NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BRIEF DESCRIPTION

The Department of Environmental Conservation (DEC) proposes changes to its air quality regulations, to adopt current U.S. Environmental Protection Agency (EPA) air quality regulations used in air quality control permits and EPA and Federal Highway Administration regulations needed to ensure that transportation projects funded by federal agencies protect air quality and conform to local air quality plans.

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, the state air quality plan, air quality standards specific to the Mendenhall Valley area of Juneau, and conformity of federally funded transportation projects with air quality requirements and local air quality plans, including the following:

• **18 AAC 50.010(1)(A)** will be amended to include a cross-reference to an adopted test method.

• **18 AAC 50.015(b)(2)(A)** will be repealed and **18 AAC 50.015(e)** will be amended to re-designate the Mendenhall Valley Area of Juneau from "nonattainment" for coarse particulate matter (PM-10) to "attainment." These amendments reflect the fact that this area now meets the federal requirements for coarse particulates (PM10).

• **18 AAC 50.020** will be amended to establish the minor source baseline date for fine particulate matter (PM-2.5) in the Northern Alaska Intrastate Air Quality Control Region.

• **18 AAC 50.030** will be amended to adopt revisions to the State Air Quality Control Plan to address changes in federal regulations regarding the following topics: Conformity (Transportation and General), Clean Air Act Section 110 Infrastructure Certification (updated National Ambient Air Quality Standards (NAAQS) for nitrogen dioxide (NO2) and sulfur dioxide (SO2)), and incorporating additional Appendix documents, including new regulations, and other documents that further support previously adopted plan revisions (Regional Haze Plan and Fairbanks Carbon Monoxide Limited Maintenance Plan).

• **18 AAC 50.035** and **18 AAC 50.215** will be amended to specify which quality assurance handbooks should be used when collecting meteorological data.

• **18 AAC 50.035** will be amended to reflect changes in Title 40 of the Code of Federal Regulations (C.F.R.), Parts 50 (national primary and secondary ambient air quality standards), 58 (ambient air quality surveillance), 60 (standards of performance for new stationary sources), and 63 (national emission standards for hazardous air pollutants for source categories) and to adopt appendices of 40 C.F.R. Parts 58, 60, and 63 for use in monitoring and reference method testing actions.

• **18 AAC 50.040** will be amended to update the adoption by reference revision dates of 40 C.F.R. parts to adopt the most recent applicable requirements for operating permits.

• **18 AAC 50.040** will be amended to remove sections that are not required for states to adopt, and to reflect the adoption of the definition for "regulated NSR pollutant" in 40 C.F.R. 51.165(A)(1)(xxxvii).

• **18 AAC 50.215(d)** will be amended to revise language applicable to modeling demonstrations.

• **18 AAC 50.220(c)(1)(E) and 18 AAC 50.220(c)(2)** will be amended to revise cross references to adopted-by-reference test methods in 18 AAC 50.035.

• **18 AAC 50.700 - 18 AAC 50.740 (Article 7)** will be amended to conform with the requirements of the federal 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (Public Law 109–59). SAFETEA-LU eliminates the requirement for states to adopt and submit General Conformity State Implementation Plans.

• **18 AAC 50.990** (definitions) will be amended to add, clarify and modify definitions relevant to the overall proposal.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying and alternative practical methods of complying with the proposed changes, by submitting written comments to: Rebecca Smith, Division of Air Quality, Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, P.O. Box 111800, Juneau, Alaska 99811-1800; by e-mail to rebecca.smith@alaska.gov; through the Air Quality Division's electronic comment submission web page at https://dec.alaska.gov/Applications/Air/airtoolsweb/FormalComments; by e-mail to the Air Quality Comments Docket at dec.aq.airdocket@alaska.gov, or by facsimile at (907) 465-5129. Comments must be received by 5:00 p.m. on April 22, 2014. Comments received after this date and time will not be considered in final action on these rules.

DEC has tentatively scheduled a public hearing for these proposed regulations, on April 18, 2014, from 12:00 p.m. to 1:30 p.m. at the Department of Environmental Conservation Building, 619 E. Ship Creek Ave., 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 April 15, 2014. 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 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 16, 2014, 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 1:00 p.m. who did not have an opportunity to comment.

If you are a person with a disability who may need 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 by April 16, 2014, to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes please call Rebecca Smith at 907-465-5121 between 9:00 a.m. and 5:00 p.m., Monday through Friday, or refer to this DEC webpage: http://dec.alaska.gov/Applications/Air/airtoolsweb/AirPermitsApprovalsAndPublicNotices/ or http://dec.alaska.gov/air/ap/regulati.htm. The proposed regulations are intended to meet the requirements of Section 110 (Title 42 U.S.C. Chapter 85 §7410) of the Clean Air Act and, once adopted, will be submitted to the U.S. Environmental Protection Agency for approval and eventual inclusion in Alaska's State Air Quality Control Plan.

After the public comment period ends on April 22, 2014, 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 44.46.025, AS 46.03.010, AS 46.03.020, AS 46.03.710, AS 46.14.010, AS 46.14.020, AS 46.14.030, AS 46.14.120, AS 46.14.130, AS 46.14.140, AS 46.14.150, AS 46.14.160, AS 46.14.170, AS 46.14.180, AS 46.14.210, AS 46.14.230, AS 46.14.240, AS 46.14.250, AS 46.14.255, AS 46.14.280, AS 46.14.285, AS 46.14.290, AS 46.14.300, AS 46.14.400, AS 46.14.560
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, AS 46.14.400
Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

Dated: March 17, 2014

Larry Hartig, DEC Commissioner

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Environmental Conservation.
2. General subject of regulation: 18 AAC 50 is being amended to: 1) revise Table 2 Baseline areas and dates; 2) re-designate Mendenhall Valley Area of Juneau to attainment for PM-10; 3) amend the State Air Quality Control Plan; 4) update adoption by reference dates; 5) clarify regulations; 6) adopt the federal reference and interpretation methods for PM-2.5; 7) amend 18 AAC 50 Article 7 to conform with the SAFETEA–LU Act of 2005; 8) amend the definitions section.
3. Citation of regulations: 50.010, 50.015; 50.020; 50.030; 50.035; 50.040; 50, Article 2; 50.215; 50.220; 50.346; 50, Article 5; 50.700-50.740; and 50.990.
4. Department of Law file number, if any: JU2013200372 & JU2014200076
5. Reason for the proposed action:
   (x) compliance with federal law
   ( ) compliance with new or changed state statute
   ( ) compliance with court order
   (x) development of program standards
   ( ) other: (please list)
6. Appropriation/Allocation: Division of Air Quality.
7. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 2014	Subsequent Years
Operating Cost	$0	$0
Capital Cost	$0	$0
1002 Federal receipts	$0	$0
1003 General fund match	$0	$0
1004 General fund	$0	$0
1005 General fund/ program	$0	$0
1037 General fund/ mental health	$0	$0
Other funds (specify)	$0	$0

8. The name of the contact person for the regulations:
   Name: Rebecca Tyson Smith
   Title: Environmental Program Specialist III
   Address: Division of Air Quality, ADEC, 410 Willoughby Avenue, Suite 303
   P.O. Box 111800, Juneau, Alaska 99811-1800
   Telephone: 907-465-5121
   E-mail address: rebecca.smith@alaska.gov
9. The origin of the proposed action:
   __X__ staff of state agency
   __X__ federal government
   _____ general public
   _____ petition for regulation change
   _____ other (please list)_____
10. Date: March 17, 2014 Prepared by:

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