

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

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation (ADEC) proposes to adopt regulation changes addressing air quality, to adopt federally required amendments to the state air quality plan, and amend requirements of the wood seller registration program for the Fairbanks North Star Borough Nonattainment Area.

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

- 1) Amend 18 AAC 50.010 to update the annual PM_{2.5} National Ambient Air Quality Standards (NAAQS)
- 2) Amend 18 AAC 50.030 to adopt revisions to the State Air Quality Control Plan in:
 - Volume II Section III: Areawide Pollutant Control Program:
 - Adopt new Section III.L: Interstate Transport of Pollution;
 - Volume II Section III.K: Areawide Pollutant Control Program for Regional Haze:
 - Amend Section III.K.8: Long-Term Strategy, and
 - Amend Section III.K.10: 308 Future Plan Revisions;
 - Volume III Appendix to Volume II Section III.K: Areawide Pollutant Control Program for Regional Haze:
 - Amend Appendix III.K.8: Alaska Enhanced Smoke Management Plan, and
 - Amend Appendix III.K.10: 2015 Regional Haze Progress Report; and
 - Volume III Appendix to Volume II Section II: State Air Quality Control Program:
 - Amend Clean Air Act Section 110 Infrastructure Certification Documentation.
- 3) Amend 18 AAC 50.065(e) to reference an existing regulation.
- 4) Amend 18 AAC 50.076 to account for wood sellers that use mechanical or kiln drying methods and exempt portions of registered wood seller sales from moisture content measurement and disclosure requirements.
- 5) Amend 18 AAC 50.715 to add a federal reference.
- 6) Amend 18 AAC 50.720 to clarify charges imposed for inspection and copying of information related to a transportation conformity determination.
- 7) Repeal 18 AAC 50.735: Frequency of Transportation Conformity Determinations.
- 8) Amend 18 AAC 50.990 to modify the definition of “woodstove.”

Posting

The above list of proposed changes to the regulations only provides a concise summary of their subject matter. Copies of the proposed regulation changes and SIP amendments are available at <http://dec.alaska.gov/air/anpms/SIP/AirQualityRegulations-2015.htm>. A copy of material proposed for adoption by reference is available at <http://dec.alaska.gov/Air/anpms/SIP/18AAC50ReferenceMaterials.htm>.

Questions

You may submit written questions relevant to the proposed action using the electronic question form at <http://dec.alaska.gov/air/anpms/SIP/AirQualityRegulations-2015.htm>; by email to dec.air.comment@alaska.gov; by facsimile to (907) 269-7508; or by mail to: Alex Edwards, Division of Air Quality, 619 E Ship Creek Ave, Suite 249 Anchorage, Alaska 99501. Questions may also be submitted verbally in testimony at the public hearing, if held. The department will aggregate its response to substantially similar questions and make the questions and responses available on <http://dec.alaska.gov/air/anpms/SIP/AirQualityRegulations-2015.htm>. The questions must be received by November 23, 2015. The Department may, but is not required to, answer written questions received after November 23, 2015, 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 practical alternatives to the proposed changes. Submit written comments through the electronic

comment form at <https://dec.alaska.gov/Applications/Air/airtoolsweb/FormalComments>; by e-mail to dec.air.comment@alaska.gov; by facsimile to (907) 269-7508; or by mail to: Alex Edwards, Division of Air Quality, 619 E Ship Creek Ave, Suite 249 Anchorage, Alaska 99501. Comments must be received by 5:00 p.m. on December 3, 2015. Comments received after this date will not be considered in final action on these rules and the air quality plan.

Hearings

ADEC has tentatively scheduled two public hearings for these proposed regulations on November 17, 2015, from 12:00 to 1:30 p.m., at the ADEC Anchorage Bayview Office, Conference Room A, 619 E Ship Creek Ave., Ste. 249, Anchorage, Alaska 99501 and the ADEC Fairbanks Office, Conference Room B, 610 University Dr., Fairbanks, Alaska 99709. The public hearings will be held only if a request to hold a public hearing is received by 5:00 p.m. on November 12, 2015. You may request a public hearing by calling Alex Edwards at 907-269-7695 between 8:00 a.m. and 5:00 p.m., Monday through Friday or by e-mailing a request to alex.edwards@alaska.gov. If no request for a public hearing is received, the public hearing will be cancelled. ADEC will announce the cancellation of the public hearing by publishing a public notice, by 5:00 p.m. on November 13, 2015, on these websites: <http://dec.alaska.gov/air/anpms/SIP/AirQualityRegulations-2015.htm> and http://dec.alaska.gov/commish/public_notices.htm. If the public hearing is held, ADEC will accept written or oral comments and there will be a call-in number if you are unable to attend the meeting in person. The call-in number will be 1-800-315-6338, and the Meet Me Code will be 75791#. If held, the hearing will be extended if necessary to accommodate those present before 1:30 p.m. who did not have an opportunity to comment.

If you experience a disability and need special accommodation to participate in this public process, please contact Natalie Wolfe at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 seven days prior to the public hearing to ensure necessary accommodations can be provided.

After the public comment period ends, ADEC will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action. 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 are public records and are subject to public inspection.

Statutory Authority: AS 46.03.010, AS 46.03.020, AS 46.14.010, AS 46.14.030

Statutes Being Implemented, Interpreted, or Made Specific: AS 46.14.010, AS 46.14.030

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

Date: October 15, 2015
Anchorage, Alaska



Alice Edwards, Deputy Commissioner

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Alaska Department of Environmental Conservation
2. General subject of regulation: 18 AAC 50 is being amended to amend regulations regarding air quality statewide and in the FNSB PM-2.5 Nonattainment Area and adopt various federally required amendments to the State Air Quality Plan.
3. Citation of regulation: 18 AAC 50.010; 50.030; 50.065(e); 50.076; 50.715; 50.720; 50.735; and 50.990.
4. Department of Law file number: JU2015200337
5. Reason for the proposed action:
 (X) compliance with federal law:
 The proposed regulations and state implementation plan amendments are intended to meet the requirements of Section 110 (Title 42 U.S.C. Chapter 85 §7410) of the Clean Air Act, update the PM2.5 National Ambient Air Quality Standards revised in 2012 (70 FR 3086), meet the requirements of the Regional Haze Rule (40 CFR 51.308), and conform to the SAFETEA-LU Act of 2005 and once adopted, will be submitted to the U.S. Environmental Protection Agency for approval.
 () compliance with new or changed state statute
 () compliance with federal or state court decision
 () development of program standards
 () other
6. Appropriation/Allocation: none
7. Estimated costs in the aggregate to comply with the proposed action to:
 - a.) Private Persons: No known costs.
 - b.) Other State Agencies: None.
 - c.) Municipalities: No known additional compliance costs.
8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY16	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ <u>0</u>	\$ <u>0</u>
1003 General fund match	\$ <u>0</u>	\$ <u>0</u>
1004 General fund	\$ <u>0</u>	\$ <u>0</u>
1005 General fund/program	\$ <u>0</u>	\$ <u>0</u>
1037 General fund/mental health	\$ <u>0</u>	\$ <u>0</u>
Other	\$ <u>0</u>	\$ <u>0</u>

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

Name	Alex Edwards
Title	Environmental Program Specialist
Address	619 E Ship Creek Ave. Suite 249
	Anchorage, AK 99501
Telephone	907-269-7695

E-mail alex.edwards@alaska.gov

10. The origin of the proposed action:

- Staff of state agency
- Federal government
- General public
- Petition for regulation change
- Other

11. Date: 10/15/15

Prepared by: 

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Title: Air Quality Director
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