

**ALASKA DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION**



**18 AAC 50 Air Quality Control  
Responsiveness Summary  
2017 Fairbanks PM2.5 Regulations**

November 3, 2017

## Introduction

The Alaska Department of Environmental Conservation (ADEC) proposed to amend its air quality regulations to assist with the improvement of air quality in the Fairbanks North Star Borough (FNSB) Nonattainment Area. The proposed regulations and State Implementation Plan (SIP) amendments incorporate elements of local ordinances enacted by the FNSB Assembly allowing their use in meeting federal Clean Air Act requirements for the FNSB Nonattainment Area. This document provides a responsiveness summary to the comments the Department received during the public comment period.

ADEC proposed to adopt regulation changes in Title 18, Chapter 50 of the Alaska Administrative Code, dealing with air quality, including the following:

- Repeal and readopt 18 AAC 50.030 to adopt revisions to the State Air Quality Control Plan in Volume II Section III.D.5: FNSB PM-2.5 Control Plan and its corresponding Appendix; and add language addressing nonattainment area permit requirements.
- Amend 18 AAC 50.075 to add new language on visible emissions standards and to remove language that is no longer applicable.
- Amend 18 AAC 50.077 to address requirements for wood-fired heating devices, heating device test methods, and address heating devices located in the FNSB nonattainment area.
- Add a new section, 18 AAC 50.079, to address requirements for coal-fired heating devices.
- Amend 18 AAC 50.990 to add definitions.

## Opportunities for Public Participation

The proposed regulation changes to 18 AAC 50 were described in the Department's public notice which was signed on July 18, 2017, and posted on the public notice web pages of the State of Alaska, the Department of Environmental Conservation, and the Division of Air Quality on July 19, 2017. The public notice was published in the Alaska Dispatch News and Fairbanks Daily News-Miner on July 19 – 20, 2017. The Department accepted public comment through August 30, 2017. The Department's public notice stated that DEC would hold public hearings in Fairbanks, AK, on August 18, 2017. The Department's public notice also stated that DEC would hold public hearing in Anchorage and Juneau on August 18, 2017, if the Department received any requests to hold those hearings by August 11, 2017. The Department received no requests to hold the Anchorage or Juneau hearings and cancelled them. The Department posted notice of the cancellations of the Anchorage and Juneau hearings on the State, Department, and Air Permits Programs public notice web pages on August 14, 2017.

## Commenters

Comments were received from:

- Barb Gaston
- Becca Brado
- Barrett Ristroph
- Bethany Colboch

- Charlotte Basham
- Cheryl Bradley
- Daniel Nielsen
- Doyon Utilities (Doyon)
- Environmental Protection Agency (EPA)
- Fairbanks North Star Borough (FNSB)
- Heather Jorgensen
- Jack Yeaple
- Jeff Walters
- Jim Kowalsky
- John Brading
- John Braham
- Julie Rafferty
- Ken Mcleod
- Kris Wilson
- Lisa Vaughn
- M Vanslyke
- Mary Ann Nickles
- Mary Kehrhahn-Stark
- Patrice Lee
- Patrice Lee (Citizens For Clean Air)
- Patricia Keys
- Patti Bohanan
- Paul Reichardt
- Ronald Teel
- Sandra Rolfe
- Sharon Baring
- Stan Justice
- Steve Colboch
- Tammie Wilson
- Taryn Luskleet
- Timothy Berg
- Vivian Stiver
- Wendy Mannan
- ADEC Staff

In summary:

Comments were received through email, the Online Public Notice System electronic comment form, or by oral testimony at the provided public hearings. There were only two commenters who provided comments directly associated with the proposed regulations. There were no specific comments received related to the State Air Quality Control Plan in Volume II Section III. D.5: FNSB PM-2.5 Control Plan and its corresponding Appendix.

All other comments received were related to issues and concerns regarding the air quality in Fairbanks, the approaches being taken, and concern for the future. These comments were deemed outside the regulatory framework for the proposed revision. However, they were summarized and included in Appendix B for consideration for future efforts within the community.

## Revisions to Proposed Amendments:

### Revisions were made to the proposed amendments based on comments as follows:

#### **Comment:**

Doyon Utilities commented that they believed that the Department did not intend for coal-fired industrial process co-generation boilers to be subject to the new language in 18 AAC 50.079, regarding coal-fired heating devices. Doyon therefore proposed changes to 18 AAC 50.990(138)(C) to address the discrepancy. Doyon's full comment may be found in Appendix A.

#### **Response:**

Although 18 AAC 50.990(138) was not part of the proposed package, the Department will make the following clarifying change based on the comments from Doyon Utilities (change shown in underline and bold below) in order to clarify and maintain consistency across the regulations:

18 AAC 50.990(138)(C) does not include a device that is primarily part of an industrial process and incidentally provides usable heat for the interior of a building **or is a cogeneration boiler that provides both steam for electrical generation and steam for a centralized heat distribution system;**

### Responses to and revisions made or not made to proposed amendments based on EPA's Comments are as follows:

#### **Comments:**

EPA provided comment on three major areas of the proposed regulations. Their submittal may be found in Appendix B.

1. Provisions related to Best Available Control Technology (BACT) Requirements. EPA had two suggestions regarding BACT and the proposed regulations. They suggested adding in the term Best Available Control Measure (BACM) into the proposed 18 AAC 50.030(b). They also made suggestions regarding the serious area plan development to ensure enforceability and to use more specific rule language in 18 AAC 50.030(b).

#### **Response:**

ADEC will make the following change based on the comment provided by EPA (change shown in underline and bold).

18 AAC 50.030(b) Any sources subject to RACT or **BACM/BACT** under the *State Air Quality Control Plan*, adopted by reference in 18 AAC 50.030(a), shall comply with RACT or **BACM/BACT** as identified in the specific sections of the *State Air Quality Control Plan*.

In regards to the other EPA suggestions, they will be addressed in a future rule making. ADEC is currently reviewing the BACT analysis and has not finalized any decision on the approach to ensuring the BACT limits are federally enforceable. Therefore, ADEC feels it is premature to provide more specific language at this time. ADEC will continue to work with EPA regarding this issue as the serious plan is developed.

2. Solid Fuel, Wood Fired, and Coal Fuel Heating Devices. EPA commented on three areas within this topic.
  - a. EPA suggested that 18 AAC 50.075(a) be amended to be consistent with the proposed language in 18 AAC 50.075(f).

**Response:**

While ADEC agrees with this suggestion, 18 AAC 50.075(a) was not part of the proposed package; therefore, edits to this portion of the regulations will be addressed in a future rule making.

- b. EPA suggested that 18 AAC 50.077(b)(2), (c)(2) and (d) emission limits apply to “total particulate matter” and define it to be consistent with 40 C.F.R. 60.531. Additionally, EPA requested that ADEC write the rule to take into account 2020 changes to the NSPS emission limits.

**Response:**

ADEC agrees with EPA’s comment that the emission limits in 18 AAC 50.077(b)(2), (c)(2) and (d) should apply to “total particulate matter”. However, 18 AAC 50.077(b)(2) and (c)(2) were not part of the proposed package. In order to maintain consistency throughout the regulations, ADEC will address the proposed changes in future rule making. Although 18 AAC 50.077(b)(2), (c)(2) and (d) were not part of the proposed package, the Department will make the following clarifying change to the definition of “particulate matter” in 18 AAC 50.990, based on the comments from EPA (change shown in underline and bold), in order to clarify and maintain consistency across the regulations:

(71) "particulate matter" means a material, except water, that is or has been airborne and exists as a liquid or solid at standard conditions; **for purposes of 18 AAC 50.077, “particulate matter” means “total particulate matter” and has the meaning given “particulate matter” in 40 C.F.R. 60.531, as revised as of July 1, 2017, and adopted by reference;**

ADEC will not make changes to the rule to take into account the future 2020 changes to the NSPS emission limits because state statutes require a rigorous analysis and public process before ADEC could adopt standards more stringent than existing/current federal standards, which would significantly delay the adoption of this package. ADEC will address the proposed changes in a future rule making.

- c. EPA commented that additional information is usually needed to approve waivers in a federal SIP.

**Response:**

ADEC is aware that EPA would need additional information to approve 18 AAC 50.079(e). As with the waiver provisions found in 18 AAC 50.075(d)(2) and 18 AAC 50.077(h), ADEC will not submit 18 AAC 50.079(e) for inclusion in the SIP until such items as a description of the waiver projects; waiver criteria; and design and technical feasibility are considered and

developed. Until actual waiver requests are submitted to ADEC, these details cannot be determined.

3. Definitions and Additional Comments. EPA suggested expansion of the BACT definition that was proposed for public comment. EPA also suggested adding the definition of Best Available Control Measures (BACM) to 18 AAC 50.990.

**Response:** ADEC agrees with the comment and will revise the new definition at 18 AAC 50.990(150) to read:

(150) “BACT” has the meaning given the term “best available control technology”; for purposes of a serious PM-2.5 nonattainment area plan, “BACT” applies to existing stationary sources and has the meaning given the term “best available control technology” in 40 C.F.R. 52.21(b), adopted by reference in 18 AAC 50.040, except that BACT only applies to direct emissions of PM-2.5 and to PM-2.5 plan precursors;

ADEC will also add a new definition at 18 AAC 50.990(151) for Best Available Control Measures (BACM) to read:

(151) “BACM” has the meaning given the term “best available control measures” in 40 C.F.R. 51.1000, as revised as of July 1, 2017, adopted by reference.

**Revisions were made to the regulations based on staff review during the response to comments process as follows:**

The language in 18 AAC 50.077(c)(2)(A)(ii) was revised to state:

“(ii) using alternative cordwood methods that have been **approved** ~~accepted~~ by EPA; and”

so as to maintain consistency with the federal language found in 40 C.F.R. 60.532(c) regarding a cordwood alternative compliance option.

**The Department declined to make changes requested by commenters due to the reasons noted below:**

**Comment:**

Commenters stated that they would like to see ballot measures more plainly written and more information provided about reduction of emissions from sources other than clean-burning wood stoves. They would also like information on how the money collected for permits and waivers is spent.

**Response:**

Ballot measures are a Fairbanks North Star Borough (FNSB) issue and cannot be addressed by the Department. It is also assumed that the comment regarding money collected for permits and waivers and how it is spent is also regarding a FNSB process. Commenters are encouraged to contact the FNSB directly regarding these items.

**Comment:**

Multiple commenters requested that additional air quality monitoring be done to show whether the exceedances are being recorded in the correct areas and from the actual sources, since vehicles and industrial sources may be contributing more to the air pollution problems than properly burning wood stoves.

**Response:**

Air quality monitoring changes are not a part of the proposed regulations and therefore will not be addressed as part of this regulation process. The comments regarding air quality monitoring have been forwarded to the DEC Air Quality Division monitoring program for consideration.

**Comment:**

Multiple commenters stated that people who are following the current rules should not have to jump through additional regulatory hoops; agencies should go after the people who are not complying with regulations.

**Response:**

DEC will continue to work with individual wood burners to reduce localized emissions as needed through complaint response and regulatory compliance efforts, but broader efforts are needed on the part of all residents to address the larger problem within the nonattainment area.

**Additional Comments:**

The Department acknowledges that there were numerous other comments on various topics, and a summary of those comments may be found in Appendix C. However, these comments did not directly pertain to the proposed regulation changes. Many comments raised concerns and issues outside the scope of this package, and therefore no action will be taken as part of the regulation amendment process to address those comments. The comments, concerns, and issues raised were forwarded to the appropriate Air Quality Division staff for future consideration.

**Fiscal Impact Comments:**

Fiscal impact comments received:

- Economic factors should be taken into account in regulations.
- Oil prices are too high, and people need to be able to burn wood to be able to afford to keep their houses warm.
- Numerous commenters said they didn't think natural gas would lower heating costs sufficiently, if the natural gas ever got to Fairbanks.
- Commenters stated that the high costs of living in Alaska, including those to heat homes, were causing many people to move or consider moving out of Alaska.

## Appendix A Comments from Doyon Utilities

### **Comment Addressing Regulations of the Alaska Department of Environmental Conservation Proposed Addition of 18 Alaska Administrative Code (AAC) 50.079, to Address Requirements for Coal-fired Heating Devices and to Amend 18 AAC 50.990 Definitions**

Doyon Utilities (DU) has reviewed the language proposed for 18 AAC 50.079, Provisions for Coal-fired Heating Devices. The proposed new regulation in combination with the definition of “solid fuel-fired heating device” has created an uncertainty that DU would like the Alaska Department of Environmental Conservation (ADEC) to clarify.

The proposed rule at 18 AAC 50.079 will be applicable to coal-fired heating devices in an area identified in 18 AAC 50.015(b)(3) if certain criteria are met. DU owns and operates certain coal-fired industrial process boilers that are located in the Fairbanks and North Pole urban area identified in 18 AAC 50.015(b)(3). These industrial process boilers are co-generation units that are used to produce both steam to generate electrical power and steam for a centralized heat distribution system.

The definition of “solid fuel-fired heating device” at 18 AAC 50.990(138)(A) includes “a device used for wood or coal combustion so that usable heat is derived for the interior of a building.” Per 18 AAC 50.990(138)(C), the definition of solid fuel-fired heating device “does not include a device that is primarily part of an industrial process and incidentally provides usable heat for the interior or a building.” DU believes that ADEC intended to include industrial process co-generation boilers within this exemption, but this intent is not clear under 18 AAC 50.990(138)(C). DU requests the following change to 18 AAC 50.990(138)(C) to clarify that the proposed new 18 AAC 50.079 regulation is not applicable to coal-fired industrial process co-generation boilers. The proposed new language is underlined.

Does not include a device that is primarily part of an industrial process and incidentally provides usable heat for the interior of a building or is a cogeneration boiler that provides both steam for electrical generation and steam for a centralized heat distribution system.”

**Appendix B**  
**Comments from EPA**

(Can insert PDF of EPA comment letter here when finalizing document instead of OCR text)

Ms. Denise Koch  
Director, Division of Air Quality  
Alaska Department of Environmental Conservation  
410 Willoughby Avenue, Suite 303  
Juneau, Alaska 99811-1800

Dear Ms. Koch:

The U.S. Environmental Protection Agency, Region 10 appreciates the opportunity to provide comments on the Alaska Department of Environmental Conservation's proposed state air quality regulation revisions. We support ADEC's efforts to update Alaska's air quality program to better address the risks of particulate matter pollution.

In general, we believe that the proposed revisions to Alaska Administrative Code Title 18 Environmental Conservation, Chapter 50 Air Quality Control (18 AAC 50) are designed to strengthen existing rules for the State Implementation Plan (SIP) and align state rules with the newly-adopted Fairbanks North Star Borough ordinances. The strengthening of the opacity rule and the adjusted curtailment window will help to reduce emissions in the air shed during the times when air quality is unhealthy.

We have reviewed the proposed revisions and are providing the following comments:

1. *Provisions related to Best Available Control Technology (BACT) Requirements*

The proposed rule revisions clarify the requirement to comply with BACT requirements that will be established in the SIP at 18 AAC 50.030 *State Air Quality Control Plan*. BACT is a key provision required for fine particulate matter attainment plans.- As per 40 CFR 51.1000 BACT is a subset of the Best Available Control Measure (BACM) definition, so we suggest the provision in 18 AAC 50.030(b) be revised to read, "Any sources subject to RACT or BACM/BACT under the State Air Quality Control Plan, adopted by reference in 18 AAC 50.030(a), shall comply with RACT or BACM/BACT as identified in the specific sections of the State Air Quality Control Plan."

For consideration in the serious area plan development, the Clean Air Act requires control measures, including BACM/BACT emission limits, to be practically enforceable. To be practically enforceable, emission limits must be established for each subject source and each emissions unit and pollutant. The limits established must use an appropriate averaging period and be supported by compliance requirements, for example, appropriate reference test methods, monitoring, and recordkeeping provisions. For a complete definition of "enforceable as a practical matter" see 40 C.F.R 49.152. The Clean Air Act also requires that control measures be both permanent and federally-enforceable. BACM/BACT requirements that expire, and/or that are enforceable only by the state are not sufficient. BACM/BACT applies to all source categories, major and minor stationary as well as area sources. Accordingly, the EPA intends to incorporate by reference any

rules or source-specific requirements imposed under the authority of 18 AAC 50.030(b) into 40 C.F.R. § 52.70(c) or (d).

We also suggest using more specific rule language in 18 AAC 50.030(b). For example, "ADEC shall evaluate subject sources for the applicable BACM/BACT requirement and adopt the selected controls into the State Air Quality Control Plan at Volume II, Chapter 3, Section D.5.7." We also suggest that the rule establish procedures for identifying and imposing BACM/BACT on subject sources. If ADEC intends to impose source specific BACM/BACT requirements outside a permitting process, the EPA may request that the Alaska Attorney General's Office provide an opinion, in conjunction with the submission of the revisions to the regulations and the State Air Quality Control Plan, that this mechanism for imposing BACM/BACT satisfies state procedural and constitutional requirements.

## 2. *Solid Fuel, Wood Fired, and Coal Fuel Heating Devices*

It is important to note that the Clean Air Act requires emission limits to be continuous. The EPA has stated in policy that this requirement may be addressed through a suite of controls that apply continuously. We recommend that 18 AAC 50.075(a) include an alternate opacity limit during start-up, identical to the proposed alternate opacity startup period in 18 AAC 50.075(f).

With respect to 18 AAC 50.077 *Standards for wood-fired heating devices*, we suggest clarifying that the 2.5 and 18 gram emission limits in (b)(2), (c)(2), and (d) apply to total particulate matter. One option is to use the term "total particulate matter" and define it to be consistent with the "particulate matter" definition in 40 CFR 60.531. In addition, please consider whether to write the rule to take into account 2020 changes to the NSPS emission limits. *See* 40 CFR 60.532.

In 18 AAC 50.079 *Provisions for coal-fired heating devices*, paragraph (e) provides for waivers to the requirement to remove uncertified coal heating devices upon property conveyance. Waivers are generally not consistent with the Clean Air Act. In some cases, waivers may be approved into the federal SIP if they are properly bounded. A rule provision that includes specific, objective, and replicable criteria for applying a waiver may potentially meet Clean Air Act requirements. If this provision will be submitted for approval into the federal SIP, we suggest including such elements as a description of the waiver application process, waiver criteria, including how design and technical feasibility are to be considered, objective criteria for evaluating potential impact to locations with populations sensitive to exposure to PM<sub>2.5</sub>, and the duration of temporary waivers.

### *Definitions and Additional Comments*

ADEC may want to consider adding language to make clear that BACT for nonattainment area planning purposes applies to existing stationary sources and is limited to the nonattainment pollutant and its regulated precursors. Suggested language:

"For purposes of a serious PM<sub>2.5</sub> nonattainment area plan, "BACT" applies to existing stationary sources and has the meaning given the term "best available control technology" in 40 CFR 52.21(b), adopted by reference in 18 AAC 50.040, except that BACT only applies to direct emissions of PM<sub>2.5</sub> and to PM<sub>2.5</sub> plan precursors."

We also suggest including the definition of Best Available Control Measures (BACM) codified at 40 CFR 51.1000.

Thank you for the opportunity to comment and for your efforts on these rule revisions. If you have any questions or concerns, please do not hesitate to contact me or Justin Spenillo, Air Planning Unit, at (206) 553-6125 or [spenillojustin@epa.gov](mailto:spenillojustin@epa.gov).

Sincerely,

*fl*

Timothy B. Hamlin

Director

cc: Mr. Karl Kassel  
Mayor, Fairbanks North Star Borough

Ms. Cindy Heil  
Manager, Air Non-Point and Mobile Sources Program, ADEC

Mr. Nicholas Czarnecki  
Air Quality Manager, FNSB Air Quality Program

## **Appendix C**

### **Summary of Public Comments Received**

The Department acknowledges that there were numerous comments received on various topics and has provided the summarized comments within this appendix. These comments did not directly pertain to the proposed changes and many of the comments were outside the scope of the proposed changes and therefore no action was taken as part of the regulation process regarding these comments. However, where appropriate, comments were directed to appropriate staff for future consideration.

#### **Summary of Comments**

The public comments were summarized in the following topic areas: 1) air quality studies; 2) economic implications of regulations; 3) wood burning requirements; 4) natural gas line; 5) real estate requirements; 6) enforcement; 7) stove change-out program; 8) inversion/extreme cold/geography; 9) health implications; 10) other sources of pollution-industrial, vehicular, oil-fired stoves; 11) education/communication about and voting on regulations/ordinances; 12) air monitor location; 13) monetary issues; 14) coal and oil burning; 15) dividing the non-attainment area; 16) specific regulation sections; and 17) general comments.

#### Air Quality Studies

There were numerous comments requesting additional studies of PM<sub>2.5</sub> emissions and the effects of inversions in the Fairbanks North Star Borough (FNSB) area. Commenters suggested that additional monitoring and testing of actual conditions in the Fairbanks and North Pole areas could show where the air pollution is coming from and prevent citizens from being penalized for emissions that do not originate in their area, are not from wood-fired heating devices, or are from heating devices that are not being properly operated. Many commenters stated that it is unfair for people properly operating their heat devices to be penalized because others do not properly operate theirs, i.e. burning wood that's not dry enough. Commenters also stated that they feel some of the monitors were placed in areas with high vehicular traffic and do not accurately reflect the air quality away from roads. A number of commenters also stated their support for the proposed changes which will strengthen air quality standards, require cleaner solid-fuel heating devices, and restrict burning during high-emissions episodes.

#### Economic Implications

Numerous people commented on the economic impacts of the proposed rules. They expressed concern that the proposed rules do not take into account the economic burden of the high cost of heating oil and that many people in the area have to burn wood to be able to afford to heat their houses. Many commenters stated that complying with the regulations will be too expensive for residents. Additionally, commenters do not think that heating costs would be lowered even if natural gas were available in Fairbanks. There were also comments that the increasing costs of living in the FNSB may result in people moving away.

### Wood Burning Requirements

Most commenters are unhappy with the proposed changes to the requirements for wood-fired heating devices, including the requirements to photograph and register stoves. Multiple commenters stated that they would not comply with those requirements. Commenters stated that many residents had purchased wood-fired heating devices over the years that complied with standards at the time and have been burning them properly and should not be penalized. Many stated that existing certified wood-fired heating devices should be grandfathered in. Others commented that locals should be allowed to build their own wood-fired stoves and be able to install multiple ones as long as the builder/installer and the stoves were certified. Additionally, people would like more information on proper wood storage. There were also comments about limiting the building and sale of new homes, and wood stoves, in the nonattainment area.

### Natural Gas Line

Commenters stated that they'd been told the natural gas pipeline would be coming to Fairbanks, but it hasn't happened yet. Some commented that it might have reduced heating costs, but others stated that it would have been too expensive to convert and that the project has left a mess.

### Real Estate Requirements

Commenters had a number of things to say regarding wood stoves and homes. One stated that new construction should perhaps be curtailed and should also be required to install more efficient stoves. There were also comments about how it's not fair to people who have been following the existing rules and have replaced stoves already to have to replace them again if they want to sell their houses. It was also stated that wood sellers need to document the moisture content of all wood sold.

### Enforcement

Commenters stated that it is critical that the existing rules and regulations be fairly enforced and that enforcement actions should be taken against those who are improperly burning, rather than pursuing people who are burning properly.

### Stove Change-Out Program

Commenters addressed the fact that many people have already changed out stoves to ones they were told would be in compliance, and now the rules have changed again. The borough helped pay for some change-outs in the past, but now people are going to have to pay for the new change-out. It's also difficult to know if a new round of change-outs will result in long term compliance.

### Inversions and Geography

Commenters stated that inversions and cold temperatures are inevitable in the FNSB. They said that it might not make a difference to the air quality situation even if everyone stopped burning wood, as the geography of the area leads to inversions. A commenter stated that Interior Alaska should have to meet standards that factor in the unique conditions found there.

### Health Implications

Many commenters discussed the importance of clean air and how polluted air is a burden on people's health and productivity. Some stated that they would like ADEC to refrain from discussing the "high" cost of home heating unless the "high" cost of pollution on health is addressed as well. People expressed concern that there are industrial sources of pollution next to residential areas and

that the industrial sources are significant sources of air pollution. Some pointed out that the air is better than it used to be, and they don't think that they'll ever be able to meet the new standards.

### Other Sources of Pollution

Commenters are concerned that there are many sources of air pollution in the FNSB area than just wood-fired heating devices and that residents who burn wood are being unfairly blamed for pollution coming from other sources such as coal-fired power plants, vehicles, and industrial burners. There were also comments that people don't think enforcement is equally applied between homes and businesses.

### Education and Communication

Commenters stated that there should be better education provided on emissions reductions and on wood stoves. They also stated that decisions on regulations and ordinances should be subject to local vote.

### Air Monitor Locations

Commenters stated that air monitors have been placed in high traffic and low elevation areas and therefore they are not accurately reflecting the conditions throughout the borough. Commenters felt that it was not fair that decisions on the non-attainment area were being based on the worst condition locations throughout the area.

### Monetary Issues

Commenters were concerned about where the money already spent on the air quality issues in the FNSB has been allocated. There were questions about where the state and borough have spent the money from received from grants, permits, and waiver; has the money been spent to fund real solutions to address the emissions or to hire more staff?

### Coal and Oil Burning

Commenters are concerned about a number of issues on coal-fired and fuel-fired heating devices. Commenters questioned whether there is a certification program for coal; whether it would be possible to bring coal-fired heating devices into compliance with air quality standards; whether there are ways to reduce PM2.5 emissions from coal; and whether there is information available on emissions from oil-fired stoves. There is also concern that the emissions from coal-fired power plants, from people burning other things, and from people not burning properly are contributing to the industrial pollution.

For Doyon's comment on the coal-fired heating devices, please see the Specific Regulations Sections comments.

### Dividing the Non-attainment Area

A commenter stated that if the non-attainment area is divided, residents of North Pole will be over-penalized for air pollution and those of Fairbanks will not have to do anything to improve the air quality.

### Specific Regulation Sections

Comments on specific regulation sections were largely in support. Doyon Utilities proposed a change to language in 18 AAC 50.990(138)(C) to address what they perceived as an oversight. They

believe that the Department did not intend for coal-fired industrial process co-generation boilers to be subject to the new language in 18 AAC 50.079. Although the definition in 18 AAC 50.990(138)(C) was not part of the proposed package, the Department will make the revision as a conforming change to maintain consistency in the regulations.

#### General Comments

General comments on the proposed regulations were split between support for and opposition to the proposals. Those who expressed support for the proposals state that they did so because they will help clean up the air in the FNSB and make it healthier for residents. Those who opposed the proposals are concerned about the costs for residents who will have to switch from wood burning or upgrade heating devices; the lack of opportunities for residents to vote on the regulations/ordinances; the fact that an influx of new residents will result in additional pollution and development should be limited; and the possibility that those who burn responsibly may become criminals under the proposed rules.