

MEMORANDUM

State of Alaska

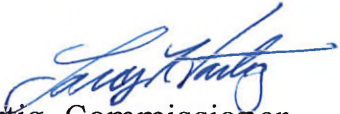
Department of Environmental Conservation
Office of the Commissioner

TO: Byron Mallott
Lieutenant Governor

DATE: September 7th, 2016

FILE NO: JU2016200151

PHONE NO: 465-5066

FROM:  Larry Hartig, Commissioner

SUBJECT: 18 AAC 50 Air Quality Control

Today I adopted the attached amendments to Title 18 of the Alaska Administrative Code (AAC) Chapter 50, Air Quality Control. These amendments adopt federally required updates to the State Air Quality Plan (SIP) and supporting regulations that

- Establish three “air quality control zones” within the Fairbanks nonattainment area: Goldstream, Fairbanks, and North Pole.
- Adopt revisions to the SIP to provide descriptions of the “air quality control zones”, describe efforts to combat air pollution in the Fairbanks nonattainment area at the local level, and the program the state would implement in place of the local air quality program.
- Establish a 20% opacity visible emissions limit on solid fuel-fired heating devices during air quality episodes statewide.
- Allow DEC discretion to prohibit operation of solid fuel-fired heating devices in the Fairbanks nonattainment area during air quality episodes as described in the SIP.
- Add materials to the list of materials that cannot be burned in a solid fuel-fired heating device
- Clarify a regulation to prohibit reinstalling a non-compliant heating device in the Fairbanks nonattainment area.

The Department held two open houses in Fairbanks and North Pole, as well as a daytime and evening hearing in Fairbanks to answer questions and solicit comments on the proposed amendments. Comments were received from the EPA, the Fairbanks North Star Borough, local advocacy groups, and private citizens. DEC considered these comments when adopting these regulations and amendments and has developed a response to comments and made it available online. Please let me know if you have questions or you may contact Denise Koch, Director of the Air Quality Division at (907) 465-5100 or Denise.Koch@alaska.gov.

ORDER ADOPTING CHANGES TO
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

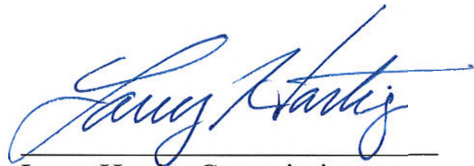
The attached 6 pages of regulations, dealing with air quality regulations are hereby adopted and certified to be a correct copy of the regulation changes that the Department of Environmental Conservation adopts under the authority of AS 46.03 and AS 46.14 and after compliance with the Administrative Procedures Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Environmental Conservation paid special consideration to the cost to private persons of the regulatory action being taken. The Department of Environmental Conservation also gave special attention to alternate practical methods in this regulatory action, as required by AS 46.03.024.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor as provided in AS 44.62.180.

DATE: September 7th, 2016
Anchorage, Alaska



Larry Hartig, Commissioner
Department of Environmental Conservation

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on _____, 2016, at ____ .m., I filed the attached regulations according to the provisions of AS 44.52.040 – 44.62.120.

Byron Mallott, Lieutenant Governor

Effective: _____.

Register : _____.