, which I  
10 agree with, we have not plateaued. Therefore, I believe  
11 if we just continue down the same path we are currently  
12 on, we should reach attainment as early as 2021.

13           The EPA needs to give more credit for  
14 educational voluntary programs because we are a good  
15 example of how the community working with each other has  
16 gotten us to where we are today. If we are not careful  
17 and these items in the Serious SIP cost more than  
18 anticipated, we could see our community going backwards.  
19 Because as I've said over and over, this is an  
20 affordable-energy issue, one that has yet to be truly  
21 addressed.

22           Thank you, again, to all my constituents that  
23 have shown that working together, not penalizing each  
24 other, has gotten us to where we are today, and more  
25 improvements are yet to come. Thank you. And I was

1 close.

2 COMMISSIONER BRUNE: Great comments. Thank  
3 you, Representative.

4 Next up is Lee Hazen followed by John Ringstad  
5 and -- so followed by John Ringstad.

6 MR. LEE HAZEN: Hi. Lee Hazen. 1356 McGrath  
7 Road, Fairbanks. I've been up here 69 years now, and  
8 while I've seen a lot of things go on and I've seen a lot  
9 of people work together -- I was a part of -- I was an  
10 alternate for the Air Quality Standards Group,  
11 Stakeholders Group last summer.

12 And I learned a tremendous amount about all  
13 the issues that we have going on, some of the solutions,  
14 some of the things that we put forth and listened to quite  
15 a few people. And it was very nice because we all got  
16 split up into groups, and we all each heard each other's  
17 side, and they heard our sides, and it was really a great  
18 outcome. But I -- and I really thank the DEC for taking  
19 the time to be there that whole time and developing the  
20 new SIP. Cindy was there and full of information and  
21 always answered all of our questions. And I know she  
22 spent a lot of time on this now.

23 But I believe the borough has really tried to  
24 clean up the air for a long period of time. And they've  
25 put out incentives, and the EPA has given us time to do

1 that, but there is just so many people that don't really  
2 care about what they're doing to the air. I mean, Tammie  
3 referenced some number of how many days that we were in  
4 Stage 1 and Stage 2, but you see that alert come out --  
5 and I have one on my text -- I get it. And you drive  
6 around Fairbanks, and there are people that absolutely  
7 don't care whether there's a Stage 1 or Stage 2, and  
8 that's really one of the main reasons that we have air  
9 quality issues today, is because if you -- everybody that  
10 wasn't supposed to be burning didn't burn, the time frame  
11 from what -- the research that we looked at and  
12 everything, it would be a whole -- it wouldn't be 70 days;  
13 it might be 10 or 15 days, but you can't get those people  
14 to quit burning, and they just don't really care.

15 I have a -- there's many of us in the  
16 Fairbanks area now that have the purple air monitor, and I  
17 purchased one last year partly because of the stakeholders  
18 group, but it's real interesting to see. There's several  
19 in Fairbanks, and you can see the hot spots, where the  
20 line number might be 29 and you can see downtown, Hamilton  
21 Acres, it's 150. Well, you know that something's going on  
22 down there. It doesn't -- and those people need to be  
23 talked to, and they probably have been talked to.

24 But until we start doing some financial  
25 finds -- and I hate the word financial finds, but the

1 people aren't really acknowledging the fact there is an  
2 issue. "I'm going to burn regardless." We heard that at  
3 the last hearing symposium. "I don't care if there's a  
4 burn ban, I'm starting my stove because Golden Valley  
5 might go off, and I'm going to start it anyway when I  
6 leave the house in the morning."

7 Well, that doesn't do us any good, and  
8 we're -- everybody in Fairbanks is going to be paying a  
9 higher electricity cost. Now we're going to be burning  
10 number 1 oil just because there's a few people that don't  
11 want to quit burning on specific days. I burn wood, but  
12 every time that alert comes out, I don't.

13 I hope that we can solve this, but I think  
14 it's -- I think we're going to have to go to the courts to  
15 make people quit burning so -- just so they have them not  
16 do that. So anyway, thank you.

17 COMMISSIONER BRUNE: Mr. Hazen, thank you for  
18 your comments. Thanks for showing up tonight.

19 Next up is John Ringstad, followed by -- so,  
20 John Brading, I have you on the list, but it doesn't say  
21 whether or not you want to testify. No. Okay.

22 And so then that would be Rick Solie who is in  
23 the hole.

24 So, Mr. Ringstad, the floor is yours.

25 MR. JOHN RINGSTAD: Thank you,

1 Mr. Commissioner. First off, I want to say thank you for  
2 the effort and the time that you and your team have put  
3 into this. It's been nice. A number of us in the  
4 business community have been studying this issue, working  
5 with your data and doing this. At this point, you know,  
6 we've been at this for ten years. We've made slow  
7 progress, but we're starting to see results of progress.  
8 So I think that we need to recognize that, and we need to  
9 make sure that the EPA recognizes that.

10 I think what you have put forward is a pretty  
11 good balance proposal that we could actually make --  
12 continue to make better headway and get somewhere. It's  
13 time; after ten years, we got to get there.

14 I do have a couple of concerns in where --  
15 with the proposal and the data that we've been given, is  
16 the fact that somewhere in the vicinity of 1 percent of  
17 our homeown- -- I guess our homes are the ones that are  
18 causing the percent of the problem that the other 99  
19 percent are having to live with and put up with, and in  
20 looking at the EPA's proposals are going to have to pay  
21 for. And I'm not sure that that's fair. I think that  
22 there are ways to go at this.

23 I do have a concern about enforcement. You  
24 know, our miners, they go out, if they're in violation,  
25 there's enforcement. You know, our restaurants, they have

1 rules and regulations, and if they're not meeting them,  
2 there's enforcement. It doesn't matter kind of which way  
3 it is. I think we need to live by the rules, and if there  
4 isn't an enforcement, there are a certain percent of the  
5 people that are going to say, "Sorry. I'm not doing it,  
6 and you can't make me do it."

7 Well, if we don't authorize you the ability to  
8 have enforcement, I think that that's a mistake. Now, on  
9 the other side of that, enforcement, in my mind, does not  
10 have to be heavy handed. I think sitting down and talking  
11 with people, trying to work out a good solution is the  
12 right way to do it. It's not talking about big money.  
13 It's not talking about heavy-handed stuff. I think we --  
14 but we need something to give you the authority to do what  
15 needs to be done. And I think the approach you've taken  
16 and the proposal you've put forward shows me that you have  
17 the interest and the ability to try and find compromises  
18 and find win-win solutions for everybody.

19 So I appreciate what you've done on that and  
20 where you're trying to get to, and I just think we should  
21 take a look at that enforcement rule.

22 COMMISSIONER BRUNE: Okay.

23 MR. JOHN RINGSTAD: Thank you.

24 COMMISSIONER BRUNE: Thank you, Mr. Ringstad,  
25 for your comments tonight.

1           Next up we have Rick Solie. And there is no  
2 one signed up after that, so if any of you who signed up  
3 have become inspired to give testimony, there's a list  
4 that Alice has in the back, and we would happily take  
5 additional comers.

6           So with that, Mr. Solie.

7           MR. RICK SOLIE: Thank you, Commissioner, for  
8 being here. And thank you for your department's efforts  
9 to work on this issue that's very important to Fairbanks.

10           I was a member of the stakeholder group that  
11 worked last summer, some 38 members, I think, that worked  
12 on a consensus basis, plus the alternates, plus the  
13 subject matter experts. It was a substantial effort. And  
14 I want to thank you for listening to that group.

15           I'm a member of the Chamber of Commerce and  
16 served on their Energy and Natural Resources Committee.  
17 And the Chamber has worked on this issue and commented, as  
18 you may recall. I appreciate you listening to the  
19 concerns of many of these organizations. I listed the  
20 groups that I'm part of, and the stakeholder group, the  
21 Chamber of Commerce, Fairbanks Economic Development  
22 Corporation. I'm part of the coalition, the Air Quality  
23 Coalition that's really a continuing effort of this  
24 stakeholder group, a smaller subset.

25           We are working together to solve this problem,



1 and I think I want to just encourage you that in the large  
2 sense, that's what we're doing locally. And I think we  
3 can make it and we can get there.

4           You said -- and I would highlight the fact  
5 that we're making progress. 22 percent reduction over the  
6 last five years in North Pole, and a 4 percent reduction  
7 in Fairbanks. And that's after taking the warmer weather  
8 into consideration. I think if you look at a ten-year  
9 span without the weather consideration, it's more like 50  
10 percent. By most measures we are making progress.

11           I do want to highlight a couple of things for  
12 you. I know you have some of the talking points we gave  
13 you earlier. And the coalition will be submitting more  
14 detailed comments later this month. But the best  
15 available control technology that was originally  
16 considered to be placed on the point source, the power  
17 plants. Thank you for looking at that as an economically  
18 and feasible technology. That would be very hurtful to  
19 the community. It would be damaging to the economy; it  
20 would be damaging to people. And arguably it wouldn't  
21 solve the air pollution problem. So thank you for  
22 recognizing that.

23           We, however, believe that you should extend  
24 that noneconomic finding to the other point sources. Not  
25 just to Aurora Energy. So we believe that should be

1 considered to be extended.

2           With regard to liquid fuel, that is the  
3 low-sulfur diesel that also had been considered. Thank  
4 you for finding that economically infeasible. And I know  
5 that there's a contemplation now of switching to number 1  
6 fuel from number 2. And that may be a prudent thing to  
7 do, but we would encourage you to do a more robust  
8 examination of the impacts of that fuel switch. Both the  
9 market competitive impacts -- that is, we don't want to  
10 favor one competitive player over another. And we want to  
11 make sure that we've assessed the cost to consumers also.  
12 So we'd encourage you to look at that a little more in  
13 detail.

14           The other area that we want to encourage you  
15 is on the subject of fuel source. We support the idea of  
16 wood burning. We want responsible wood burning. We would  
17 like to see the department, the borough, open up more  
18 areas of wood supply. You heard that earlier today.  
19 Forest fires that have created low-moisture wood, spruce  
20 beetle-eaten wood, those kinds of things. I would  
21 encourage you to make a concerted effort on that to  
22 create a fuel source available.

23           A couple things that I would just also bring  
24 to your attention that are happening, really, outside of  
25 this process locally, is this effort to start an ESP

1 program without the government funds, necessarily.  
2 There's a local active group that are looking at  
3 electrostatic precipitators, and we hope that that's  
4 something that will happen. The borough, as you know, is  
5 looking to test those and will be able to include those  
6 later in their plan. But that's an ongoing effort just  
7 locally that's happening.

8 Another thing is looking at a wood kiln. That  
9 fuel source needs to be dry, and a local wood kiln that is  
10 something that the economics are supported by the  
11 community would be really a good thing, rather than having  
12 the government mandated or -- and I know that's something  
13 the department has supported as well.

14 Finally I want to end on this concept that is  
15 going to solve our problem, and that really is when we  
16 decide to be responsible wood burners and be good  
17 neighbors. The whole program that's the Burn Wise, the  
18 Split, Stack, and Store, that's a good program. We  
19 support that. And this community-led initiative, we  
20 really want to double-down on the neighbor-to-neighbor  
21 approach, trying to talk to one another.

22 So those are just some highlights from what  
23 we're doing with the coalition. We will offer more formal  
24 comments. And thank you for your focus and being here on  
25 a warm summer evening.

1 COMMISSIONER BRUNE: Thank you, Mr. Solie.

2 And with that I have no one else. Just for  
3 the record, for everyone that's here, I did give Mr. Solie  
4 additional time because there was no one else signed up  
5 afterwards. So if -- in fairness, if anyone has  
6 additional things to say, if there's no one else on the  
7 list, I'm happy to have you come back up if you'd like to  
8 give additional comments.

9 But I guess we do have four more people that  
10 are -- I'm sorry. One more person. Angela Speight  
11 from --

12 MS. ANGELA SPEIGHT: From Petro Star.

13 COMMISSIONER BRUNE: From Petro Star. Yep.  
14 Thank you.

15 Ms. ANGELA SPEIGHT: Commissioner, it's lovely  
16 to see you here in Fairbanks.

17 COMMISSIONER BRUNE: It's great to be here.

18 MS. ANGELA SPEIGHT: I've been out at our  
19 North Pole refinery, so I just made it in here. So thank  
20 you for your time.

21 COMMISSIONER BRUNE: Absolutely.

22 COURT REPORTER: Could you spell your name,  
23 please.

24 MS. ANGELA SPEIGHT: Yes, ma'am. Angela  
25 Speight, s-p-e-i-g-h-t. I'm the vice president and

1 general counsel for Petro Star.

2           So, Commissioner, first I want to thank you  
3 for your time last week in hearing from us in our kind of  
4 informal setting. And I also wanted to bring these  
5 comments to light here in the public setting as well, and  
6 we'll be following these up with a written public comment.

7           COMMISSIONER BRUNE: All right. Thank you.

8           MS. ANGELA SPEIGHT: As the only Alaska-owned  
9 refinery and sole producer of number 2 heating oil in the  
10 Interior, Petro Star is deeply concerned about the control  
11 measure included in the Serious SIP that proposes to tell  
12 Interior residents what they can and can't burn for home  
13 heating oil. Through the Sourdough Fuel Heating Oil  
14 Division, this measure will impair Petro Star's ability to  
15 serve its customers with locally produced number 2 heating  
16 oil.

17           This is a fuel that does not significantly  
18 contribute to the existing air quality issue. And, in  
19 fact, according to the State's own planning inventory  
20 calculations, heating oil is the second-smallest source of  
21 PM-2.5, contributing merely a fraction of the PM-2.5  
22 emitted through solid-fuel burning, despite being the most  
23 common means of heating Interior homes and businesses by a  
24 wide margin.

25           The data used to determine that the control

1 measure prohibiting number 2 heating oil would provide a  
2 definite improvement to air quality is flawed. And Petro  
3 Star has already shared with ADEC that it is inconsistent  
4 with the empirical data that we've gathered through  
5 decades of refinery operations and surveying our Interior  
6 customers.

7           For example, the assumptions used to calculate  
8 a significant increase in jet fuel sulfur emissions are  
9 not just incorrect, but they are higher by an order of  
10 magnitude. The faulty assumptions underpinning these  
11 calculations should be verified against publicly available  
12 information on military jet fuel, or as Petro Star has  
13 previously offered, we stand ready to assist ADEC in  
14 obtaining accurate information.

15           Correcting for the flawed data, Petro Star  
16 estimates that switching from number 2 heating oil to  
17 number 1 could result in a minor decrease of PM-2.5  
18 overall, but at a considerable cost to residents and  
19 businesses. Despite this, the Serious SIP has failed to  
20 provide a precursor determination for sulfur emissions  
21 that meets the requirements of the EPA. It includes  
22 mention of plans to do so in the future for SIP reviews.  
23 But future plans won't help current customers now.

24           While home-heating fuel is a very minor  
25 contributor to PM-2.5 emissions, this control measure

1 imposes nearly all of the initial regulatory and financial  
2 burdens on to Interior heating-oil consumers. This  
3 control measure is intended to buy three years of  
4 improvement to reach another five-year review period for  
5 the SIP. But all the while doing very little to actually  
6 address the PM-2.5 issue. Given the flawed data, this is  
7 unlikely. And while the improvement in air quality may  
8 not happen, the financial impact to Interior residents  
9 most definitely will.

10 Petro Star is also concerned that the economic  
11 analysis provided as part of the Serious SIP and used to  
12 present the impact as only \$70 annually per household is  
13 fatally flawed. EPA's feedback to the preliminary SIP  
14 document stressed the importance of a supply-site  
15 analysis. However, the proposed SIP does not appear to  
16 incorporate this in its own economic analysis. But  
17 rather, assumes an unlimited local supply of number 1  
18 heating oil available at a static price point.

19 Petro Star's calculations show the impact of  
20 switching to number 1 heating oil for Interior consumers  
21 now burning number 2 to be roughly 10 percent above the  
22 current heating oil cost. And this could be much higher  
23 for all customers if local demand for number 1 outpaces  
24 local production.

25 Given that jet fuel and number 1 heating oil

1 are essentially the same material, competition between  
2 Interior residents and military jet fuel requirements will  
3 grow substantially, as the F-35 Squadron comes online.  
4 Nowhere can we find where this major change was taken into  
5 consideration when the economic analysis was performed and  
6 the \$70 annual impact to households was calculated.

7 Petro Star strongly urges ADEC to delay the  
8 implementation of the proposed control measure prohibiting  
9 the sale of number 2 heating oil until 2024 when more  
10 impactful control measures affecting solid-fuel burning,  
11 the significant contributor of PM-2.5, will also take  
12 effect. This treats all Interior residents equitably, as  
13 well as grants ADEC additional time to conduct the  
14 necessary studies into sulfur emissions through a  
15 precursor determination and supply-site impacts to the  
16 economic analysis.

17 ADEC must have accurate information to provide  
18 Interior residents that will justify the significant  
19 economic burden on the community. Petro Star also plans  
20 to use this additional time to complete a debottle-necking  
21 project at its North Pole refinery that will improve the  
22 available supply of number 1 heating oil, reducing the  
23 need for additional transportation cost and improving the  
24 available capacity for this product.

25 I want to thank ADEC for the opportunity today



1 to voice these concerns, and we will also be submitting a  
2 detailed information for your use through the  
3 written-comment period. Thank you.

4 COMMISSIONER BRUNE: Thanks, Angela, for your  
5 comments.

6 We have come to the -- once again to the end  
7 of the list for folks in the room that were interested in  
8 commenting. If there is anyone else that might be  
9 interested in either testifying for the first time or  
10 supplementing their previous comments, you're welcome to  
11 come forward.

12 Seeing none, what we will do is, since we've  
13 committed to the public to stay open for comments through  
14 8:00 tonight, unless I hear anything else, we will go off  
15 the record. And when additional people come in, we will  
16 reopen the record for them to be able to provide their  
17 testimony.

18 So with that, thank you, everyone, for coming  
19 tonight, and we will now go off the record.

20 5:38 P.M.

21 (Off record.)

22 8:00 P.M.

23 COMMISSIONER BRUNE: I would like to take this  
24 opportunity to thank everyone for coming out and  
25 testifying at this evening's hearing, as well as this

1 afternoon's hearing.

2           Public comments will be part of the  
3 decision-making process. After the close of the comment  
4 period, DEC will draft a response to all public comments.  
5 Without further notice, DEC will decide to either, one,  
6 adopt as proposed; two, adopt with other provisions  
7 dealing with the same subject; or three, decide to take no  
8 action on the proposal. The language of the final  
9 regulations may be different from that of the proposed  
10 amendments.

11           This is June 26, 2019, at 8 p.m. in Fairbanks,  
12 Alaska. My name is Jason Brune, and this hearing is now  
13 closed.

14 8:00 P.M.

15           (Off record.)

16                           END OF PUBLIC HEARING

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## C E R T I F I C A T E

1  
2  
3 STATE OF ALASKA )  
4 FOURTH JUDICIAL DISTRICT ) ss.

5  
6 I, Crystal D. Thompson-Bartlett, Court  
7 Reporter and Notary Public duly commissioned and qualified  
8 in and for the State of Alaska, do hereby certify that the  
9 foregoing proceedings were taken electronically before me  
10 and thereafter reduced to typewriting by me or at my  
11 direction.

12 That the foregoing transcript is a full, true,  
13 and correct transcript of the proceedings, including  
14 questions, answers, objections, statements, motions, and  
15 exceptions, made and taken at the time of the foregoing  
16 proceedings.

17 That all documents and/or things requested to  
18 be included with the transcript of the proceedings have  
19 been annexed to and included with said proceedings.

20 That I am not a relative or employee or  
21 attorney or counsel of any of the parties in these  
22 proceedings, nor a relative or employee of such attorney  
23 or counsel, and that I am not financially interested in  
24 said proceedings or the outcome thereof.

25 IN WITNESS WHEREOF, I have set my hand and  
affixed my Notarial Seal this 9th day of July 2019.

\_\_\_\_\_  
CRYSTAL D. THOMPSON-BARTLETT  
Notary Public for Alaska  
My commission expires: 9/15/2022

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