

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION



18 AAC 50 AIR QUALITY CONTROL

Response to Comments on March 5, 2024, 2024 Fairbanks SIP Regulations
Proposed Regulations

November 1, 2024

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Introduction

This document provides the Alaska Department of Environmental Conservation's (DEC) response to public comments received regarding the March 5, 2024, draft regulations pertaining to regulation changes to adopt new and revised regulations relating to the disapproved portions of the Fairbanks Serious State Implementation Plan (SIP) to meet federal requirements.

Opportunities for Public Comment

The public notice dated March 5, 2024, and published on March 11, 2024, described the proposed regulation changes and provided information on the opportunities for the public to submit comments. Options for submitting written comments included submitting comments using the DEC's online SmartComment comment form, via mail, via email, or via facsimile.

The Division provided an opportunity for individuals to submit oral comments at two public hearings held in Fairbanks, Alaska, on April 10, 2024. No public comments were received during the public hearings.

The deadline to submit comments was May 10, 2024, at 11:59 p.m. This provided a 60 day period for the public to review the proposal and submit comments.

ADEC received emailed or electronically submitted comments from the following:

- Fairbanks North Star Borough, Air Quality Division (FNSB)
- Environmental Protection Agency (EPA)
 - Email correspondence between DEC (Nick Czarnecki) and EPA (Matt Jentgen) clarifying EPA's comments

This document responds to individual comments from EPA and individual or summarized comments from the public. The document includes the comments received, DEC's response, and any revisions made to the regulations and/or SIP based on the comments and DEC's response.

Environmental Protection Agency Comments

EPA Comment 1: As a reminder, please do not submit 18 AAC 50.030(a) for approval and incorporation into Alaska's federally-approved SIP to the EPA in the final rulemaking package.

Response: DEC will not submit 18 AAC 50.030(a) for approval and incorporation into Alaska's federally-approved SIP to the EPA in the final rulemaking package.

Revisions based on response: No revision required.

EPA Comment 2: For 18 AAC 50.055 (a)(10), for coffee roasters, the proposed language states "that emits 24 pounds or more of particulate matter in a 12-month period." EPA recommends ADEC confirm that "in a 12-month period" means a rolling 12-month period. If "in a 12-month period" means calendar year, the EPA recommends ADEC revise to specify a rolling 12-month period.

Response: DEC agrees to revise the language to reflect that the 12-month period means a rolling 12-month period.

Revisions based on response: The regulation language in 18 AAC 50.055(a)(10) will be revised to read:

(10) 10 percent or greater averaged over any six consecutive minutes for a commercial coffee roaster within an area identified in 18 AAC 50.015(b)(3) and that emits 24 pounds or more of particulate matter in a **rolling** 12-month period.

EPA Comment 3: The EPA also notes this regulation does not specify an opacity monitoring method. The EPA recommends ADEC incorporate a standard, repeatable method for measuring opacity into this rule or otherwise explain why incorporating an opacity method is unnecessary.

Response: 18 AAC 50.055(a) is a list of industrial processes and fuel-burning equipment that may not reduce visibility through exhaust effluent; it is not a subsection that contains opacity monitoring requirements. DEC added an opacity monitoring method requirement for coffee roasters in 18 AAC 50.078(d)(3).

Revisions based on response: No revision required.

EPA Comment 4: For 18 AAC 50.015(b), the EPA recommends ADEC explain the rationale for this change and how the revised regulation is at least as stringent as the prior regulation.

Response: DEC did not propose to revise 18 AAC 50.015(b) as EPA commented.

In a clarifying email exchange (Appendix B) between Nick Czarnecki (DEC) and Matt Jentgen (EPA), EPA confirmed that they intended the comment to be on the proposed changes to 18 AAC 50.077(a) and (b) which remove the phrase “for use” in 18 AAC 50.077(a) and the change of “use” to “operation” in 18 AAC 50.077(b) as they relate to devices or heaters in an area identified in 18 AAC 50.015(b)(3).

Removing “for use” from 18 AAC 50.077(a) is intended to improve the enforceability of that regulation. When “for use” was part of the regulation, it created a loophole where devices not in compliance with that regulation could be sold in the nonattainment area. Under the prior language, it was acceptable for devices to be sold in the nonattainment area and then installed outside of it, but the Department had no reasonable way of verifying if a device was truly going to be installed outside of the nonattainment area. This change closes that loophole to make this regulation more enforceable and therefore more stringent.

The Department is changing “use” to “operation” in 18 AAC 50.077(b) to make the verb consistent with 18 AAC 50.077(c), (d), and (e), which all use the verb “operation.” The change is for internal consistency and does not change the meaning or stringency of 18 AAC 50.077(b).

Revisions based on response: No revision required.

EPA Comment 5: For 18 AAC 50.077(g), the EPA recommends Alaska DEC does not re-submit paragraph (g) of section 077 with this change.

Response: DEC did not propose any changes to 18 AAC 50.077(g) in this regulations revision and would not submit any 18 AAC 50.077(g) revisions for approval and incorporation into the federally-approved SIP if there were changes.

Revisions based on response: No revision required.

EPA Comment 6: For 18 AAC 50.078(d)(1), the proposed language states that a coffee roaster 11 emits 24 pounds or more of particulate matter in a 12-month period." The EPA recommends that ADEC confirm that "in a 12-month period" means a rolling 12-month period. If "in a 12-month period" means calendar year, the EPA recommends ADEC revise to specify a rolling 12-month period.

Response: DEC agrees to revise the language to reflect that the 12-month period means a rolling 12-month period.

Revisions based on response: The regulation language in 18 AAC 50.078(d)(1) will be revised to read:

(1) a commercial coffee roaster that emits 24 pounds or more of particulate matter in a **rolling** 12-month period

EPA Comment 7: For 18 AAC 50.079(d)(2), the EPA recommends that ADEC not submit the revised regulation for approval and incorporation into the federally-approved SIP. This provision may be an impermissible director's discretion provision and also weakens the stringency of 18 AAC 50.079(c) such that it may not meet control strategy requirements under Clean Air Act section 189 and 40 CFR 51.1010.

Response: DEC will not submit the 18 AAC 50.079(d)(2) revisions for approval and incorporation into the federally-approved SIP.

Revisions based on response: No revision required.

EPA Comment 8: For 18 AAC 50.079(d)(3), the EPA recommends that ADEC not submit the revised regulation for approval and incorporation into the federally-approved SIP. Inclusion of this provision weakens the stringency of 18 AAC 50.079(c) such that it may not meet control strategy requirements under CAA Section 189 and 40 CFR 51.1010.

Response: DEC will not submit the 18 AAC 50.079(d)(3) revisions for approval and incorporation into the federally-approved SIP.

Revisions based on response: No revision required.

EPA Comment 9: For 18 AAC 50.079(e), the EPA recommends that ADEC not submit the revised regulation for approval and incorporation into the federally-approved SIP. This provision is not currently part of Alaska's approved SIP. ADEC has not submitted similar provisions for approval (e.g., 18 AAC 50.077(g)).

Response: DEC will not submit the 18 AAC 50.079(e) revisions for approval and incorporation into the federally-approved SIP.

Revisions based on response: No revision required.

EPA Comment 10: For 18 AAC 50.081, the EPA requests that ADEC confirm its intention to submit the rules in Title 15 of the Alaska Administrative Code that are cited in 18 AAC 50.081 as part of this SIP submission (15 AAC 155.530; 15 AAC 155.990).

Response: DEC will include the Title 15 rules cited in 18 AAC 50.081 (15 AAC 155.530; 15 AAC 155.990) as part of the SIP submission.

Revisions based on response: No revision required.

The EPA notes that ADEC's proposed regulation package does not include proposed regulations to address the following Fairbanks PM2.5 nonattainment plan disapprovals included in the EPA's Fairbanks PM2.5 rulemaking (88 FR 84626, December 5, 2023):

EPA Comment 11: Anti-idling measures for motor vehicles (see 88 FR 84626, 84649). EPA recommends that ADEC address this portion of EPA's disapproval as part of this SIP submission or a subsequent SIP submission.

Response: DEC will be addressing the issue in this comment as part of the second phase of SIP revisions to address the Fairbanks PM2.5 nonattainment plan disapproval. The second phase of the SIP revisions is currently in progress.

Revisions based on response: No revision required.

EPA Comment 12: PM2.5 emission limits for stationary sources subject to nonattainment Best Available Control Technology requirements (see 88 FR 84626, section III.B.5). EPA recommends that ADEC submit, as either part of this SIP submission or a subsequent SIP submission, conditions from existing source-specific permits containing PM2.5 emission limits and associated monitoring, recordkeeping and reporting requirements.

Response: DEC will be addressing the issues in this comment as part of the second phase of SIP revisions to address the Fairbanks PM2.5 nonattainment plan disapproval. The second phase of the SIP revisions is currently in progress.

Revisions based on response: No revision required.

Fairbanks North Star Borough, Air Quality Division Comments

FNSB Comment: The FNSB views and supports the proposed amendments to 18 AAC 50 as necessary clarifications & strengthening of the regulations in order to achieve an approvable SIP ending the current threat of future sanctions. The FNSB appreciates the collaboration and efforts of ADEC in working toward an approvable SIP and cleaner air.

Response: DEC acknowledges and appreciates the FNSB's support of the proposed revisions to 18 AAC 50 and the FNSB's continued collaboration with the department on improving air quality in the non-attainment area and developing an approvable SIP.

Revisions based on response: No revision required.

Appendix A – Fairbanks North Star Borough Comments

FAIRBANKS NORTH STAR BOROUGH
AIR QUALITY DIVISION

May 9, 2024

Division of Air Quality, Department of Environmental Conservation
P.O. Box 111800, Juneau, Alaska 99811-1800

Subject: PROPOSED CHANGES ON AIR QUALITY CONTROL IN THE REGULATIONS

Fairbanks North Star Borough, Alaska

To Whom It May Concern:

The Fairbanks North Star Borough (FNSB) appreciates the opportunity to provide comments on the amendments to regulations under 18 AAC 50. The State of Alaska Department of Environmental Conservation Division of Air Quality (ADEC) and the FNSB have worked together to improve air quality within the nonattainment area since the first designation in 2009. This continued partnership and understanding is vital to our goal of attaining the federal PM_{2.5} standard.

As a result of this partnership, over the past 12 years PM_{2.5} levels in the nonattainment area have been reduced by over half from approximately 160 mg/m³ to nearly 60 mg/m³. This reduction equals nearly 3 times the current standard of 35 mg/m³. This is the result of a mixture of control measures put in place by ADEC such as burning curtailments, real estate removals and ADEC approved device lists. These reductions have also been heavily influenced by the devices removed and possibly those changed out by the FNSB wood stove change-out program. The change-out program has removed 2,511 wood stoves with 2,017 being switched out for cleaner devices since 2010.

The Environmental Protection Agency's recent partial disapproval of ADEC's 2019 Serious Implementation Plan (SIP) submission and subsequent sanctions have serious and far-reaching implications not only to the communities in the nonattainment area but those throughout the interior of Alaska.

The FNSB views and supports the proposed amendments to 18 AAC 50 as necessary clarifications & strengthening of the regulations in order to achieve an approvable SIP ending the current threat of future sanctions. The FNSB appreciates the collaboration and efforts of ADEC in working toward an approvable SIP and cleaner air.

Thank you,
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Appendix B – EPA and DEC email correspondence clarification on comments

Answer from Matt. See below.

From: Jentgen, Matthew <jentgen.matthew@epa.gov>
Sent: Friday, June 21, 2024 8:29 AM
To: Czarnecki, Nick P (DEC) <nick.czarnecki@alaska.gov>
Subject: RE: EPA Comments on Alaska DEC's Fairbanks regulation package

Hi Nick- sorry, this email got lost in the shuffle, just seeing it now. Yep, you are correct, typo on our end—it should be 077(b), and the comment specific to change of “use” to “operation”. Thanks for catching it!

Matt Jentgen
Air and Radiation Division
EPA – Region 10
Ph: (206) 553-0340

From: Czarnecki, Nick P (DEC) <nick.czarnecki@alaska.gov>
Sent: Wednesday, June 19, 2024 4:18 PM
To: Jentgen, Matthew <jentgen.matthew@epa.gov>
Subject: RE: EPA Comments on Alaska DEC's Fairbanks regulation package

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Hi Matt,

We are answering comments on the reg package and have a clarification question.

The following is in EPA's comments:

Proposed amendments to section 18 AAC 50.077

- EPA Comments: For 18 AAC 50.015(b), the EPA recommends ADEC explain the rationale for this change and how the revised regulation is at least as stringent as the prior regulation.
- EPA Comments: For 18 AAC 50.077(g), the EPA recommends Alaska DEC does not re-submit paragraph (g) of section 077 with this change.

We didn't propose any amendments to 50.015. Did EPA mean 50.077(b) where we changed the word "use" to "operation"? Pretty sure that is the case, but wanted to double check.

Best,
Nick

From: Jentgen, Matthew <jentgen.matthew@epa.gov>
Sent: Friday, May 10, 2024 12:15 PM
To: Olds, Jason R (DEC) <jason.olds@alaska.gov>
Cc: Czarnecki, Nick P (DEC) <nick.czarnecki@alaska.gov>; Viswanathan, Krishna <viswanathan.krishna@epa.gov>; Bonifacino, Gina <Bonifacino.Gina@epa.gov>
Subject: EPA Comments on Alaska DEC's Fairbanks regulation package

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jason- EPA submitted electronically comments on ADEC's proposed regulation package, via the public notice website (just in time!). The comments are attached here too as a courtesy copy. Please let Krishna or me know if you have any questions. Have a good weekend!

Thanks,

Matt

Matt Jentgen

Air and Radiation Division

EPA – Region 10

Ph: (206) 553-0340