

NOTICE OF PROPOSED REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES

BRIEF DESCRIPTION

The Department of Transportation & Public Facilities proposes regulations on the Naturally Occurring Asbestos (NOA) Program.

The Department of Transportation & Public Facilities proposes to adopt regulation changes in Title 17 AAC 97.010 – 17 AAC 97.060 of the Alaska Administrative Code, dealing with the Naturally Occurring Asbestos (NOA) Program, including the following:

The NOA program is proposed as follows:

The NOA program provides procedures for landowners and contractors to obtain immunity for causing asbestos related injuries when extracting and placing gravel or aggregate material containing NOA.

A Designated Area must be established first, which defines the area where NOA material may be extracted and placed. After a designated area is established, an applicant provides a Site Specific Plan which explains how the NOA material will be handled, placed and covered so that asbestos fibers will not become airborne.

The regulation provides procedures for establishing a designated area and evaluating the Site Specific Plan for approval by DOT&PF.

You may comment on the proposed regulations, including potential costs to private persons of complying with the proposed regulations, by submitting written comments to DOT&PF at P.O. Box 112500, Juneau, Alaska 99811-2500. Additionally, the Statewide Design and Engineering Services Division will accept comments by facsimile at (907) 465-2460 and by electronic mail at dot.jhq.noa.regulations@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the “comment” link. The comments must be received no later than 5:00 pm on May 2, 2014.

Oral or written comments also may be submitted at a hearing to be held on April 14, 2014 at the DOT&PF Headquarters building, Room 140, 3132 Channel Drive, Juneau, Alaska. The hearing will be held from 6:00 p.m. to 8:00 p.m. and might be extended to accommodate those present before 8:00 p.m. who did not have an opportunity to comment.

Oral or written comments also may be submitted at a hearing to be held on April 16, 2014 in Conference Room 2, 2720 Pickett Place, Fairbanks, Alaska. Oral comments also may be submitted during this meeting at 1-800-315-6338, pin #8250. The hearing will be held from 5:30 p.m. to 7:30 p.m. and might be extended to accommodate those present before 7:30 p.m. who did not have an opportunity to comment.

Oral or written comments also may be submitted at a hearing to be held on April 17, 2014 at the Ambler Public School in the Multi-Purpose Room in Ambler, Alaska. The hearing will be held from 6:00 p.m. to 8:00 p.m. and might be extended to accommodate those present before 6:00 p.m. who did not have an opportunity to comment.

If you are a person with a disability who needs a special accommodation in order to participate in this process please contact Shannon Erickson at (907) 465-6966 or TDD Relay Service 1-800-770-8973/TTY or dial 711 no later than 5:00 pm on March 31, 2014 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulations, contact Statewide Design and Engineering Services Division, at 3132 Channel Drive, Juneau, Alaska 99811-2500 or (907) 465-3900 or go to <http://www.dot.state.ak.us/stwddes/desmaterials/noa.shtml>

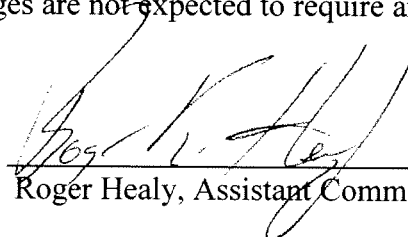
After the public comment period ends, the Statewide Design and Engineering Services will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.**

Statutory Authority: AS 09.65.245

Statutes Being Implemented, Interpreted, or Made Specific: AS 09.65.245; AS 18.31.250 - AS 18.31.260; AS 44.42.400 - AS 42.430

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: March 19, 2014


Roger Healy, Assistant Commissioner