# AIR QUALITY CONTROL: 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 change its air quality regulations to update adoption by reference dates of federal air quality regulations used in air quality control permits, clarify additional regulatory language, and repeal regulations no longer needed.

ADEC proposed to adopt regulation changes in Title 18, Chapter 50 of the Alaska Administrative Code, dealing with updated adoptions by reference, clarifying language, and regulation repeals, including the following:

(1) amend 18 AAC 50.010(4) to adopt the current daily maximum eight-hour standard for ozone.
(2) repeal 18 AAC 50.010(7) because there are no longer any regulated sources in Alaska.
(3) amend 18 AAC 50.020 to establish a minor source baseline date for the South Central Alaska Intrastate Air Quality Control region for fine particulate matter (PM-2.5).
(4) amend 18 AAC 50.035(a)(3) to update the adoption by reference date of the Air Pollutant Emission Factors and provide a link to an Internet site where they can be found.
(5) amend 18 AAC 50.035(a)(7) to update the adoption by reference of the modeling program user's guide.
(6) amend 18 AAC 50.040(a) – (k) to update the adoption dates of federal regulations adopted by reference to maintain current, consistent permitting requirements.
(7) amend 18 AAC 50.040(a) to add new paragraphs to adopt new federal rules by reference to maintain current, consistent permitting requirements.
(8) repeal 18 AAC 50.055(a)(2) – (3) and (7) – (8); (b)(4) and (6); and (f) because there are no longer any regulated sources in Alaska.
(9) repeal 18 AAC 50.060 because there are no longer any regulated sources in Alaska.
(10) amend 18 AAC 50.215(a)(3) to adopt a cross-reference in the monitoring requirements to a previously adopted meteorological monitoring document.
(11) amend 18 AAC 50.345(o) to change the number of copies of reports required.
(12) amend 18 AAC 50.346(b) to update the adoption by reference date of revised standard conditions.
(13) amend 18 AAC 50.410(a) to remove a reference to a repealed statute.
(14) amend 18 AAC 50.410(c) to ensure emissions are properly calculated.
(15) amend 18 AAC 50.502(c) to close a permitting loop-hole that allowed emissions increases below prevention of significant deterioration (PSD) level to occur without triggering minor permitting requirements.
(16) amend 18 AAC 50.542(b)(5) to clarify the timing of fast track permit actions.

(17) amend 18 AAC 50.542(d)(1) to clarify public notice requirements for alternative modeling approvals.
(18) amend Standard Condition I to align language to match regulatory language and add language to ensure emissions are properly calculated.
(19) amend Standard Condition VII to change the number of copies of reports required.
(20) amend Standard Condition XV to comply with changes made in reporting requirements and for language consistency.
(21) amend Standard Condition XVI to comply with changes made in reporting requirements.

If adopted, these regulation revisions will be submitted to the U.S. Environmental Protection Agency (EPA) for inclusion in the approved State Implementation Plan (SIP).

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Rebecca Smith, ADEC Division of Air Quality, 410 Willoughby Avenue, Suite 303, P.O. Box 111800, Juneau, AK 99811-1800; or by e-mail to rebecca.smith@alaska.gov. Additionally, ADEC will accept comments by facsimile at (907) 465-5129; through the Air Quality Division's electronic comment submission web page at https://dec.alaska.gov/Applications/Air/airtoolsweb/FormalComments; and by electronic mail to the Air Quality Comments Docket at dec.aq.airdocket@alaska.gov. **The comments must be received not later than 5:00 p.m. on March 25, 2016.**

ADEC has tentatively scheduled a public hearing for these proposed regulations, on March 22, 2016, from 12:00 p.m. to 1:30 p.m. at the ADEC Bayview Building, 619 E. Ship Creek Ave., Ste. 249, Conference Room A, Anchorage, AK 99501. The public hearing will be held only if a request to hold a public hearing is received by ADEC by 5:00 p.m. on Thursday, March 17, 2016. You may request a public hearing by calling Rebecca Smith at 907-465-5121 between 9:00 a.m. and 5:00 p.m., Monday through Friday or by e-mailing a request to rebecca.smith@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 March 18, 2016, on these websites: http://dec.alaska.gov/air/ap/regulati.htm, http://dec.alaska.gov/Applications/Air/airtoolsweb/AirPermitsApprovalsAndPublicNotices, and http://dec.alaska.gov/commish/public_notices.htm. Oral or written comments may be submitted at the hearing, if a public hearing is conducted. If the public hearing occurs, there will be a call-in number if you are not able to attend the meeting in person. The call-in number will be 1-800-315-6338, and the Meet Me Code will be 81231#. If held, the hearing may be extended if necessary to accommodate those present before 1:00 p.m. who did not have an opportunity to comment.

You may submit written questions relevant to the proposed action to ADEC using the electronic question form at http://dec.alaska.gov/air/ap/2016UpdatesQuestionsAndAnswers.htm or by electronic mail to dec.aq.airdocket@alaska.gov or by sending the questions to Rebecca Smith, ADEC Division of Air Quality, 410 Willoughby Avenue, Suite 303, P.O. Box 111800, Juneau,

AK 99811-1800. The questions must be received at least 10 days before the end of the public comment period; the question deadline is March 15, 2016. ADEC will aggregate its response to substantially similar questions and make the questions and responses available on http://dec.alaska.gov/air/ap/2016UpdatesQuestionsAndAnswers.htm.

If you are a person with a disability who may need a special accommodation in order 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 any open house or a public hearing to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Rebecca Smith at rebecca.smith@alaska.gov or (907) 465-5121.

A copy of material proposed for adoption by reference may be viewed at the agency's office at ADEC Division of Air Quality, 410 Willoughby Avenue, Suite 303, P.O. Box 111800, Juneau, AK 99811-1800 and by contacting Rebecca Smith at rebecca.smith@alaska.gov.

After the public comment period ends, the ADEC will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. 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 37.10.050, AS 37.10.052, AS 37.10.058, AS 44.46.025, AS 46.03.020, AS 46.14.140, AS 46.14.240, AS 46.14.250, AS 46.14.255

**Statutes being implemented, interpreted, or made specific:** AS 44.46.025; AS 46.03.020; AS 46.03.030; AS 46.14.010; AS 46.14.020; AS 46.14.030; AS 46.14.120; AS 46.14.130; AS 46.14.140; AS 46.14.150; AS 46.14.170; AS 46.14.180; AS 46.14.190; AS 46.14.200; AS 46.14.220; AS 46.14.230; AS 46.14.250; AS 46.14.515; Sec 30, ch 74, SLA 1993

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

Date: February 17, 2016

Larry Hartig, ADEC Commissioner

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))[1]

1. Adopting agency: Alaska Department of Environmental Conservation
2. General subject of regulation: 18 AAC 50 is being amended to: 1) update adoption by reference dates; 2) clarify regulations; 3) repeal regulations no longer required
3. Citation of regulation (may be grouped): 18 AAC 50.010, 18 AAC 50.020, 18 AAC 50.035, 18 AAC 50.040, 18 AAC 50.055, 18 AAC 50.060, 18 AAC 50.080, 18 AAC 50.215, 18 AAC 50.225, 18 AAC 50.306, 18 AAC 50.326, 18 AAC 50.345, 18 AAC 50.346, 18 AAC 50.410, 18 AAC 50.502, 18 AAC 50.542
4. Department of Law file number, if any: JU2015200962

5. Reason for the proposed action:

( X ) Compliance with federal law or action (identify): Clean Air Act
( ) Compliance with new or changed state statute
( ) Compliance with federal or state court decision (identify):_____
( X ) Development of program standards
( ) Other (identify):_____

6. Appropriation/Allocation: $0

7. Estimated annual cost to comply with the proposed action to:

A private person: None. There are no direct costs to the public. The majority of these proposed revisions update the regulations making them current and easier for the public to navigate.
Another state agency: None.
A municipality: None. There could be the potential for a small direct cost savings in reporting requirement costs, as the proposed revision to 18 AAC50.345(o), would allow for a reduction in printing and distribution costs since only ONE copy would need to be submitted by permittees.

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

| | Initial Year FY 2016 | Subsequent Years |
|---|---|---|
| Operating Cost | $0 | $0 |
| Capital Cost | $0 | $0 |

| | | |
|---|---|---|
| 1002 Federal receipts | $ 0 | $ 0 |
| 1003 General fund match | $ 0 | $ 0 |
| 1004 General fund | $ 0 | $ 0 |
| 1005 General fund/ program | $ 0 | $ 0 |
| Other (identify) | $ 0 | $ 0 |

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

Name: Thomas Turner
Title: Section Manager
Address: 619 Ship Creek Ave, STE 249
Anchorage, AK 99501
Telephone: 907-269-8123
E-mail address: thomas.turner@alaska.gov

10. The origin of the proposed action:

__X___ Staff of state agency
_____ Federal government
_____ General public
_____ Petition for regulation change
_____ Other (identify):_____

11. Date: February 17, 2016 Prepared by:
Name: Rebecca Tyson Smith
Title: Environmental Program Specialist
Telephone: 907-465-5121