

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 (DEC) proposes to adopt a new Regional Haze Visibility Protection Area, adopt and incorporate the Regional Haze State Implementation Plan (SIP), and adopt new requirements for stationary sources in the new Regional Haze Visibility Protection Area to meet federal requirements.

The Alaska Department of Environmental Conservation (DEC) proposes to adopt a regulation change in Title 18, Chapter 50 of the Alaska Administrative Code, dealing with a Regional Haze Visibility Protection Area, the Regional Haze State Implementation Plan (SIP), and requirements for stationary sources in the new Regional Haze Visibility Protection Area, including the following:

- (1) 18 AAC 50.025(a) is proposed to be amended by adopting a new Regional Haze Visibility Protection Area to define the area where additional data reporting requirements will be required to monitor and track efforts to protect Class I areas from regional haze visibility effects.
- (2) 18 AAC 50.030 is proposed to be amended by adopting by reference updated portions of the *State Air Quality Control Plan*. DEC proposes to amend Volume II, Section III by adopting a new Section III.K.13 (including an associated Appendix) to address protection of visibility at Class I areas specifically related to regional haze. DEC also proposes to 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 is proposed to be amended by adding a new section, 18 AAC 50.265, which would establish new requirements for stationary sources in the new regional haze special protection area that is proposed in 18 AAC 50.025(a)(4).

If adopted, DEC will submit the applicable regulation revisions to the U.S. Environmental Protection Agency (EPA) for inclusion in the approved 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 2022 Regional Haze Regulations link on: <https://dec.alaska.gov/air/anpms/sip/revisions/> or on the Regional Haze Public Notice Drafts link on: <https://dec.alaska.gov/air/anpms/regional-haze/>. Materials not feasible to post, such as those that are copyrighted, may be viewed at the DEC offices at the following locations: DEC Anchorage Building, 555 Cordova St., Anchorage; DEC Fairbanks Office Building, 610 University Avenue, Fairbanks; and DEC 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 DEC's 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 Tuesday, May 24, 2022.** Comments received after this date will not be considered in DEC's 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, May 10, 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, May 3, 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. **If no request for the public hearing is received by Tuesday, May 3, 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, May 4, 2022, on these websites:

<https://dec.alaska.gov/air/anpms/sip/2022-regional-haze>,

<https://dec.alaska.gov/air/anpms/regional-haze-public-notice-draft/>,

<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, May 10, 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 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 **submitting questions electronically via DEC's public notice site at <https://dec.alaska.gov/comment/>**; by electronic mail to rebecca.smith@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 may aggregate responses to substantially similar questions and make the questions and responses available on <http://dec.alaska.gov/air/anpms/sip/2022-regional-haze-questions-answers>. To be considered by the Department, questions must be received at least 10 days before the end of the public comment period, **Wednesday, May 11, 2022**. The Department may, but is not required to, answer written questions received after Wednesday, May 11, 2022, 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 Claire Fishwick at (907) 465-5871 or claire.fishwick@alaska.gov not later than Tuesday, May 3, 2022, to ensure that any necessary accommodations can be provided.

After the public comment period ends, the 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.

Statutory authority: AS 46.03.020; AS 46.14.010; AS 46.14.020; AS 46.14.030; AS 46.14.140

Statutes being implemented, interpreted, or made specific: 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.

DEC, 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 30, 2022

Jason W. Brune
Commissioner