



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Environmental
Conservation

OFFICE OF THE COMMISSIONER

Post Office Box 111800
Juneau, Alaska 99811-1800
Main: 907.465.5066
Fax: 907.465.5070

May 12, 2022

Mr. Casey Sixkiller
U.S. EPA Region 10
Regional Administrator's Office, 21-B03
1200 Sixth Avenue, Suite 155
Seattle, WA 98101

Subject: SIP Submittal of Repealed Ice Fog and SO₂ Special Protection Areas SIP Revisions

Dear Mr. Sixkiller:

This letter provides amendments to Alaska's *State Air Quality Control Plan* or State Implementation Plan (SIP) to repeal the Ice Fog and SO₂ Special Protection Areas regulations and associated cross-referenced regulations, update adoption by reference dates for federal regulations in 18 AAC 50.040 and repeal the Ice Fog section of the SIP. The revised regulations have an effective date of April 16, 2022. Specific provisions are submitted for EPA approval, while other provisions are included for informational purposes only, to show a complete record of the rulemaking.

On March 17, 2022, the Lt. Governor signed and filed the following changes to the Alaska Department of Environmental Conservation's (DEC) regulations in 18 AAC 50:

- Repeal 18 AAC 50.025(c) to repeal special protection areas for sulfur dioxide (SO₂).
- Amend 18 AAC 50.030(a) to adopt revisions to the State Air Quality Control Plan by
 - repealing Volume II, Section III.E Ice Fog; and
 - amending Volume III Appendix to Volume II, Section II.A 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.
- Amend 18 AAC 50.035(b) to update the adoption by reference of federal regulations.
- Amend 18 AAC 50.040(a) – (c) and (h) – (j) to update the adoption by reference of federal regulations.
- Repeal 18 AAC 50.080 to repeal the ice fog regulations.
- Amend 18 AAC 50.502(c)(2)(B), .540(c)(2)(B), .540(c)(2)(C), and .542(a)(1)(B) to repeal cross references to the 18 AAC 50.025(c) repealed language.

DEC is submitting the relevant parts of the Repeal of Ice Fog and SO₂ Special Protection Areas amendments for to EPA for approval today. Changes to the following revised sections of the *State Air Quality Control Plan*/SIP and 18 AAC 50 are being submitted for approval:

- Repeal of SIP Volume II, Section III.E Ice Fog
- 18 AAC 50.025(c)
- 18 AAC 50.035(b), except (b)(4)
- 18 AAC 50.040(h) and (i)
- 18 AAC 50.080
- 18 AAC 50.502(c)(2)(B)
- 18 AAC 50.540(c)(2)(B) and .540(c)(2)(C)
- 18 AAC 50.542(a)(1)(B).

We will submit the documents listed in the enclosures via the EPA's SPeCS system. If requested, we can provide one paper copy and one electronic version of the documents to Kristin Hall of your staff (note that the electronic version would be an exact duplicate of the paper copy).

Alice Edwards is available to your staff to respond to questions or to otherwise assist. She can be phoned at (907) 465-5109. I would be pleased to discuss any of this with you.

Sincerely,



Jason W. Brune
Commissioner

cc: Gina Bonifacino, Chief, Air Planning Section, EPA Region 10
Kristin Hall, Air and Radiation Division, EPA Region 10
Emma Pokon, Deputy Commissioner, DEC
Alice Edwards, Director, Division of Air Quality
Cindy Heil, Program Manager, ANPMS Program, DEC
Jim Plosay, Program Manager, AP Program, DEC
Jason Olds, Program Manager, Compliance Program, DEC

Enclosures
Repeal of Ice Fog and SO₂ Special Protection Areas Documents

- Lt. Governor's certified Filing Certificate for Permanent Regulations, including Signed Adoption Order and Memorandum of Filed Permanent Regulations (two separate documents), signed on March 17, 2022, with an effective date of regulations of April 16, 2022;
- Alaska Statutes Granting the Alaska Department of Environmental Conservation Legal Authority to Adopt Regulations
- Rekeyed regulation amendments 18 AAC 50 prepared by the Department of Law for transmittal to the Lt. Governor for certification and filing, with Register 242, July 2022, handwritten;
- Adoption Draft of 18 AAC 50 regulations, dated October 20, 2021;
- Public Review Draft of 18 AAC 50 regulations which shows the changes made to the regulations, with bold lettering as new language and bracketed language as old language, July 28, 2021;
- Notice of Public Comment Period, signed July 28, 2021;
- Notice of Cancellation of Public Hearing, August 25, 2021
- Affidavit of Notice of Proposed Adoption of Regulations and Furnishing of Additional Information, signed September 20, 2021;
- Affidavit of Publication for the Public Notice, Anchorage Daily News, signed August 2, 2021;
- Affidavit of Cancellation of Oral Hearing, signed September 20, 2021;
- Response To Comments, September 20, 2021;
- Affidavit of Agency Record of Public Comment, signed September 20, 2021;
- Explanation of Proposed Changes, July 2021
- Justification for Repeal of Regulations on Special Protection Areas for Sulfur Dioxide (18 AAC 50.025(c)(1)-(2)) and Ice Fog (18 AAC 50.080)
- Volume II Section III: Areawide Pollutant Control Program: Section III.E Ice Fog, Repealed, Adopted October 20, 2021;
- Volume III, Appendices, Section II.A, State Air Statutes and Regulations, adopted October 20, 2021.