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**Subject:** DEC Letter - From Senator Coghill's Office - Serious Implementation Plan (SIP) – PM2.5 – Nonattainment – Comment Letter  
**Date:** Thursday, July 11, 2019 1:12:16 PM  
**Attachments:** [DEC Letter 7 10 19 PM 2.5 FINAL SIGNED.pdf](#)

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All:

Please see attached from Senator Coghill's office.

Let me know if you have questions.

Thanks  
Chad

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**Senator John Coghill**

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July 10, 2019

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Re: Alaska Department of Environmental Conservation (DEC) – Serious Implementation Plan (SIP) – PM2.5 – Nonattainment – Comment Letter

Dear Director Edwards and Director Heil:

This office has reviewed the information found at <http://dec.alaska.gov/air/anpms/communities/fbks-pm2-5-proposed-regulations/> and provides the following comments:

1. Any proposed changes that affect people's ability to heat their dwelling must be reasonable and cost effective.
  - a. In circumstances with no other adequate source of heat, compulsory, government-mandated upgrades to non-catalyst equipped devices should only be allowed if the government can prove that the required upgrade is necessary to a compelling interest, and there are no other least restrictive alternatives.
  - b. If the government can meet that burden, so be it. But the burden of proof should always be on the government. In other words: Mandatory or arbitrary thresholds/timelines should be disfavored. The government has to "make it's best case" before moving forward with a "mandatory" update.
2. Progress is already being made...and that's encouraging. A review of the PM2.5 24-hr Design Values reveal downward trends in Fairbanks and North Pole monitoring areas (particularly after

- 2012). One hopes that the trend will continue and insulate Alaskans from sharp, drastic changes to their heating source.
3. When there is no other adequate sources of heat for a dwelling, exceptions/waivers should be liberally construed and freely given.
    - a. Clarity as to “eligibility” is welcomed. Non-catalyst equipped devices have various timeframes for “initial/renewal requirements.” Those timeframes vary based on “type.” Flexibility (and allowance for more time for Alaskans) is preferred.
  4. There should be a focus on incentives, not enforcement.
    - a. The DEC is encouraged to continue incentives for corrective behavior. “Enforcing our way out” will be met with resistance and confusion...and will likely not be productive for reaching the desired “end goal.”
  5. The EPA, who ultimately has “final oversight” of this process, has to do an economic analysis.
    - a. Recent US Supreme Court authority points to the fact that the EPA has to also consider the economic consequences when pondering the environmental decisions that affect the well-being of an entire community.
    - b. Specifically, the “EPA must consider cost—including cost of compliance—before deciding whether regulation is appropriate and necessary.” *Michigan v. E.P.A.*, 135 S. Ct. 2699, 2702, 192 L. Ed. 2d 674 (2015).
    - c. Any “final judgment” by the EPA without an adequate cost analysis should properly be challenged by (potentially) the state and/or other interested parties.
  6. **Basic DEC communication with the public is an ongoing issue...and can use improvement.**
    - a. My office attended the June 25, 2019 open-house at the Fairbanks Westmark Hotel.
    - b. There needs to be a WHO/WHAT/WHEN/WHERE/WHY at the very beginning of every presentation so the average citizen can understand what DEC is trying to tell them.
    - c. While DEC personnel may feel comfortable with the plethora of acronyms that are, perhaps, obvious in the scientific community, the average citizen faces a steep learning curve.
      - i. For example: Even in, supposedly, public PowerPoint presentations (intended for the average citizen), naked acronyms are introduced early and then either:
        1. Never explained; or
        2. Explained much later in the presentation (after confusion and frustration has already set in).
          - a. Here are some specifics:
            - i. “NCORE”
            - ii. “NAAQS”
            - iii. “65 to 35 ug/m<sup>3</sup>”
            - iv. “NOASH”
            - v. “Fairbanks 98<sup>th</sup>”
            - vi. “North Pole 98<sup>th</sup>”
            - vii. “NCORE DV”
            - viii. “Fairbanks DV”

- ii. The listener is forced to scramble online (via their cell phone) to determine what any of these acronyms mean, (which distracts from the message DEC is trying to communicate).
    1. Noteworthy: The confusion was clearly shared by others on June 25, 2019. Other audience members were asking basic questions to the DEC presenter about what certain acronyms meant.
    2. Another example: Please review the PowerPoint presentation given to the Fairbanks North Star Borough Assembly on May 16, 2019. See <http://dec.alaska.gov/air/anpms/communities/fbks-assembly-briefings/>. A complex chart is given on page 6 (titled *Progress is Being Made – Air Monitoring Trend*). One of the cited acronyms (micrograms per cubic meter (ug/m3)) is only explained later (on page 7). Why aren't all the terms explained on one chart?
  - iii. Why has there been so much confusion about air quality matters over the years (between the Fairbanks North Star Borough (FNSB), the State of Alaska, and the general population)? The June 25, 2019 open-house provided a glimpse.
7. DEC may want to consider delaying implementation of the proposed Control Measure (prohibiting the sale of #2 Heating Oil) until 2024.
    - a. 2024 is an important year, because more impactful control measures on solid fuel burning will take effect.
    - b. Delaying implementation would also allow DEC time to conduct necessary studies into sulfur emissions to ensure the accuracy of their information. The “economic effect” must be understood. The least restrictive alternative (as it relates to individual freedom and to the financial repercussions to the truly needy) must be thoroughly considered.
  8. Noteworthy: On July 9, 2019, as comments were being prepared for this letter, the Air Quality Index (AQI) spiked to “hazardous” because of multiple forest fires surrounding Fairbanks and North Pole.
    - a. “Hazardous” is 301-500 on the AQI.
    - b. On July 8, in Fairbanks, the AQI displayed 344.
    - c. As of 11:16AM on July 9, 2019, the AQI on Hurst Road in North Pole was “maxed out” at **500**. **An astounding amount.** A related story was generated here: <https://mustreadalaska.com/air-quality-worse-in-alaska-than-in-china-right-now/>. Mother Nature is giving residents more unhealthy particulate matter than all the humans in the Interior (combined) could ever produce. Mother Nature also gives us 40 below and air inversion...something to consider when people ponder “realistic” EPA compliance.

Sincerely,



Alaska State Senator John Coghill