

Alaska Department of Environmental Conservation



Amendments to:

18 AAC 50 Air Quality Control

Public Review Draft

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Governor

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ALASKA ADMINISTRATIVE CODE

TITLE 18- DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Chapter 50. Air Quality Control

Article 1. Ambient Air Quality Management

Proposed regulation amendments:

Amending Section 50.010: Ambient air quality standards;

Amending Section 50.030: State air quality plan;

Amending Section 50.065: Open burning;

Amending Section 50.076: Registration of commercial wood sellers;

Article 7. Transportation Conformity

Proposed regulation amendments:

Amending Section 50.715: Interagency consultation procedures;

Amending Section 50.720: Public involvement;

Repealing Section 50.735: Frequency of transportation conformity determinations;

Article 9. General Provisions

Proposed regulation amendments:

Amending Section 50.990: Definitions.

18 AAC 50.010(1)(B) is amended to read:

(B) for PM-2.5:

(i) an annual arithmetic mean concentration of **12.0** [15.0] micrograms per cubic meter, with this standard being attained when the three-year average of the annual arithmetic mean concentration is less than or equal to **12.0** [15.0] micrograms per cubic meter; for purposes of this sub-paragraph, a figure must be rounded to the nearest .1 microgram per cubic meter, as required in 40 C.F.R. Part 50, Appendix N, sec. 4.3(a), adopted by reference in 18 AAC 50.035(b);

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 10/1/2004, Register 171; am 4/1/2010, Register 193; am 9/17/2011, Register 199; am 1/4/2013, Register 205; am 4/17/2015, Register 214; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.14.030 Sec. 30, ch. 74, SLA 1993
AS 46.14.010

The lead in language of 18 AAC 50.030 is amended to read:

18 AAC 50.030. State air quality plan. Volumes II and III of the *State Air Quality Control Plan* for implementing and enforcing the provisions of AS 46.14 and this chapter, as amended through **{effective date of regulation}** [MARCH 12, 2015], are adopted by reference.

The plan includes the following documents which are also adopted by reference:

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(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 9/4/98, Register 147; am 1/1/2000, Register 152; am 12/30/2000; Register 156; am 9/21/2001, Register 159; am 1/27/2002, Register

161; am 3/27/2002, Register 161; am 5/3/2002, Register 162; am 2/20/2004, Register 169; am 6/24/2004, Register 170; am 10/1/2004, Register 171; am 12/14/2006, Register 180; am 12/30/2007, Register 184; am 5/17/2008, Register 186; am 7/25/2008, Register 187; am 11/9/2008, Register 188; am 5/6/2009, Register 190; am 11/4/2009, Register 192; am 4/1/2010, Register 193; am 10/29/2010, Register 196; am 4/13/2011, Register 198; am 9/17/2011, Register 199; am 8/1/2012, Register 203; am 5/8/2013, Register 206; 2/5/2015, Register 213; am 4/17/2015, Register 214; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.14.030 Sec. 30, ch. 74, SLA 1993
AS 46.14.020 AS 46.14.140

18 AAC 50.065(e) is amended to read:

(e) **Air Quality Advisory.** Open burning is prohibited in an area if the department declares an air quality advisory under 18 AAC 50.245 or 18 AAC 50.246, stating that burning is not permitted in that area for that day. This advisory will be based on a determination that there is or is likely to be inadequate air ventilation to maintain the standards set by 18 AAC 50.010. The department will make reasonable efforts to ensure that the advisory is broadcast on local radio or television.

(Eff. 1/18/97, Register 141; am 2/28/2015, Register 213; am __/__/____, Register ____)

Authority: AS 46.03.020 AS 46.14.010 AS 46.14.030
AS 46.03.710 AS 46.14.020 Sec. 30, ch. 74, SLA 1993

18 AAC 50.076 (g)(4) is repealed and readopted to read:

(4) if marketing, selling, or providing wood as dry wood

(A) wood that was split before freezing, may market, sell, or provide the wood as dry wood only if

(i) the split wood is covered and stacked for ventilation;

(ii) after splitting, covering, and stacking the wood, the commercial wood seller tests the wood as required under (1)(A) – (D) of this subsection and the test results demonstrate that each piece of wood tested is dry wood;

(iii) the commercial wood seller records and saves the test results and the date of the test; and

(iv) upon actual sale, provision, or delivery, if the temperature is below 32 degrees Fahrenheit, the commercial wood seller documents the previously recorded test results and the date on the moisture content disclosure form and fully completes and signs the rest of the form;

(B) wood that was split after freezing, may market, sell, or provide the wood as dry after freezing only if

(i) mechanically dried; or

(ii) wood is manufactured as pellet logs; or

(iii) the source of the wood is from fire killed trees and has been inspected by the department and found to be dry.

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(Eff. 2/28/2015, Register 213; am __/__/____, Register __)

Authority: AS 46.03.020 AS 46.14.020 Sec. 30, ch. 74, SLA 1993
AS 46.14.010 AS 46.14.030

18 AAC 50.076(h) is amended to read:

(h) In this section, “commercial wood seller”

(1) means a person who sells wood for use in space heating;

(2) does not include a person whose sales of wood consist wholly of

(A) wood products permissible under (a)(1)(B) or (b)(2) of this section;

[OR]

(B) bundles of split dry wood that are sized not more than 0.75 cubic feet
a bundle; **or**

**(C) logs or rounds intended for resale, where the resale of the wood
and measurement and documentation of their moisture content will be
addressed by a commercial wood seller.**

18 AAC 50.076 is amended to add a new section:

(i) A commercial wood seller is not required to meet the requirements of (g) of this
section for any portion of its sales that are

(A) wood products permissible under (a)(1)(B) or (b)(2) of this section;

(B) bundles of split dry wood that are sized not more than 0.75 cubic feet
per bundle; or

(C) logs or rounds intended for resale, where the resale of the wood and measurement and documentation of their moisture content will be addressed by another commercial wood seller.

(Eff. 2/28/2015, Register 213; am __/__/____, Register __)

Authority: AS 46.03.020 AS 46.14.020 Sec. 30, ch. 74, SLA 1993
AS 46.14.010 AS 46.14.030

18 AAC 50.715(c)(8) is amended to read:

(8) notify staff of participating agencies of any revision or amendment to a transportation plan or transportation improvement program that merely adds or deletes an exempt project listed in 40 C.F.R. 93.126 and 40 C.F.R. 93.127, revised as of July 1, 2013 and adopted by reference; and

...

(Eff. 1/4/95, Register 133; am 9/4/98, Register 147; am 4/1/2010, Register 193; am 4/17/2015, Register 214; am __/__/____, Register__)

Authority: AS 46.03.020 AS 46.14.030

18 AAC 50.720 is amended by adding a new subsection to read:

(e) Charges imposed for inspection and copying of information, emissions data, analyses, models, and modeling assumptions used to perform a conformity determination or transportation related state implementation plan revision must be consistent with AS 40.25.110 and AS 40.25.115.

Register ____, _____2015 ENVIRONMENTAL CONSERVATION

(Eff. 1/4/95, Register 133; am 9/4/98, Register 147; am 4/1/2010, Register 193; am __/__/____, Register __)

Authority: AS 46.03.020 AS 46.14.030

18 AAC 50.735 is repealed:

18 AAC 50.735. Frequency of Transportation Conformity Determinations.

Repealed.

[(A) THE CONFORMITY STATUS OF A FEDERAL ACTION LAPSES FIVE YEARS AFTER THE DATE THAT A FINAL CONFORMITY DETERMINATION IS REPORTED TO THE DEPARTMENT UNLESS

(1) THE FEDERAL ACTION IS COMPLETED BEFORE FIVE YEARS HAS ELAPSED; OR

(2) THE FEDERAL AGENCY HAS COMMENCED A CONTINUOUS PROGRAM TO IMPLEMENT THE ACTION WITHIN A REASONABLE TIME.

(B) CONFORMITY DETERMINATIONS AND CONFORMITY REDETERMINATIONS FOR TRANSPORTATION PLANS, TRANSPORTATION IMPROVEMENT PROGRAMS, AND OTHER FHWA OR FTA PROJECTS MUST BE MADE IN ACCORDANCE WITH THE REQUIREMENTS OF 40 C.F.R. 93.104, REVISED AS OF JULY 1, 2013, AND ADOPTED BY REFERENCE.]

(Eff. 1/4/95, Register 133; am 4/17/2015, Register 214; repealed __/__/____, Register __)

18 AAC 50.990(140) is amended to read:

(140) “woodstove” has the meaning given in “wood heater” in 40 C.F.R. 60.531; the definition of “wood heater” in 40 C.F.R. 60.531, as revised as of July 1, **2015** [2014], is adopted by reference.

(Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; am 9/4/98, Register 147; am 11/4/99, Register 152; am 1/1/2000, Register 152; am 2/2/2002, Register 161; am 5/3/2002, Register 162; am 11/15/2002, Register 164; am 8/8/2003, Register 167; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 12/30/2007, Register 184; am 7/25/2008, Register 187; am 4/1/2010, Register 193; am 12/9/2010, Register 196; am 9/17/2011, Register 199; am 9/14/2012, Register 203; am 10/6/2013, Register 208; am 11/9/2014, Register 212; am 2/28/2015, Register 213; am 4/17/2015, Register 214; am __/__/____, Register____)

Authority:	AS 44.46.025	AS 46.14.140	AS 46.14.250
	AS 46.03.020	AS 46.14.150	AS 46.14.255
	AS 46.03.710	AS 46.14.160	AS 46.14.280
	AS 46.14.010	AS 46.14.170	AS 46.14.285
	AS 46.14.020	AS 46.14.180	AS 46.14.290
	AS 46.14.030	AS 46.14.210	AS 46.14.300
	AS 46.14.120	AS 46.14.230	AS 46.14.560
	AS 46.14.130	AS 46.14.240	Sec. 30, ch. 74, SLA 1993