

AIR QUALITY CONTROL: NOTICE OF PROPOSED CHANGES
IN THE REGULATIONS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL
CONSERVATION

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation proposes to adopt regulation changes intended to assist with the improvement of air quality in the Fairbanks North Star Borough (FNSB) Nonattainment Area. The proposed regulations and State Implementation Plan (SIP) amendments incorporate elements of local ordinances enacted by the FNSB Assembly allowing their use in meeting federal Clean Air Act requirements for the FNSB Nonattainment Area.

The Alaska Department of Environmental Conservation (ADEC) proposes to adopt changes in 18 AAC 50 of the Alaska Administrative Code, dealing with air quality, including the following:

- (1) Repeal and readopt 18 AAC 50.030 to adopt revisions to the State Air Quality Control Plan in Volume II Section III.D.5: FNSB PM-2.5 Control Plan and its corresponding Appendix; and add language addressing nonattainment area permit requirements.
- (2) Amend 18 AAC 50.075 to add new language on visible emissions standards and to remove language that is no longer applicable.
- (3) Amend 18 AAC 50.077 to address requirements for wood-fired heating devices, heating device test methods, and address heating devices located in the FNSB nonattainment area.
- (4) Add a new section, 18 AAC 50.079, to address requirements for coal-fired heating devices.
- (5) Amend 18 AAC 50.990 to add definitions.

Posting

The above list of proposed changes to the regulations only provides a summary of their subject matter. Copies of the proposed regulation changes and SIP amendments are available at http://dec.alaska.gov/air/anpms/comm/fbks_pm2-5_proposed-regs_2017.htm

Materials not feasible to post or subject to copyright may be viewed at the ADEC office(s) at the following locations: ADEC Anchorage Building, 555 Cordova St., Anchorage; ADEC Fairbanks Office Building, 610 University Avenue; and ADEC Juneau Office Building, 410 Willoughby Avenue, Second Floor. To arrange to view the materials, contact Teri Buck at 907-269-7695 or teri.buck@alaska.gov.

Questions

You may submit written questions relevant to the proposed action to ADEC using the electronic question form link found on http://dec.alaska.gov/air/anpms/comm/fbks_pm2-5_proposed-regs_2017.htm; by electronic mail to dec.air.comment@alaska.gov; or by mail to Teri Buck, Division of Air Quality, 555 Cordova St. Anchorage, Alaska 99501. Questions may also be submitted verbally in testimony at one of the public hearings. The Department will aggregate its response to substantially similar questions and make the questions and response available on <http://dec.alaska.gov/air/anpms/comm/fbks-pm2-5-questions-answers.html>. The written questions must be received at least 10 days before the end of the public comment period; Friday,

August 18, 2017. The Department may, but is not required to, answer written questions received after Friday, August 18, 2017, the 10-day cut-off date.

Comments

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: Cindy Heil, Division of Air Quality, ADEC, 555 Cordova St, Anchorage AK 99501; or by facsimile at (907) 269-7508; or by e-mail to dec.air.comment@alaska.gov; or by the electronic comment form at <https://dec.alaska.gov/Applications/Air/airtoolsweb/FormalComments>. Comments must be received by 5:00 p.m. on Wednesday, August 30 2017. Comments received after this date will not be considered in final action on these rules and the air quality plan.

Hearings

The Department will also hold public hearings on this proposal. The Fairbanks public hearings will be held as follows: on Friday, August 18, 2017, from 11:30 am – 1:30 p.m. at the Fairbanks North Star Borough, 907 Terminal St., Assembly Chambers; and on Friday, August 18, 2017, from 5:00 – 7:00 p.m. at the Fairbanks North Star Borough, 907 Terminal St., Assembly Chambers. The Department has tentatively scheduled public hearings in Anchorage and Juneau for these proposed regulations, on Friday, August 18, 2017, from 12:00 p.m. to 1:30 p.m. at the ADEC Anchorage Building, First Floor Conference Room, 555 Cordova St., Anchorage, Alaska; and ADEC 2nd Floor Main Conference Room, 410 Willoughby Avenue, Juneau Alaska. The Anchorage and Juneau public hearings will be held only if a request to hold a public hearing is received by ADEC by 5:00 p.m. on Friday, August 11, 2017. You may request a public hearing by calling Teri Buck at 907-269-7695 between 9:00 a.m. and 5:00 p.m., Monday through Friday or by e-mailing a request to teri.buck@alaska.gov. If no request for a public hearing is received by Friday, August 11, 2017, the public hearings in Anchorage and/or Juneau will be cancelled. ADEC will announce the cancellation of the public hearings by publishing a public notice, by 5:00 p.m. on Tuesday, August 15, 2017, on these websites: <http://dec.alaska.gov/Applications/Air/airtoolsweb/AirPermitsApprovalsAndPublicNotices>, and http://dec.alaska.gov/commish/public_notices.htm. Formal oral or written comment may be submitted at the hearings. The hearing will be extended if necessary to accommodate those present before 1:30 pm and 7:00 pm, respectively, 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 Natalie Wolfe at (907) 269-0291, Natalie.Wolfe@alaska.gov or TDD Relay Service 1-800-770-8973/TTY or dial 711 seven day prior to any open house, public hearing or comment deadline to ensure that any necessary accommodations can be provided.

After the public comment period ends, ADEC 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 46.03.010; AS 46.03.020; AS 46.14.030; AS 46.14.400

Statutes being implemented, interpreted, or made specific: AS 46.14.030; AS 46.14.400

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

Date: July 18, 2017

A handwritten signature in blue ink, appearing to read "Larry Hartig", is written over a horizontal line.

Larry Hartig, Commissioner

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Environmental Conservation
2. General subject of regulation: 18 AAC 50 Air Quality Control
3. Citation of regulation (may be grouped): 18 AAC 50.030; 18 AAC 50.040; 18 AAC 50.075; 18 AAC 50.077; 18 AAC 50.079; 18 AAC 50.990
4. Department of Law file number, if any: JU2017200219
5. Reason for the proposed action:
 - (X) Compliance with federal law or action (identify): Clean Air Act
 - () Compliance with new or changed state statute
 - () Compliance with federal or state court decision (identify): _____
 - (X) Development of program standards
 - () Other (identify): _____

6. Appropriation/Allocation: Air Quality Division/Non-Point and Mobile Sources Program

7. Estimated annual cost to comply with the proposed action to:

A private person: The department does not anticipate additional compliance costs because proposed requirements and restrictions in the nonattainment area reflect current policies already in place at a local level through the Fairbanks North Star Borough (FNSB) Ordinance 2017-18. Proposed revisions allow for the current FNSB policies to be incorporated into the State Implementation Plan (SIP). The department recognizes that there may be concerns by some about the costs due to a potential reduction of heating options. The department encourages comments on potential costs of complying with these proposed regulations. Please see the Question and Answer webpage for additional information: <http://dec.alaska.gov/air/anpms/comm/fbks-pm2-5-proposed-regulations.htm>.

Another state agency: None.

A municipality: None. The policies being added to the SIP are already in place.

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY18	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
Other (identify)	\$0	\$0

9. The name of the contact person for the regulation:

Name: Cindy Heil

Title: ANPMS Program Manager

Address: 555 Cordova Street
Anchorage, AK 99501-2617

Telephone: 907-269-7579

E-mail address: cindy.heil@alaska.gov

10. The origin of the proposed action:

Staff of state agency

Federal government

General public

Petition for regulation change

Other (identify): _____

11. Date: July 18, 2017

Prepared by:  _____

Name: Rebecca Tyson Smith

Title: Environmental Program Specialist

Telephone: 907-465-5121