

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 adopt by reference revised federal air quality regulations applicable to air quality control permits, update cross-references and a facility name, clarify reporting requirements for diesel engine pre-approved emission limits (PAELs), adopt a new PAEL for non-road diesel engines, update the adoption of a monitoring quality assurance plan, and revise Standard Permit Conditions.

ADEC proposes to adopt regulation changes in Title 18, Chapter 50 of the Alaska Administrative Code, dealing with updated adoptions by reference, clarifying language, adopting a new Pre-Approved Emission Limit (PAEL), and updating the adoption of a monitoring plan, including the following:

- (1) 18 AAC 50.030(a) is proposed to be amended to update the *State Air Quality Control Plan* and *Quality Assurance Project Plan for the State of Alaska Air Monitoring & Quality Assurance Program* adoption by reference dates and to amend Volume III Appendix to Volume II Section II to incorporate the proposed regulations after public review and comment. This appendix within the *State Air Quality Control Plan* contains the state's air quality regulations.
- (2) 18 AAC 50.040(a) – (k); 18 AAC 50.250(f); 18 AAC 50.311(c); 18 AAC 50.502(h)(2); and 18 AAC 50.990 are proposed to be amended to update the adoption by reference of federal regulations to maintain current and consistent permitting requirements.
- (3) 18 AAC 50 is proposed to be amended to update the name of the Port of Alaska.
- (4) 18 AAC 50.205(b)(1) is proposed to be amended to reflect changes in the statutes governing electronic signatures.
- (5) 18 AAC 50.230 is proposed to be amended to clarify reporting requirements for diesel engine PAELs and to add a new PAEL category for non-road diesel engines.
- (6) 18 AAC 50.326(j)(3) is proposed to be amended to add an applicable cross-reference to emission fee permit conditions.
- (7) 18 AAC 50.346 is proposed to be amended to update the adoption by reference date of revised standard permit conditions for construction and operating permits and to adopt a new standard condition for reporting requirements.
- (8) Standard Permit Conditions I – XVI are proposed to be amended to conform language to regulations; ensure emissions are properly calculated; update regulatory citations; add language to comply with reporting requirements; update report submission information; and make minor typographical changes to language.

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

Posting

The above list of proposed changes to the regulations only provides a summary of their subject matter. Copies of the proposed regulation changes, Standard Permit Conditions, and SIP amendments are available at <https://dec.alaska.gov/air/anpms/sip/2019-adoption-updates/>. A copy of the proposed regulation changes is also available on the Alaska Online Public Notice System. Materials not feasible to post or subject to copyright may be viewed at the ADEC office(s) at the following locations: ADEC Anchorage Building, 555 Cordova St., Anchorage; ADEC Fairbanks Office Building, 610 University Avenue; and ADEC Juneau Office Building, 410 Willoughby Avenue, Second Floor. To arrange to view the materials, contact Rebecca Smith at 907-465-5121 or rebecca.smith@alaska.gov.

Comments

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, P.O. Box 111800, Juneau, AK 99811-1800; by e-mail to rebecca.smith@alaska.gov or dec.air.comment@alaska.gov; by facsimile at (907) 465-5129; or through the Air Quality Division's electronic comment submission web page at <https://dec.alaska.gov/Applications/Air/airtoolsweb/FormalComments>. **The comments must be received not later than 5:00 p.m. on Monday, November 25, 2019.** 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 a public hearing for these proposed regulations, on Wednesday, November 13, 2019, from 12:00 p.m. to 1:30 p.m. at the ADEC Anchorage Building, First Floor Conference Room, 555 Cordova St., Anchorage, Alaska. 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 Wednesday, November 6, 2019. 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 by Wednesday, November 6, 2019, 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 Friday, November 8, 2019, on these websites: <https://dec.alaska.gov/air/air-permit/permit-regulations/>, <https://dec.alaska.gov/air/anpms/sip/2019-adoption-updates/>, <https://dec.alaska.gov/Applications/Air/airtoolsweb/AirPermitsApprovalsAndPublicNotices>, and <https://dec.alaska.gov/commish/public-notices>. 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 55123#. 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.

Questions

You may submit written questions relevant to the proposed action to ADEC using the electronic question form at <https://dec.alaska.gov/Applications/Air/airtoolsweb/FormalQuestions> or by sending the questions to Rebecca Smith via e-mail at rebecca.smith@alaska.gov, or via mail to Rebecca Smith, ADEC Division of Air Quality, P.O. Box 111800, Juneau, AK 99811-1800.

Questions may also be submitted verbally in testimony at the public hearing, if it occurs. ADEC will aggregate its response to substantially similar questions and make the questions and responses available on <https://dec.alaska.gov/air/air-permit/permit-regulations/2019-adoption-updates-questions-answers>. The questions must be received at least 10 days before the end of the public comment period; **the question deadline is Wednesday, November 13, 2019**. The Department may, but is not required to, answer written questions received after Wednesday, November 13, 2019, the 10-day cut-off date.

If you are a person with a disability who may need a special accommodation in order to participate in this public process, please contact Kate Orozco at (907) 465-6171 or kate.orozco@alaska.gov not later than Wednesday, November 6, 2019, to ensure that any necessary accommodations can be provided.

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 37.10.052; AS 44.46.025; AS 46.03.020; AS 46.14.010; AS 46.14.140, AS 46.14.240; AS 46.14.250

Statutes being implemented, interpreted, or made specific: AS 44.46.025; AS 46.03.020; AS 46.03.710; 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; AQ 46.14.160; AS 46.14.170; AS 46.14.180; AS 46.14.190; AS 46.14.200; AS 46.14.210; AS 46.14.220; AS 46.14.230; AS 46.14.240; AS 46.14.250; AS 46.14.255; AS 46.14.280; AS 46.14.285; AS 46.14.290; AS 46.14.300; AS 46.14.515; AS 46.14.560; Sec 30, ch 74, SLA 1993

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

ADEC, Division of Air Quality keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Division of Air Quality notices of proposed regulation changes. To be added to or removed from the list, you may sign up on the Air Online Services (AOS) page at: <http://dec.alaska.gov/Applications/Air/airtoolsweb/Home/Index/> A myAlaska account is required to use the AOS system.

Date: October 7, 2019


Jason W. Brune, ADEC Commissioner