

**THIRD SUPPLEMENTAL NOTICE OF PUBLIC COMMENT PERIOD ON PROPOSED
CHANGES TO
ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION REGULATIONS**

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation (DEC) is proposing to adopt new air quality regulations for the Fairbanks North Star Borough (FNSB) fine particulate matter (PM-2.5) non-attainment area. All the regulation changes are required in order to comply with provisions of the federal Clean Air Act, which is mandatory for every state. The proposed regulations establish federally required air episode levels for PM-2.5; establish emission standards for wood stoves and other wood heating devices and include restrictions on open burning. This third supplemental public notice is being issued to provide the public an opportunity to review and comment on peer review comments regarding DEC's regulations justification document called "The Need and Basis for More Stringent Wood-fired Heating Device Emission Standards in 18 AAC 50 Air Quality Control".

AIR QUALITY FINE PARTICULATE MATTER (PM-2.5) REGULATIONS

DEC is proposing to adopt regulation changes in Title 18 of the Alaska Administrative Code (AAC) Chapter 50 Air Quality Control. The proposed regulations would place restrictions on emissions from open burning that are similar to those in place under the previous requirements imposed by the FNSB, establish state emission standards for new wood stoves and other wood heating devices sold for use within the FNSB fine particulate matter non-attainment area and define what can be burned in solid-fuel heating devices operating within the FNSB PM-2.5 non-attainment area. The proposal also establishes federally required air episode levels for PM-2.5. The goal of the regulations is to protect human health and air quality as required by federal law, promote the use of efficient and effective heating sources, such as newer wood stoves, while also preserving the ability of residents to heat their homes affordably. While the FNSB could likely come into compliance with federal air quality standards in the next decade through the use of alternative-fueled heating sources such as liquefied natural gas, hydroelectric power from Susitna Dam, and continuing the wood stove change out program for several more years, the federal Clean Air Act does not allow a community or state this much time to come into compliance. The regulation changes are as follows:

- 18 AAC 50.065(f) is being amended to restrict wintertime outdoor open burning in the FNSB PM-2.5 non-attainment area.
- 18 AAC 50.075(b) is being amended to give DEC the flexibility to allow operation of wood-fired heating devices in areas where DEC has declared an air quality episode under 18 AAC 50.245.
- 18 AAC 50 is being amended by adding a new section (18 AAC 50.076) to clarify the types of solid fuels that can be burned in heating devices operating within the FNSB PM-2.5 non-attainment area.
- 18 AAC 50 is being amended, by adding a new section (18 AAC 50.077) to establish particulate matter emissions limitations for new wood-fired heating devices, including outdoor hydronic heaters and woodstoves, being manufactured, sold or installed within the FNSB PM-2.5 non-attainment area.
- 18 AAC 50.245(a) Table 6 is being amended to establish PM-2.5 concentrations that will trigger an air quality alert, air quality warning or air quality emergency episode.

- 18 AAC 50.245(a), (b) and (c) are being amended to give local air quality control programs, authorized by DEC, the authority to declare air quality episodes and advisories and to take immediate action.
- 18 AAC 50.990 is being amended to modify the definition of a wood-fired heating device and to add the definitions for “wood heater/wood stove”, “clean wood”, “hydronic heater”, and “solid fuel-fired heating device”.

These regulations have been drafted to provide flexibility for residents in heating their homes and addressing high energy costs while meeting the federal Clean Air Act requirements and health based standards for fine particulate matter. The proposed regulations are intended to meet the requirements of Section 110 (Title 42 U.S.C. Chapter 85 §7410), Sections 171-179 (Title 42, U.S.C. Chapter 85 §7501-7509), and Section 189 (Title 42, U.S.C. Chapter 85 §7513) of the Clean Air Act and, once adopted, will be submitted to the U.S. Environmental Protection Agency for approval and eventual inclusion in the revised Alaska State Implementation Plan.

The above list of proposed changes to the regulations only provides a summary of their subject matter. For a copy of the proposed regulation changes please refer to this DEC webpage, <http://dec.alaska.gov/Applications/Air/airtoolsweb/AirPermitsApprovalsAndPublicNotices/>, or contact Scott Sloane by telephone at (907) 465-5176, or by e-mail at scott.sloane@alaska.gov. You may comment on the proposed regulation changes, including the potential costs to private persons of complying and alternative practical methods of complying with the proposed changes, by submitting written comments to Scott Sloane, Division of Air Quality, DEC, 410 Willoughby Avenue, Suite 303, P.O. Box 111800, Juneau, Alaska 99811-1800; or by email to scott.sloane@alaska.gov; or through the Air Quality Division’s electronic comment submission web page at <https://dec.alaska.gov/Applications/Air/airtoolsweb/FormalComments>; or by facsimile at: (907) 465-5129. Comments must be received by 5:00 p.m. on Friday, January 23, 2014. Comments received after this date will not be considered in final action on these rules.

DEC will hold a public hearing from 5:00 – 7:00 pm on Tuesday, January 7, 2014, in the Yukon Room at the Westmark Hotel, 813 Noble Street, Fairbanks, Alaska. Formal oral or written comment may be submitted at the hearing. The hearing will be extended if necessary to accommodate those present before 7:00 pm who did not have an opportunity to comment.

DEC will hold its fourth and final open house on Wednesday, January 8, 2014 from 5:00-7:00 p.m. in the Minto Room at the Westmark Hotel, 813 Noble Street, Fairbanks, Alaska. DEC is seeking input on its proposed regulations which would primarily apply to the Fairbanks North Star Borough PM-2.5 nonattainment area. DEC is also seeking input on its proposed wood-fired heating device emission standards for new wood-fired stoves, hydronic heaters, outdoor wood boilers and other “heating devices” located in this area. Everyone is welcome to attend and learn about DEC’s proposed regulations, ask questions and provide their input. Additional information on Fairbanks PM-2.5 air quality and this proposal is available through this DEC webpage: http://dec.alaska.gov/air/anpms/comm/fbks_pm2-5_proposed-regs.htm. Formal oral testimony will not be taken at the open house but written comments may be submitted to DEC staff.

DEC will hold a second public hearing on Tuesday, January 21, 2014, from 11:30 am – 1:30 pm, simultaneously at the following locations: 1) DEC Bayview Office Building, Conference Room A, 619 Ship Creek Drive, Anchorage, Alaska; 2) Fairbanks City Council Chambers, 800 Cushman Street, Fairbanks, Alaska; 3) DEC 2nd Floor Main Conference Room, 410 Willoughby Avenue, Juneau, Alaska. Formal oral or written comment may be submitted at the hearings. The hearings will be extended if necessary to accommodate those present before 1:30 pm who did not have an opportunity to comment.

If you will not be able to attend a public hearing in person please contact Scott Sloane at (907) 465-5176 five days prior to the hearings to make arrangements to participate by phone. The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need a special accommodation in order to participate in this public process, please contact Deborah Pock at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 ten days prior to any open house or the public hearing to ensure that any necessary accommodations can be provided.

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES that was issued on September 19, 2013, concerning these proposed regulation revisions. This SUPPLEMENTAL NOTICE is being issued to provide the public an opportunity to review and comment on peer review comments regarding DEC's regulations justification document called "The Need and Basis for More Stringent Wood-Fired Heating Device Emission Standards in 18 AAC 50 Air Quality Control". To obtain a copy of DEC's justification document and a copy of the peer reviewed comments made on the justification document please click on the following link: http://dec.alaska.gov/air/anpms/comm/fbks_pm2-5_proposed-regs.htm.

After the public comment period ends on January 23, 2014, DEC will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **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 46.03.010, AS 46.03.020, AS 46.14.030, AS 46.14.400

Statutes Being Implemented, Interpreted, or Made Specific: AS 46.14.010, AS 46.14.015, AS 46.14.030, AS 46.14.400

Fiscal Information: The proposed regulation changes are expected to have a fiscal impact on DEC but are not expected to require an increased appropriation.

Dated: December 13, 2013



Larry Hartig, Commissioner