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

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation (ADEC) is proposing new air quality regulations for the Fairbanks North Star Borough (FNSB) fine particulate matter (PM-2.5) non-attainment area. All the regulation changes are required in order to comply with provisions of the federal Clean Air Act, which is mandatory for each and every state. These regulations address the use of wood stoves and other wood heating devices as well as addressing open burning. The proposal also establishes federally required air episode levels for PM-2.5.

AIR QUALITY FINE PARTICULATE MATTER (PM-2.5) REGULATIONS

ADEC is proposing to adopt regulation changes in Title 18 of the Alaska Administrative Code (AAC) Chapter 50 Air Quality Control. The proposed regulations would place restrictions on emissions from open burning that are similar to those in place under the previous requirements imposed by the Borough, establish state emission standards for new wood stoves and other wood heating devices sold for use within the FNSB fine particulate matter non-attainment area and define what can be burned in solid-fuel heating devices operating within the FNSB PM-2.5 non-attainment area. The proposal also establishes federally required air episode levels for PM-2.5. The goal of the regulations is 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, while also preserving the ability of residents to heat their homes affordably. While the FNSB could likely come into compliance with federal air quality standards in the next decade through the use of alternative-fueled heating sources such as liquefied natural gas, hydroelectric power from Susitna Dam, and continuing the wood stove change out program for several more years, the federal Clean Air Act does not allow a community or state this much time to come into compliance. The regulation changes are as follows:

- 18 AAC 50.065(f) is being amended to restrict wintertime outdoor open burning in the FNSB PM-2.5 non-attainment area.

- 18 AAC 50.075(b) is being amended to give the department the flexibility to allow operation of wood-fired heating devices in areas where the department 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 the department, 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.

The above list of proposed changes to the regulations only provides a summary of their subject matter. For a copy of the proposed regulation changes please refer to this ADEC 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, ADEC, 410 Willoughby Avenue, Suite 303, P.O. Box 111800, Juneau, Alaska 99811-1800; or by facsimile at: (907) 465-5129. Comments must be received by 5:00 p.m. on Friday, January 23, 2014. Comments received after this date will not be considered in final action on these rules.

The Department will hold four open houses in the greater Fairbanks area. The first open house is on Wednesday, October 2, 2013 in Fairbanks, Alaska from 5:00-7:00 p.m. at the following location: Wedgewood Resort, Garden Room, 212 Wedgewood Drive. The second open house is on Wednesday, October 16, 2013 in North Pole, Alaska from 5:00-7:00 p.m. at the following location: North Pole Middle School, 300 E. 8th Avenue. The third open house is on Wednesday, November 20, 2013 in Fairbanks, Alaska from 5:00-7:00 p.m. at the following location: Watershed School, 4975 Decathalon Avenue. The fourth open house is on Wednesday, January 8, 2014 in Fairbanks, Alaska from 5:00-7:00 p.m. at the following location: Westmark Hotel Fairbanks, Minto Room, 813 Noble Street. DEC is seeking input on its proposed regulations which would primarily apply to the Fairbanks North Star Borough PM-2.5 nonattainment area. ADEC is also seeking input on its proposed wood-fired heating

device emission standards for new wood-fired stoves, hydronic heaters, outdoor wood boilers and other "heating devices" located in this area. Everyone is welcome to attend and learn about the Department's proposed regulations, ask questions and provide their input to the Department. Additional information on Fairbanks PM-2.5 air quality and this proposal is available through this ADEC webpage: http://dec.alaska.gov/air/anpms/comm/fbks1_pm.htm. Formal oral testimony will not be taken at the open houses, but written comments may be submitted to Department staff.

The Department will also hold a public hearing on this proposal on January 21, 2014 from 11:30 am – 1:30 p.m. at the following locations: 1) ADEC Bayview Office Building, Conference Room A, 619 Ship Creek Drive, Anchorage, Alaska; 2) Fairbanks City Council Chambers, 800 Cushman Street, Fairbanks, Alaska; 3) ADEC 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 p.m. who did not have an opportunity to comment. If you will not be able to attend a 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 any open house or the public hearing to ensure that any necessary accommodations can be provided.

After the public comment period ends on January 23, 2014, ADEC 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 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 46.14.030, AS 46.14.400
Fiscal Information: The proposed regulation changes are expected to have a fiscal impact to the Department but are not expected to require an increased appropriation.

Dated: September 19, 2013

Larry Hartig, 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: 1) clarify the department's authority to prohibit operation of wood-fired heating devices in areas under a air quality episode; 2) place restrictions on the types of fuel that can be burned in wood-fired heating devices; 3) place emission limitations on wood-fired heating devices; 4) adopt the fine particulate matter (PM-2.5) concentrations triggering an air alert, air warning and air emergency; 5) amend the definitions section.
3. Citation of regulation (may be grouped): 18 AAC 50.065(f); 50.075(b); 50.076 (new); 50.077 (new); 50.245(a), (b), (c); and 50.990.
4. Reason for the proposed action:
   (x) compliance with federal law
   ( ) compliance with new or changed state statute
   ( ) compliance with court order
   ( ) development of program standards
   ( ) other: (please list)
5. RDU/component affected: Division of Air Quality.
6. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 2014	Subsequent Years
Operating Cost	$41.0	$30.4
Capital Cost	$0	$0
Federal receipts	$20.5	$15.2
General fund match	$20.5	$15.2
General fund	$0	$0
General fund/ program receipts	$0	$0
General fund/ mental health	$0	$0
Other funds (specify)	$0	$0

7. The name of the contact person for the regulations:
   Name: Scott J. Sloane
   Title: Environmental Program Specialist III
   Address: Division of Air Quality, ADEC, 410 Willoughby Avenue, Suite 303
   P.O. Box 111800, Juneau, Alaska 99811-1800
   Telephone: 907-465-5176
   E-mail address: scott.sloane@alaska.gov
8. The origin of the proposed action:
   __X__ staff of state agency
   _____ federal government
   _____ general public
   _____ petition for regulation change
   _____ other (please list)_____
9. Date: 9/19/2013

Prepared by: Alice Edwards
Name (typed) Alice Edwards
Title (typed) Director
Telephone: 465-5105