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

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation (ADEC) is proposing air quality regulation amendments in order to update adoption by reference dates, update attainment designation and maintenance plan requirements, adopt definitions, and clarify additional regulatory language. If adopted, these regulation revisions will be submitted to the U.S. Environmental Protection Agency (EPA) for inclusion in the approved State Implementation Plan (SIP).

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 revised language to repeal the designation of Eagle River as an air quality "non-attainment" area for PM-10 and make it subject to maintenance plan requirements in 18 AAC 50.015.
- update adoption by reference dates of federal rules adopted in 18 AAC 50.040.
- adopt new Code of Federal Regulations subparts covering source categories permitted in Alaska in 18 AAC 50.040.
- repeal obsolete language in 18 AAC 50.040.
- adopt revised language to clarify definitions in 18 AAC 50.040, 18 AAC 50.260, and 18 AAC 50.321.
- repeal unnecessary language in 18 AAC 50.225.
- adopt updated definitions in 18 AAC 50.990.

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 June 3, 2013**. 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 **May 16, 2013,** 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 A, 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 **May 13, 2013**. 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 **May 14, 2013**, 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 Jeanne Swartz, Air Permits Program, Alaska Department of Environmental Conservation, 619 E. Ship Creek, Ste. 249, Anchorage, AK 99501; by phone at (907) 269-6271; by facsimile at (907) 269-7508; 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://myalaska.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 **June 3, 2013**, 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.

Larry Hartig

Dated: April 29, 2013
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 UPDATED STANDARDS; ADOPT DEFINITIONS; ADOPT MAINTENANCE PLAN REQUIREMENTS; CORRECT AND CLARIFY REGULATIONS.
3. Citation of regulation (may be grouped): 18 AAC 50.015, 18 AAC 50.040, 18 AAC 50.225, 18 AAC 50.260, 18 AAC 50.321, and 18 AAC 50.990
4. Reason for the proposed action:
   (x) compliance with federal law
   ( ) compliance with new or changed state statute
   ( ) compliance with federal court order
   (x) 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 2014	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 tom.turner@alaska.gov
8. The origin of the proposed action:

   __x__ staff of state agency
   __x__ federal government
   _____ general public
   _____ petition for regulation change
   _____ other (please list)
9. Date: April 29, 2013

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