

NOTICE OF PUBLIC COMMENT PERIOD ON PROPOSED CHANGES TO ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION REGULATIONS

The Department of Environmental Conservation (DEC), proposes to adopt regulation changes in Title 18, Chapter 50 of the Alaska Administrative Code dealing with Air Quality Control, including the following:

- adopt new standards, maximum allowable increases, significant impact levels, and emission thresholds for specific air pollutants and adopt associated clarifying changes in 18 AAC 50.010, 18 AAC 50.020, 18 AAC 50.035, 18 AAC 50.040, 18 AAC 50.215, 18 AAC 50.502.
- adopt the following revisions to the State Air Quality Control Plan in 18 AAC 50.030 to comply with federal Clean Air Act requirements:
 - Volume II: Analysis of Problems, Control Action:
 - Section II: Air Quality Control Program
 - Section III.H.1: Interstate Transport of Lead Pollution; and
 - Volume III: (Appendices to Volume II)
 - 18 AAC 50 proposed regulation amendment;
 - Clean Air Act Section 110 Infrastructure Certification Documentation;
 - AAC Title 2- Administration; Chapter 50- Alaska Public Offices Commission; Conflict of Interest, Campaign Disclosure, Legislative Financial Disclosure, and Regulations of Lobbying; Article 1 – Public Official Financial Disclosure (2 AAC 50.010- 2 AAC 50.200); and
 - AAC Title 9 – Law; Chapter 52 – Executive Branch Code of Ethics (9 AAC 52.010 – 9 AAC 52.990).
- update adoption by reference dates of federal rules adopted in 18 AAC 50.040.
- repeal language in 18 AAC 50.040 that is now duplicated by other regulations.
- adopt revised language and clarifications to existing regulations in 18 AAC 50.020, 18 AAC 50.215, 18 AAC 50.306, and 18 AAC 50.540 to provide consistency with earlier amendments.
- add new language clarifying permit applicability to 18 AAC 50.502.
- adopt revised language to clarify modeling requirements in 18 AAC 50.540.
- expand the fast track permitting option to include minor permits classified for fine particulates (PM-2.5) in 18 AAC 50.542.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Rebecca Smith, Environmental Program Specialist, Air Permit Program, Alaska Department of Environmental Conservation, 410 Willoughby Ave., Suite 303, P.O. Box 111800, Juneau, AK 99811-1800, by facsimile at: (907) 465-5129, or by e-mail to the Air Quality Comments Docket at dec.aq.airdocket@alaska.gov. Comments must be received by **5:00 p.m., on April 10, 2012**. Comments received after this date will not be considered in final action on these rules.

The Department has tentatively scheduled a public hearing for these proposed regulations on **April 5, 2012** from 2:00 p.m. to 3:30 p.m. at the Department of Environmental Conservation Building, 619 E. Ship Creek, Ste. 249, Conference Room B, Anchorage, AK 99501. The public

hearing will be held only if a request to hold a public hearing is received by DEC by 5:00 p.m. on **April 3, 2012**. You may request a public hearing by calling DEC/s Division of Air Quality at 907-465-5105 between 9:00 a.m. and 5:00 p.m., Monday through Friday or by e-mailing a request to dec.aq.airdocket@alaska.gov. If no request for a public hearing is received, 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 **April 4, 2012**, on this website:

http://dec.alaska.gov/commish/public_notices.htm Oral or written comments may be submitted at the hearing if a public hearing is conducted. If the public hearing occurs, there will be a call-in number if you are not able to attend the meeting in person. The call-in number will be 1-800-315-6338, and the Meet Me Code will be 8123#. If held, the hearing may be extended if necessary to accommodate those present before 3:00 p.m. who did not have an opportunity to comment.

If you are a person with a disability who needs a special accommodation in order to participate in this public process, please contact Deborah Pock at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 no later than March 26, 2012, to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Rebecca Smith, Air Permit Program, Alaska Department of Environmental Conservation, 410 Willoughby Ave., Suite 303, P.O. Box 111800, Juneau, AK 99811-1800; by phone at (907) 465-5121; by facsimile at (907) 465-5129; or go to <http://www.dec.state.ak.us/air/ap/regulati.htm>. The proposed regulations and a Department Explanation of the Proposed Changes document are available from the DEC Air Quality web site at <https://mvalaska.state.ak.us/dec/air/airtoolsWeb/PublicPermitListings.aspx> and at <http://dec.alaska.gov/air/ap/regulati.htm>

After the public comment period ends on **April 10, 2012**, DEC will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **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 46.03.20, AS 46.03.710, AS 46.14.010, AS 46.14.020, AS 46.14.030, AS 46.14.140, AS 46.14.180

Statutes Being Implemented, Interpreted, or Made Specific: AS 46.14.010, AS 46.14.020, AS 46.14.030, AS 46.14.120, AS 46.14.140

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

Dated: March 2, 2012
Anchorage, Alaska


Larry Hartig, Commissioner

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Environmental Conservation
2. General subject of regulation: ADOPT NEW STANDARDS, BASELINE INFORMATION, AND ALLOWABLE INCREASES FOR AIR POLLUTANTS; ADOPT CHANGES TO THE STATE AIR QUALITY CONTROL PLAN; CORRECT AND CLARIFY REGULATIONS.
3. Citation of regulation (may be grouped): 18 AAC 50.010, 18 AAC 50.020, 18 AAC 50.030, 18 AAC 50.040, 18 AAC 50.215, 18 AAC 50.306, 18 AAC 50.502, 18 AAC 50.540, and 18 AAC 50.542
4. Reason for the proposed action:
 compliance with federal law
 compliance with new or changed state statute
 compliance with federal court order
 development of program standards
 other:
5. Program category and BRU affected: Air Permits Program, Air Quality
6. Cost of implementation to the state agency and available funding (in thousands of dollars)

	Initial Year FY 2012	Subsequent Years
Cost	\$ 0__	\$ 0__
General fund	\$ 0__	\$ 0__
Federal funds	\$ 0__	\$ 0__
Other funds (specify)	\$ 0__	\$ 0__

7. The name of the contact person for the regulations:

Name	Tom Turner
Title	Environmental Program Manager
Address	619 E. Ship Creek, Suite 249 Anchorage Alaska 99501
Telephone	(907) 269-8123
E-mail address	<u>tom.turner@alaska.gov</u>

8. The origin of the proposed action:

<u> x</u>	staff of state agency
<u> x</u>	federal government
_____	general public
_____	petition for regulation change
_____	other (please list)

9. Date: March 2, 2012

Prepared by: 
 Name: Rebecca Tyson Smith
 Title: Environmental Program Specialist
 Telephone: (907) 465-5121