

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 repeal regulations on air quality that are no longer required and to update adoption by reference dates of federal air quality regulations used in air quality control permits.

The Alaska Department of Environmental Conservation (ADEC) proposes to adopt a regulation change in Title 18, Chapter 50 of the Alaska Administrative Code, dealing with repealing air quality regulations that are no longer required for air quality protection and updating adoptions by reference to federal requirements, including the following:

- (1) 18 AAC 50.025(c) is proposed to be repealed. The intended effect of this repeal is to streamline 18 AAC 50 by removing two sulfur dioxide protection areas located at Unalaska and St Paul Island from the regulations because they are no longer needed as the underlying conditions for which they were implemented have changed.
- (2) 18 AAC 50.030 is proposed to be amended by updating the *State Air Quality Control Plan* to: repeal Volume II, Section III, E. Ice Fog; and amend Volume III Appendix to Volume II Section II to incorporate the proposed regulations after public review and comment. The intended effect of the amendments is to maintain consistency between the regulations and the *State Air Quality Control Plan*.
- (3) 18 AAC 50.035(b) is proposed to be amended. The intended effect of the amendment is to update the adoption by reference of federal regulations pertaining to procedures and test methods to maintain current and consistent air program requirements.
- (4) 18 AAC 50.040(a), (b), (c), (h), and (i) are proposed to be amended. The intended effect of the amendment is to update the adoption by reference of federal regulations pertaining to emission standards, test methods, regulatory streamlining, reclassification of major sources to area sources, and project emissions accounting to maintain current and consistent air program requirements.
- (5) 18 AAC 50.080 is proposed to be repealed. The intended effect of this repeal is to streamline 18 AAC 50 by removing regulations pertaining to ice fog that are not needed to protect air quality.
- (6) 18 AAC 50.502(c)(2)(B), 18 AAC 50.540(c)(2)(C), and 18 AAC 50.542(a)(1)(B) are proposed to be repealed. The intended effect of these repeals is to delete cross references to the repealed 18 AAC 50.025(c) regulation.

If adopted, ADEC will submit the applicable regulation 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 2021 Ice Fog and SO₂ Special Protection Areas Repeal and Adoption Updates Regulations 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, 410 Willoughby Ave., Second Floor. 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, September 17, 2021.** Comments received after this date will not be considered in final action on these rules and the air quality plan.

Hearings

DEC has tentatively scheduled a public hearing for these proposed regulations, to be held on Tuesday, August 31, 2021, from 12:00 p.m. to 2:00 p.m. via teleconference. The public hearing will be held only if a request to hold the public hearing is received by ADEC by 5:00 p.m. on Tuesday, August 24, 2021. You may request a public hearing by calling Rebecca Smith at 907-465-5121 between 9:00 a.m. and 5:00 p.m., Monday through Friday, or by e-mailing a request to rebecca.smith@alaska.gov. If no request for the public hearing is received by Tuesday, August 24, 2021, the public hearing will be cancelled. ADEC will announce the cancellation of the public hearing by publishing a public notice, by 5:00 p.m. on Wednesday, August 25, 2021, on these websites:

<https://dec.alaska.gov/air/anpms/sip/2021-repeal-and-adoption-updates>, <https://dec.alaska.gov/Applications/Air/airtoolsweb/AirPermitsApprovalsAndPublicNotices>, and <https://dec.alaska.gov/commish/public-notices>. You may provide oral comments relevant to the proposed action **via telephone** at the hearing tentatively scheduled to be held on Tuesday, August 31, 2021, from 12:00 p.m. to 2:00 p.m. **by calling 1-800-315-6338; the Meet Me Code is 99549#.**

Due to public health and safety concerns associated with the COVID-19 pandemic, there will not be in-person attendance provided at the hearing site, so please prepare to share your oral comments by telephone only. Callers should be on the line **before** the hearing begins at 12:00 p.m. if they would like to provide oral testimony so that we can document contact information for the record and determine the order of testimony. 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 1:30 p.m. 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, if it occurs. The Department will aggregate its response to substantially similar questions and make the questions and responses available on <http://dec.alaska.gov/air/anpms/sip/2021-repeal-and-adoption-updates-questions-answers>. The questions must be received at least 10 days before the end of the public comment period, **Tuesday, September 7, 2021**. The Department may, but is not required to, answer written questions received after Tuesday, September 7, 2021, 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 Brian Blessington at (907) 269-6272 or brian.blessington@alaska.gov not later than Tuesday, August 24, 2021, 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

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: July 28, 2021


Jason W. Brune, Commissioner