

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

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation (“DEC” or “Department”) is proposing changes to its air quality regulations to revise air quality permit administration and compliance fees, air quality emission fees, and to clarify language for consistency.

DEC proposes to adopt regulation changes in Title 18, Chapter 50 of the Alaska Administrative Code, which deals with air quality permitting and emission fees. In accordance with AS 46.14.240(b) and AS 37.10.052(a), DEC is required to evaluate fixed permit administration fees every four years and provide the results of the study in a report under AS 37.10.050(c). In accordance with AS 46.14.250(g), DEC is required to evaluate emission fee rates every four years and provide the results of the study in a report. The proposed regulation changes in this notice are based on the results of the study of permit administration fees and emission fee rates conducted for the 2021 Fee Study Report. The proposed changes include the following:

- (1) 18 AAC 50.030 is proposed to be amended by updating the *State Air Quality Control Plan* to amend the Volume III Appendix of 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*.
- (2) 18 AAC 50.400 is proposed to be repealed and replaced to revise permit administration and compliance fees in accordance with the fee study results, to clarify language for consistency, and to add definitions.
- (3) 18 AAC 50.410(a) is proposed to be amended. The intended effect of the amendment is to revise emission fee exemptions.
- (4) 18 AAC 50.410(b) and (g) are proposed to be amended. The intended effect of the amendments is to revise emission fees in accordance with the fee study results.
- (5) 18 AAC 50.420(a) is proposed to be amended. The intended effect of the amendment is to revise language addressing billing procedures and timing of supplemental billing.

If adopted, DEC will submit the applicable regulation revisions to the U.S. Environmental Protection Agency (EPA) for inclusion in 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 Fee Regulations link: <https://dec.alaska.gov/air/anpms/sip/revisions/>. Materials not feasible to post, such as those that are copyrighted, may be viewed at the DEC offices at the following locations: DEC Anchorage Office Building, 555 Cordova St., Anchorage; DEC Fairbanks Office Building, 610

University Ave., Fairbanks; and DEC Juneau Office Building, 410 Willoughby Ave., Second Floor, Juneau. To arrange to view the materials, contact Rebecca Smith at (907) 465-5121 or [rebecca.smith@alaska.gov](mailto: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 DEC's public notice website 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](mailto:dec.air.comment@alaska.gov). **The comments must be received not later than 11:59 p.m. on Friday, March 25, 2022.** Comments received after this date will not be considered.

### Hearings

DEC has tentatively scheduled a public hearing for these proposed regulations, to be held on Tuesday, March 15, 2022, 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 DEC by 5:00 p.m. on Tuesday, March 8, 2022. 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](mailto:rebecca.smith@alaska.gov). **If no request for the public hearing is received by Tuesday, March 8, 2022, the public hearing will be cancelled.** DEC will announce the cancellation of the public hearing by publishing a public notice by 5:00 p.m. on Wednesday, March 9, 2022, on these websites: <https://dec.alaska.gov/air/anpms/sip/2022-fee-regulations>, <https://dec.alaska.gov/Applications/Air/airtoolsweb/AirPermitsApprovalsAndPublicNotices>, and <https://dec.alaska.gov/commish/public-notice>.

You may provide oral comments relevant to the proposed action **via telephone** at the hearing tentatively scheduled to be held on Tuesday, March 15, 2022, 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 at the hearing, 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/>** or by mail to Rebecca Smith, Division of Air Quality, Department of Environmental Conservation, P.O. Box 111800, Juneau, Alaska 99811-1800 or by email to [rebecca.smith@alaska.gov](mailto:rebecca.smith@alaska.gov). 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/2022-fees-questions-answers>. The questions must be received at least 10 days before the end of the public comment period, **Wednesday, March 16, 2022**. The Department may, but is not required to, answer written questions received after Wednesday, March 16, 2022, the cut-off date.

After the public comment period ends, DEC 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.

**Americans with Disabilities Act (ADA)**

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) 269-7660 or [brian.blessington@alaska.gov](mailto:brian.blessington@alaska.gov) not later than Tuesday, March 8, 2022, to ensure that any necessary accommodations can be provided.

**Statutory authority:** AS 44.46.025; AS 46.03.020; AS 46.14.030; AS 46.14.140; AS 46.14.250

**Statutes being implemented, interpreted, or made specific:** AS 44.46.025; AS 46.03.020; AS 46.14.020; AS 46.14.030; AS 46.14.140; AS 46.14.250

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

DEC's 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 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: February 10, 2022

---

Jason W. Brune, Commissioner