

Byron Mallott
Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Gary Mendivil, Department of Environmental Conservation

FROM: Scott Meriwether, Office of the Lieutenant Governor - 465.4081 *CS*

DATE: October 28, 2016

RE: Filed Permanent Regulations: Department of Environmental Conservation

Department of Environmental Conservation: 18 AAC 50: Air Quality Control:
Fairbanks North Star Borough urban nonattainment areas (18 AAC 50)

Attorney General File:	JU2016200151
Regulation Filed:	October 27, 2016
Effective Date:	November 26, 2016
Print:	220, January 2017

cc with enclosures: Linda Miller, Department of Law
Dianne Blumer, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The attached 6 pages of regulations, dealing with air quality regulations are hereby adopted and certified to be a correct copy of the regulation changes that the Department of Environmental Conservation adopts under the authority of AS 46.03 and AS 46.14 and after compliance with the Administrative Procedures Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Environmental Conservation paid special consideration to the cost to private persons of the regulatory action being taken. The Department of Environmental Conservation also gave special attention to alternate practical methods in this regulatory action, as required by AS 46.03.024.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor as provided in AS 44.62.180.


DATE: September 7th, 2016
Anchorage, Alaska



Larry Hartig, Commissioner
Department of Environmental Conservation

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on October 27, 2016, at 3:25pm., I filed the attached regulations according to the provisions of AS 44.52.040 – 44.62.120.



Byron Mallott, Lieutenant Governor

Effective: November 26, 2016

Register : 220, January 2017

18 AAC 50.025 is amended to ^{by adding} add a new subsection to read:

Three air quality control zones are established

(d) To establish control measures for reduction of PM-2.5 within the Fairbanks and

North Pole urban nonattainment area, the area is divided into three air quality control zones, ^{as are}

described in the local air quality plan incorporated in the *State Air Quality Control Plan*, adopted

by reference in 18 AAC 50.030, as ^{the} follows:

- (1) North Pole Control Zone;
- (2) Fairbanks Control Zone; and
- (3) Goldstream Control Zone.

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 11/26/2016, Register 220)

Authority: AS 46.03.020 AS 46.14.010 AS 46.14.030

^{introductory}
The ~~lead in~~ language of 18 AAC 50.030 is amended to read:

18 AAC 50.030. State air ^{control} quality plan. Volumes II and III of the *State Air Quality Control Plan* for implementing and enforcing the provisions of AS 46.14 and this chapter, as amended through ^{November 26, 2016} {effective date of regulation} [DECEMBER 17, 2015], are adopted by reference. The plan includes the following documents which are also adopted by reference:

...

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 9/4/98, Register 147; am 1/1/2000, Register 152; am 12/30/2000, Register 156; am 9/21/2001, Register 159; am 1/27/2002, Register 161; am 3/27/2002, Register 161; am 5/3/2002, Register 162; am 2/20/2004, Register 169; am 6/24/2004, Register 170; am 10/1/2004, Register 171; am 12/14/2006, Register 180; am 12/30/2007, Register 184; am 5/17/2008, Register 186; am 7/25/2008, Register 187; am 11/9/2008, Register 188; am 5/6/2009, Register 190; am 11/4/2009, Register 192; am 4/1/2010,

Register 220, January 201⁷~~6~~ ENVIRONMENTAL CONSERVATION

Register 193; am 10/29/2010, Register 196; am 4/13/2011, Register 198; am 9/17/2011, Register 199; am 8/1/2012, Register 203; am 5/8/2013, Register 206; 2/5/2015, Register 213; am 4/17/2015, Register 214; am 3/2/16, Register 217 11/26/2016, Register 220)

Authority: AS 46.03.020 AS 46.14.030 Sec. 30, ch. 74, SLA 1993
AS 46.14.020 AS 46.14.140

(a)
18 AAC 50.075 is amended to read:

18 AAC 50.075. Solid fuel-fired [WOOD-FIRED] heating device visible emission standards. (a) A person may not operate a solid fuel-fired [WOOD-FIRED] heating device in a manner that causes

(1) black smoke; or

(2) visible emissions that exceed 20 [50] percent opacity for more than six minutes in any one hour in an area for which an air quality advisory is in effect under 18 AAC 50.245 or 18 AAC 50.246, except during the first 15 minutes after initial firing of the device; visible emissions are measured following opacity reading procedures as required under 40 C.F.R. Part 60, Appendix A, Method 9, adopted by reference in 18 AAC 50.040, as modified in Volume III, sec. IV-3, Appendix IV-3, of the *State Air Quality Control Plan*, adopted by reference in 18 AAC 50.030; alternatively, visible emissions may be measured using the alternative method to Method 9, ALT-082, approved and revised by EPA as of May 17, 2012.

—e

^{cd)}
18 AAC 50.075 is amended to read:

(d) A person may operate a solid fuel-fired [WOOD-FIRED] heating device in an area for which the department has declared a PM-2.5 air quality episode under 18 AAC 50.246 or under emergency episode provisions included in a local air quality plan incorporated in the *State Air Quality Control Plan*, adopted by reference in 18 AAC 50.030, only if

(1) visible emissions or opacity from the solid fuel-fired [WOOD-FIRED] heating device is below the opacity limits identified in the episode announcement for that area as defined in the *State Air Quality Control Plan*, adopted by reference in 18 AAC 50.030; [OR]

(2) the owner or operator of the solid fuel-fired [WOOD-FIRED] heating device obtains a written temporary waiver from the department or local air quality control program from the opacity limits identified in the episode announcement; the department or local air quality program may grant a temporary waiver after considering

(A) financial hardship information provided by the owner or operator;

(B) technical feasibility and device design information provided by the owner or operator;

(C) potential impact to locations with populations sensitive to exposure to PM-2.5; locations under this subparagraph include hospitals, schools, child care facilities, health clinics, long-term care facilities, assisted living homes, and senior centers;

(D) mitigation measures implemented by the owner or operator to prevent adverse health impacts to individuals sensitive to exposure to PM-2.5; and

(E) the contribution of the device to the exceedance of the PM-2.5 concentration triggering the episode announcement; or

bold/underline

(3) the department has not prohibited operation under 18 AAC 50.075(c). *ce) of this section*

18 AAC 50.075 is amended ^{by adding} to add a new subsection: ^{to read}

(e) The department may prohibit operation of a solid fuel-fired heating device in an area for which the department has declared a PM-2.5 air quality episode under emergency episode provisions included in a local air quality plan incorporated in the *State Air Quality Control Plan*, adopted by reference in 18 AAC 50.030, only if

(1) the temperature is ^{warmer than any} ~~above any~~ triggering threshold identified in a local air quality plan incorporated in the *State Air Quality Control Plan*, adopted by reference in 18 AAC 50.030; *and* ^{temperature}

(2) the announcement identifies the air quality zone(s) affected by the prohibition; and

^g (3) ~~the announcement~~ ^{(B) any} identifies exceptions as identified in the *State Air Quality Control Plan*, adopted by reference in 18 AAC 50.030.

(Eff. 1/18/97, Register 141; am 5/6/2009, Register 190; am 2/28/2015, Register 213; am 11/26/2016, Register 220)

Authority: AS 46.03.020 AS 46.14.020 Sec. 30, ch. 74, SLA 1993
AS 46.14.010 AS 46.14.030

18 AAC 50.076(c) is amended to read:

(c) A person operating a solid fuel-fired device may not burn or incinerate in the device

(1) wood that has paint, stains, or other types of coating;

(2) wood that has been treated with preservatives, including copper chromium arsenate, creosote, or pentachlorophenol;

(3) asphalt, rubber, tires, or tar products, including materials contaminated with petroleum, petroleum derivatives, oily wastes, or oil cleanup materials;

(4) chlorinated or halogenated organic compounds, including plastics, polyurethane products, pesticides, herbicides, or fungicides;

(5) compounds containing cyanide or asbestos;

(6) animal carcasses; [OR]

(7) putrescible garbage; (1)

(8) construction and demolition debris, including plywood and particleboard;
((bold/underline new paragraphs))

(9) flooring products; or

*am 3/2/2016,
Register 217*

(10) manure; *((Don't bold/underline period.))*

(Eff. 2/28/2015, Register 213; am 11/26/2016, Register 220)

Authority: AS 46.03.020 AS 46.14.020 Sec. 30, ch. 74, SLA 1993
AS 46.14.010 AS 46.14.030

The introductory language of

^ 18 AAC 50.077(b) is amended to read:

(b) Except as provided under (f), (g), or (h) of this section, a person may not operate,
[OR] install, or reinstall a wood-fired hydronic heater in an area identified in 18 AAC
50.015(b)(3), and may not supply, sell, lease, distribute, or convey a wood-fired hydronic heater
for operation or installation in an area identified in 18 AAC 50.015(b)(3), unless

...

Register 220, January 2016 ENVIRONMENTAL CONSERVATION
The introductory language of
18 AAC 50.077(c) is amended to read:

(c) Except as provided under (f), (g), or (h) of this section, a person may not operate,
[OR] install, **or reinstall** a woodstove in an area identified in 18 AAC 50.015(b)(3), and may not
supply, sell, lease, distribute, or convey a woodstove for operation or installation in an area
identified in 18 AAC 50.015(b)(3), unless

• • •

(Eff. 2/28/2015, Register 213; am 11/26/2016, Register 220)

Authority: AS 46.03.020 AS 46.14.020 Sec. 30, ch. 74, SLA 1993

AS 46.14.010 AS 46.14.030

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Byron Mallott
Lieutenant Governor

Date: October 27, 2016

File No.: JU2016200151

Tel. No.: 465-3600

From: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Re: Department of Environmental
Conservation: 18 AAC 50: Air
Quality Control: Fairbanks North Star
Borough urban nonattainment areas

We have reviewed the attached six pages of Department of Environmental Conservation changes to 18 AAC 50, air quality regulations. The regulations were adopted by the Department of Environmental Conservation after the close of the public comment period and incorporate revisions to the *State Air Quality Control Plan* to address air pollution in the Fairbanks nonattainment area.

The Department of Law has reviewed the attached regulations against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The public notice and the adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical edits to conform the regulations in accordance with AS 44.62.125; those edits are shown on the attached copy of the regulations. When filing, please be sure to write in the effective date of the regulations in the change to 18 AAC 50.030 on pages 1 of the regulations.

SRP:srp

cc via e-mail (w/encl):

Honorable Larry Hartig, Commissioner
Department of Environmental Conservation

Gary Mendivil, Regulations Contact
Department of Environmental Conservation

Denise Koch, Director
Division of Air Quality
Department of Environmental Conservation

Cynthia Heil, Program Manager
Division of Air Quality
Department of Environmental Conservation

Chris Peloso, Assistant Attorney General
Department of Law

AIR QUALITY: NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation proposes to adopt regulation changes intended 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.

The Alaska Department of Environmental Conservation proposes to adopt changes in 18 AAC 50 of the Alaska Administrative Code, dealing with air quality, including the following:

- 1) Amend 18 AAC 50.025 to establish three "air quality control zones" within the Fairbanks PM-2.5 Nonattainment Area: Goldstream, Fairbanks, and North Pole.
- 2) Amend 18 AAC 50.030 to adopt revisions to the State Air Quality Control Plan in Volume II Section III.D.5: Fairbanks North Star Borough PM-2.5 Control Plan.
- 3) Amend 18 AAC 50.075 to lower visible emission standards for solid fuel-fired heating devices during air quality advisories.
- 4) Amend 18 AAC 50.075 to allow Department discretion to prohibit operation of solid fuel-fired heating devices during air quality episodes.
- 5) Amend 18 AAC 50.076 to add to the list of materials that cannot be burned in a solid fuel-fired heating device.
- 6) Amend 18 AAC 50.077 to prohibit the reinstallation of wood-fired hydronic heaters and woodstoves that do not meet emissions standards within a nonattainment area.

Posting

The above list of proposed changes to the regulations only provides a summary of their subject matter. Copies of the proposed regulation changes and SIP amendments are available at http://dec.alaska.gov/air/anpms/comm/fbks_pm2-5_proposed-regs_2016.htm.

Questions

You may submit written questions relevant to the proposed action using the electronic question form at http://dec.alaska.gov/air/anpms/comm/fbks_pm2-5_proposed-regs_2016.htm; by email to dec.air.comment@alaska.gov; by facsimile to (907) 269-7508; or by mail to: Alex Edwards, Division of Air Quality, 555 Cordova St. Anchorage, Alaska 99501. Questions may also be submitted verbally in testimony at one of the public hearings. The Department will aggregate its response to substantially similar questions and make the questions and responses available on http://dec.alaska.gov/air/anpms/comm/fbks_pm2-5_proposed-regs_2016.htm. The questions must be received by July 18th, 2016. The Department may, but is not required to, answer written questions received after July 18th, 2016, the 10-day cut-off date.

Comments

You may comment on the proposed regulation changes, including the potential costs to private persons of complying and practical alternatives to the proposed changes. Submit written comments through the electronic comment form at <https://dec.alaska.gov/Applications/Air/airtoolsweb/FormalComments>; by e-mail to dec.air.comment@alaska.gov; by facsimile to (907) 269-7508; or by mail to: Alex Edwards, Division of Air Quality, 555 Cordova St. Anchorage, Alaska 99501. Comments must be received by 5:00 PM on July 28th, 2016. Comments received after this date will not be considered in any final action on these rules and the air quality plan.

Open Houses

The Department will hold two open houses: July 12th from 5:00 – 7:00 p.m. in North Pole, Alaska at the North Pole Library, 656 NPHS Blvd.; and July 13th from 5:00 – 7:00 p.m. in Fairbanks, Alaska at the Noel Wein Library, 1215 Cowles Street. The Department will give a short presentation at the beginning of each open house. Formal oral testimony will not be taken at the open houses, but written comments and questions may be submitted to Department staff.

Hearings

The Department will hold daytime public hearings on July 14th from 11:30 a.m. – 1:30 p.m. at 1) Fairbanks North Star Borough Assembly Chambers, 809 Pioneer Rd.; 2) ADEC Anchorage Office, 1st Floor Main Conference Room, 555 Cordova St.; and 3) ADEC Juneau Office, 2nd floor main conference room, 410 Willoughby Ave. An evening hearing will be held on July 14th from 5:00 – 7:00 p.m. at the Fairbanks North Star Borough Assembly Chambers. Oral or written comments may be submitted at the hearings. The hearings will be extended if necessary to accommodate those present before the published hearing end time who did not have an opportunity to comment.

If you experience a disability and need special accommodation to participate in this public process, please contact Natalie Wolfe at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 seven days prior to any open house or public hearing to ensure necessary accommodations can be provided.

After the public comment period ends on July 28th, 2016, DEC will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action. 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 46.14.030, AS 46.14.400

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

Date: June 2, 2016
Anchorage, Alaska



Larry Hartig, DEC Commissioner

FNSB PM2.5 AIR QUALITY PLAN (SIP) & PROPOSED REGULATIONS
ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Alaska Department of Environmental Conservation
2. General subject of regulation: 18 AAC 50 is being amended to adopt regulations regarding air quality statewide and in the FNSB PM-2.5 Nonattainment Area and adopt various federally required amendments to the State Air Quality Plan.
3. Citation of regulation (may be grouped): 18 AAC 50.025; 50.030; 50.075; 50.076; and 50.077
4. Department of Law file number, if any JU2016200151
5. Reason for the proposed action:
(X) compliance with federal law:
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.
() compliance with new or changed state statute
() compliance with federal or state court decision
() development of program standards
() other
6. Appropriation/Allocation: Air Quality/Non-Point and Mobile Sources.
7. Estimated costs in the aggregate to comply with the proposed action to:
 - a.) Private Persons: The proposed revisions reinforce current local Borough requirements and the Department does not anticipate additional compliance costs to private citizens resulting from these proposed regulations. Please see a complete discussion of estimated costs online at http://dec.alaska.gov/air/anpms/comm/fbks_pm2-5_proposed-regs_2016.htm. The Department encourages comments on potential costs of complying with these proposed regulations.
 - b.) Other State Agencies: None.
 - c.) Municipalities: No known additional compliance costs. Evaluating these proposed regulations using the existing FNSB Ordinance 2015-01 as a baseline, there do not appear to be additional compliance costs imposed on FNSB or any other municipalities.
8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY16	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ <u>0</u>	\$ <u>0</u>
1003 General fund match	\$ <u>0</u>	\$ <u>0</u>
1004 General fund	\$ <u>0</u>	\$ <u>0</u>
1005 General fund/program	\$ <u>0</u>	\$ <u>0</u>
1037 General fund/mental health	\$ <u>0</u>	\$ <u>0</u>
Other	\$ <u>0</u>	\$ <u>0</u>

9. The name of the contact person for the regulations:

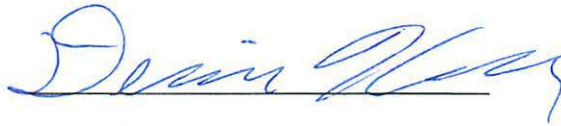
Name	<u>Alex Edwards</u>
Title	<u>Environmental Program Specialist</u>
Address	<u>555 Cordova St.</u>
	<u>Anchorage, AK 99501</u>
Telephone	<u>907-269-7695</u>
E-mail	<u>alex.edwards@alaska.gov</u>

10. The origin of the proposed action:

☒ staff of state agency
☐ federal government
☐ general public
☐ petition for regulation change
☐ other

11. Date: June 2, 2016

Prepared by:



Name	Denise Koch
Title	Air Quality Director
Telephone:	465-5105

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Alex Edwards, Environmental Program Specialist, of the Alaska Department of Environmental Conservation, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 18 AAC 50 Air Quality Control has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chair of the Natural Resources Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

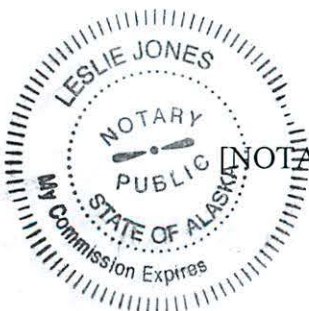
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 9-6-16

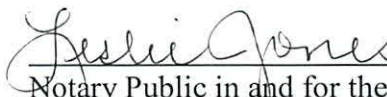


Alex Edwards, Environmental Program Specialist

Subscribed and sworn to before me at Anchorage, Alaska on
September 6, 2016.



[NOTARY SEAL]



Notary Public in and for the State of Alaska

FIRST JUDICIAL DISTRICT'



STATE OF ALASKA

)

) ss.

FIRST JUDICIAL DISTRICT'

)


AFFIDAVIT OF ORAL HEARING

I, John Clark, Environmental Program Manager for the Department of Environmental Conservation, being sworn, state the following:

On July 14, 2015, from 11:30am-1:30pm, in the 1st Floor Main Conference Room, 555 Cordova St., Anchorage, Alaska, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 18 AAC 50, concerning air quality regulations and State Air Quality Control Plan amendments.

DATE: 07/14/2016
Anchorage, Alaska

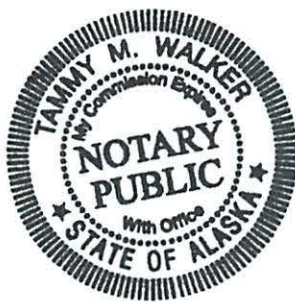
Anchorage, Alaska



John Clark, EPM1

John Clark, EPM1

SUBSCRIBED AND SWORN TO before me this 14 day of July, 2016.

[NOTARY SEAL]




Notary Public in and for the
State of Alaska
My commission expires: *with office*

Notary Public in and for the
State of Alaska

My commission expires: with office

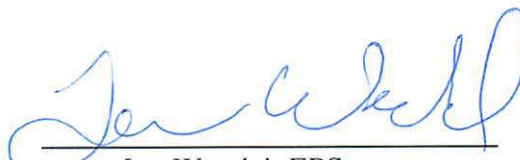
STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

AFFIDAVIT OF ORAL HEARING

I, Jon Wendel, Environmental Program Specialist for the Department of Environmental Conservation, being sworn, state the following:

On July 14, 2015, from 11:30am-1:30pm, in the 2nd Floor Main Conference Room, 410 Willoughby Ave., Juneau, Alaska, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 18 AAC 50, concerning air quality regulations and State Air Quality Control Plan amendments.

DATE: 7/14/16
 Anchorage, Alaska

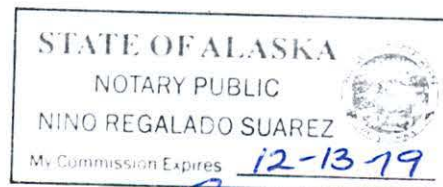



Jon Wendel, EPS

SUBSCRIBED AND SWORN TO before me this 14 day of July, 2016.

[NOTARY SEAL]

Notary Public in and for the
State of Alaska
My commission expires: _____.




07-14-16

FIRST JUDICIAL DISTRICT'

AFFIDAVIT OF ORAL HEARING

I, Alex Edwards, Environmental Program Specialist for the Department of Environmental Conservation, being sworn, state the following:

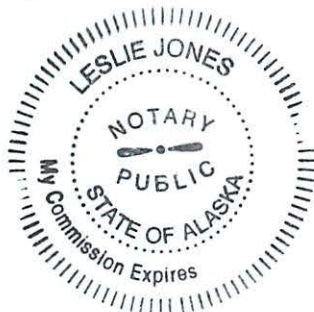
On July 14, 2015, from 5:00pm-7:00pm, in the Fairbanks North Star Borough Assembly Chambers, 809 Pioneer Rd., Fairbanks, Alaska, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 18 AAC 50, concerning air quality regulations and State Air Quality Control Plan amendments.

DATE: 9.6.16
Anchorage, Alaska


Alex Edwards, EPS

SUBSCRIBED AND SWORN TO before me this 6 day of September, 2016.

[NOTARY SEAL]



Leshie Jones
Notary Public in and for the
State of Alaska
My commission expires: 2017

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT


I, Alex Edwards, Environmental Program Specialist for the Alaska Department of Environmental Conservation, being duly sworn, state the following:

In compliance with AS 44.62.215, the Alaska Department of Environmental Conservation has kept a record of its use or rejection of factual or other substantive information that was submitted in writing and orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Alaska Department of Environmental Conservation regulations on Air Quality Control.

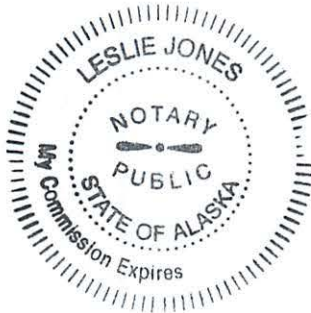
Date: 9-6-16


Alex Edwards, Environmental Program Specialist

Subscribed and sworn to before me at Anchorage, Alaska on
September 6, 2016.


Notary Public in and for the State of Alaska

[NOTARY SEAL]



RECEIVED

JUN 10 2016

ADEC AQ

NOTARY PUBLIC
M. BURNELL
STATE OF ALASKA
My commission Expires December 7, 20____

AFFP

AIR QUALITY: NOTICE OF PROPOSE

Affidavit of Publication

UNITED STATES OF AMERICA
STATE OF ALASKA
FOURTH DISTRICT } SS.

Before me, the undersigned, a notary public, this day personally appeared Alicia Huckins, who, being first duly sworn, according to law, says that he/she is an Advertising Clerk of the Fairbanks Daily News-Miner, a newspaper (i) published in newspaper format, (ii) distributed daily more than 50 weeks per year, (iii) with a total circulation of more than 500 and more than 10% of the population of the Fourth Judicial District, (iv) holding a second class mailing permit from the United States Postal Service, (v) not published primarily to distribute advertising, and (vi) not intended for a particular professional or occupational group. The advertisement which is attached is a true copy of the advertisement published in said paper on the following day(s):

June 03, 2016

and that the rate charged thereon is not excess of the rate charged private individuals, with the usual discounts.



Advertising Clerk

Subscribed to and sworn to me this 3rd day of June 2016.



Marena Burnell, Notary Public in and for the State of Alaska.

My commission expires: December 07, 2017

00002887 00035562 907-465-5129

LG ADV ACCT
ST OF AK ADEC/DIV AIR QUALITY
410 WILLOUGHBY AVE, STE 303
PO BOX 111800

35562

AIR QUALITY: NOTICE OF PROPOSED
CHANGES IN THE REGULATIONS OF THE
ALASKA DEPARTMENT OF ENVIRONMENTAL
CONSERVATION

BRIEF DESCRIPTION

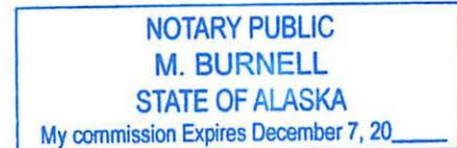
The Alaska Department of Environmental Conservation proposes to adopt regulation changes intended to assist with the improvement of air quality in the Fairbanks North Star Borough (FNSB) Nonattainment Area. The proposed regulations and State Implementation Plan (SIP) amendments incorporate elements of local ordinances enacted by the FNSB Assembly allowing their use in meeting federal Clean Air Act requirements for the FNSB Nonattainment Area.

The Alaska Department of Environmental Conservation proposes to adopt changes in 18 AAC 50 of the Alaska Administrative Code, dealing with air quality, including the following:

- 1) Amend 18 AAC 50.025 to establish three "air quality control zones" within the Fairbanks PM-2.5 Nonattainment Area: Goldstream, Fairbanks, and North Pole.
- 2) Amend 18 AAC 50.030 to adopt revisions to the State Air Quality Control Plan in Volume II Section III.D.5: Fairbanks North Star Borough PM-2.5 Control Plan.
- 3) Amend 18 AAC 50.075 to lower visible emission standards for solid fuel-fired heating devices during air quality advisories.
- 4) Amend 18 AAC 50.075 to allow Department discretion to prohibit operation of solid fuel-fired heating devices during air quality episodes.
- 5) Amend 18 AAC 50.076 to add to the list of materials that cannot be burned in a solid fuel-fired heating device.
- 6) Amend 18 AAC 50.077 to prohibit the reinstallation of wood-fired hydronic heaters and woodstoves that do not meet emissions standards within a nonattainment area.

Posting

The above list of proposed changes to the regulations only provides a summary of their subject matter. Copies of the proposed regulation changes and SIP amendments are available at http://dec.alaska.gov/air/anpms/comm/fbks_pm2-



5_proposed-regs_2016.htm

Questions

You may submit written questions relevant to the proposed action using the electronic question form at

http://dec.alaska.gov/air/anpms/comm/fbks_pm2-5_proposed-regs_2016.htm; by email to dec.air.comment@alaska.gov; by facsimile to (907) 269-7508; or by mail to: Alex Edwards, Division of Air Quality, 555 Cordova St. Anchorage, Alaska 99501. Questions may also be submitted verbally in testimony at one of the public hearings. The Department will aggregate its response to substantially similar questions and make the questions and responses available on http://dec.alaska.gov/air/anpms/comm/fbks_pm2-5_proposed-regs_2016.htm. The questions must be received by July 18th, 2016. The Department may, but is not required to, answer written questions received after July 18th, 2016, the 10-day cut-off date.

Comments

You may comment on the proposed regulation changes, including the potential costs to private persons of complying and practical alternatives to the proposed changes. Submit written comments through the electronic comment form at <https://dec.alaska.gov/Applications/Air/airtoolsweb/FormalComments>; by e-mail to dec.air.comment@alaska.gov; by facsimile to (907) 269-7508; or by mail to: Alex Edwards, Division of Air Quality, 555 Cordova St. Anchorage, Alaska 99501. Comments must be received by 5:00 PM on July 28th, 2016. Comments received after this date will not be considered in any final action on these rules and the air quality plan.

Open Houses

The Department will hold two open houses: July 12th from 5:00 – 7:00 p.m. in North Pole, Alaska at the North Pole Library, 656 NPHS Blvd.; and July 13th from 5:00 – 7:00 p.m. in Fairbanks, Alaska at the Noel Wien Library, 1215 Cowles St. The Department will give a short presentation at the beginning of each open house. Formal oral testimony will not be taken at the open houses, but written comments and questions may be submitted to Department staff.

Hearings

The Department will hold daytime public hearings on July 14th from 11:30 a.m. – 1:30 p.m. at 1) Fairbanks North Star Borough Assembly Chambers, 809 Pioneer Rd.; 2) ADEC Anchorage Office, 1st Floor Main Conference Room, 555 Cordova St.; and 3) ADEC Juneau Office, 2nd floor main conference room, 410 Willoughby Ave.

NOTARY PUBLIC

M. BURNELL

STATE OF ALASKA

My commission Expires December 7, 20____

An evening hearing will be held on July 14th from 5:00 – 7:00 p.m. at the Fairbanks North Star Borough Assembly Chambers. Oral or written comments may be submitted at the hearings. The hearings will be extended if necessary to accommodate those present before the published hearing end time who did not have an opportunity to comment.

If you experience a disability and need special accommodation to participate in this public process, please contact Natalie Wolfe at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 seven days prior to any open house or public hearing to ensure necessary accommodations can be provided.

After the public comment period ends on July 28th, 2016, DEC will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action. 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 46.14.030, AS 46.14.400

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

Dated: June 2, 2016, Anchorage, Alaska
Signed by: Larry Hartig, DEC Commissioner

Publish: June 3, 2016