

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

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation (DEC) is proposing to adopt new air quality regulations for the Fairbanks North Star Borough (FNSB) fine particulate matter (PM-2.5) non-attainment area. These proposed regulation changes are required in order to comply with provisions of the federal Clean Air Act, which is mandatory for every state. The proposed regulations would place limits on open burn periods; establish air episode levels for PM-2.5; establish emission and fuel standards for wood stoves and other wood heating devices; and would give local air quality control programs the authority to declare air quality episodes and advisories. This fourth supplemental public notice is being issued as a reminder of the January 21st public hearing to take oral comments and to make a correction to the public comment period end date, which is Friday, January 24, 2014.

AIR QUALITY FINE PARTICULATE MATTER (PM-2.5) REGULATIONS

DEC is proposing to adopt regulation changes in Title 18 of the Alaska Administrative Code (AAC) Chapter 50 Air Quality Control. The proposed regulations would establish federally required air episode levels for PM-2.5; place limits on open burn periods; establish emission standards for new wood stoves and other wood heating devices sold for use within the FNSB PM-2.5 non-attainment area; and define what can be burned in solid-fuel heating devices operating within the non-attainment area. The goals of the regulations are to protect human health and air quality as required by federal law; promote the use of efficient and effective heating sources, such as newer wood stoves; and preserve the ability of residents to heat their homes affordably. The proposed regulation changes are as follows:

- 18 AAC 50.065(f) is being amended to limit wintertime outdoor open burning in the FNSB PM-2.5 non-attainment area.
- 18 AAC 50.075(b) is being amended to give DEC the flexibility to allow operation of wood-fired heating devices in areas where DEC has declared an air quality episode under 18 AAC 50.245.
- 18 AAC 50 is being amended by adding a new section (18 AAC 50.076) to clarify the types of solid fuels that can be burned in heating devices operating within the FNSB PM-2.5 non-attainment area.
- 18 AAC 50 is being amended, by adding a new section (18 AAC 50.077) to establish particulate matter emissions limitations for new wood-fired heating devices, including outdoor hydronic heaters and woodstoves, being manufactured, sold or installed within the FNSB PM-2.5 non-attainment area.
- 18 AAC 50.245(a) Table 6 is being amended to establish PM-2.5 concentrations that will trigger an air quality alert, air quality warning or air quality emergency episode.
- 18 AAC 50.245(a), (b) and (c) are being amended to give local air quality control programs, authorized by DEC, the authority to declare air quality episodes and advisories and to take immediate action.

- 18 AAC 50.990 is being amended to modify the definition of a wood-fired heating device and to add the definitions for “wood heater/wood stove”, “clean wood”, “hydronic heater”, and “solid fuel-fired heating device”.

These regulations have been drafted to provide flexibility for residents in heating their homes and addressing high energy costs while meeting the federal Clean Air Act requirements and health based standards for fine particulate matter. The proposed regulations are intended to meet the requirements of Section 110 (Title 42 U.S.C. Chapter 85 §7410), Sections 171-179 (Title 42, U.S.C. Chapter 85 §7501-7509), and Section 189 (Title 42, U.S.C. Chapter 85 §7513) of the Clean Air Act and, once adopted, will be submitted to the U.S. Environmental Protection Agency for approval and eventual inclusion in the revised Alaska State Implementation Plan. For a copy of the proposed regulation changes please refer to this DEC webpage, <http://dec.alaska.gov/Applications/Air/airtoolsweb/AirPermitsApprovalsAndPublicNotices/>, or contact Scott Sloane by telephone at (907) 465-5176, or by e-mail at scott.sloane@alaska.gov.

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 Scott Sloane, Division of Air Quality, DEC, 410 Willoughby Avenue, Suite 303, P.O. Box 111800, Juneau, Alaska 99811-1800; or by email to scott.sloane@alaska.gov; or through the Air Quality Division’s electronic comment submission web page at <https://dec.alaska.gov/Applications/Air/airtoolsweb/FormalComments/>; or by facsimile at: (907) 465-5129. Comments must be received by 5:00 p.m. on Friday, January 24, 2014. Comments received after this date will not be considered in final action on these rules.

DEC will hold a second public hearing on Tuesday, January 21, 2014, from 11:30 am – 1:30 pm, simultaneously at the following locations: 1) DEC Bayview Office Building, Conference Room A, 619 Ship Creek Drive, Anchorage, Alaska; 2) Fairbanks City Council Chambers, 800 Cushman Street, Fairbanks, Alaska; 3) DEC 2nd Floor Main Conference Room, 410 Willoughby Avenue, Juneau, Alaska. Formal oral or written comment may be submitted at the hearings. The hearings will be extended if necessary to accommodate those present before 1:30 pm who did not have an opportunity to comment.

If you will not be able to attend the public hearing in person please contact Scott Sloane at (907) 465-5176 five days prior to the hearing to make arrangements to participate by phone. The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. 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 ten days prior to the public hearing to ensure that any necessary accommodations can be provided.

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES that was issued on September 19, 2013, concerning these proposed regulation revisions. This SUPPLEMENTAL NOTICE is being issued to make a correction to the public comment period end date, which is Friday, January 24, 2014.

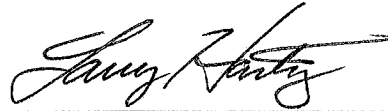
After the public comment period ends on Friday, January 24, 2014, DEC will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. YOU SHOULD

COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED. Written or recorded 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 46.14.010, AS 46.14.015, AS 46.14.030, AS 46.14.400

Fiscal Information: The proposed regulation changes are expected to have a fiscal impact on DEC but are not expected to require an increased appropriation.



Larry Hartig, Commissioner

Dated: January 10, 2014