

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION



Amendments to: State Air Quality Control Plan

Vol. II: III.D.7.13

Assurance of Adequacy

Adopted

November 19, 2019

Michael J. Dunleavy, Governor

Jason W. Brune, Commissioner

7.13. Assurance of Adequacy

Under Section 110(a)(2)(E) of the CAA, each SIP must provide the necessary assurances that the State or the general-purpose local government designated by the State (e.g., the FNSB) for such purposes will have "adequate personnel, funding, and authority" under State or (as appropriate) local law to carry out the SIP. The CAA also states that the SIP must provide necessary assurances that, where the State has relied on a local government for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provisions.

7.13.1. Local Legal Authority

As described previously (Section III.D.7.7 Control Strategies), the local control measures contained in this SIP for FNSB consist of the solid-fuel fired heating device replacement and removal program, motor vehicle plug-in program, and a number of voluntary measures including public education and mass transit. DEC has delegated authority for local air pollution control to the FNSB under AS 46.14.400 (formerly AS 46.03.210). AS 46.03.210 allowed local municipalities to establish air pollution control programs within their jurisdictions by August 5, 1974. The FNSB Assembly adopted that authority by ordinance. Included in Appendix III.D.7.13 are copies of the FNSB Code of Ordinances related to the air pollution control program as follows:

- Chapter 21.24 Vehicle Plug-In Program
- Chapter 21.28 PM_{2.5} Air Quality Control Program

DEC and the FNSB have entered into a Memorandum of Understanding for Air Quality to include the roles and responsibilities for air pollution control in the PM_{2.5} non-attainment area that continues FNSB's role in developing the local air pollution control plan for PM_{2.5}. This MOU is updated periodically to reflect current roles and responsibilities with respect to air quality control within the area.

7.13.1.1 Adequate Local Personnel and Funding

The overall budget and staffing level of the Borough air program is reviewed annually by the FNSB Administration and Assembly during the adoption of the FNSB's annual operating budget. Upon justification by the program manager, the Assembly provides the Administration with authorization for adequate personnel to carry out the PM_{2.5} air program. This annual process ensures that program staffing levels can be upgraded on a timely basis if required, while also providing the fiscal control required by FNSB statute.

7.13.2 State Commitment to Implement Plan

While DEC has delegated authority for local air pollution control to the FNSB as described above, the State is responsible for implementing many aspects of this PM_{2.5} air pollution control plan. DEC understands its responsibility under the Clean Air Act and is committed to implementing the State programs contained in this PM_{2.5} air quality plan and, should the FNSB fail to do so, the Borough programs. DEC's legal authorities are described in Volume II of the Air Quality Control Plan. DEC's Air Quality budget and staffing levels are reviewed annually by the Alaska Legislature as part of the State's annual operating budget. This annual process ensures that adequate personnel and resources are available to implement the State's Air Quality Control Plan.