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

M E M O R A N D U M

TO: Gary Mendivil
Department of Environmental Conservation

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: October 8, 2020

RE: Filed Permanent Regulations: Department of Environmental Conservation

Department of Environmental Conservation Regulation re: Updates to Air Quality
Control, Material Adopted by Reference (18 AAC 50)

Attorney General File:	2020200050
Regulation Filed:	10/8/2020
Effective Date:	11/7/2020
Print:	236, January 2021

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The attached seven pages of regulations, dealing with Air Quality Limited Maintenance Plans 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 Procedure 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 attention 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: July 22, 2020
Anchorage, Alaska


Jason W. Brune, Commissioner
Department of Environmental Conservation

FILING CERTIFICATION

April Simpson for

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on October 8, 2020, at 3:02 p.m. I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

April Simpson
for Kevin Meyer, Lieutenant Governor

Effective: November 7, 2020.

Register: 236, January 2021.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,
designate the following state employees to perform the Administrative Procedures Act
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on December 11th,
2018.**



K-Meyer
.....

**KEVIN MEYER
LIEUTENANT GOVERNOR**

The introductory language of

18 AAC 50.015(b) is amended to read:

(b) The following areas have been designated by the federal administrator in 40 C.F.R.

81 as "nonattainment" for the specified air pollutants:

(Eff. 1/18/97, Register 141; am 2/20/2004, Register 169; am 6/24/2004, Register 170; am 10/11/2004, Register 171; am 12/9/2010, Register 196; am 10/6/2013, Register 208; am 4/17/2015, Register 214; am 11/7/2020, Register 236)

Authority: AS 46.03.020

AS 46.14.010

AS 46.14.030

...

The ^eEditor's note for 18 AAC 50.015 is ^{changed g}~~amended~~ to read:

Editor's note: The nonattainment ^garea and maintenance ^{area} boundaries, the air quality control region boundaries, and the Class I area boundaries are depicted on maps in the state air quality control plan adopted by reference in 18 AAC 50.030. Air quality control region and nonattainment area boundaries are described in 40 C.F.R. 81, as revised as of July 1, 2019 [JULY 1, 2003].

...

((Publisher: remainder of editor's note is unchanged.))

~~As of Register 154, July 2000, the regulations attorney made a technical revision under AS 44.62.125(b)(6) in Table I at 18 AAC 50.015(c)(2).~~ ^e

The introductory language of 18 AAC 50.030(a) is amended to read:

(a) Volumes II and III of the *State Air Quality Control Plan* for implementing and enforcing the provisions of AS 46.14 and this chapter, revised as of ^{July 22, 2020}~~{adoption date of the~~ ^e

~~regulations~~ [NOVEMBER 19, 2019], are adopted by reference. The plan includes the following documents that are also adopted by reference:

...

18 AAC 50.030 is amended by adding a new subsection to read:

(c) ~~With respect to plan requirements for~~ contingency measures in nonattainment and maintenance areas identified in 18 AAC 50.015(b) ~~and~~ (d) ^{and} (e)

(1) ~~contingency measures~~ must be implemented as described in the *State Air Quality Control Plan* for an area upon

(A) the occurrence of a condition identified in the *State Air Quality Control Plan* as requiring implementation of a contingency measure; or

(B) the effective date of an EPA finding that the area failed:

(i) to attain the applicable NAAQS by the applicable attainment date;

(ii) to meet a ^{quantitative} ~~qualitative~~ milestone;

(iii) to submit a required quantitative milestone report; or

(iv) to meet a reasonable further progress requirement;

(2) ~~contingency measures~~ may provide for notice to affected entities as outlined in the approved *State Air Quality Control Plan*.

(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 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; am 2/5/2015, Register 213; am 4/17/2015, Register 214; am 3/2/2016, Register 217; am 11/26/2016, Register 220; am 12/29/2016, Register 220; am 1/12/2018, Register 225; am 9/15/2018, Register 227; am 1/8/2020, Register 233; am 11/7/2020, Register 236)

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

The introductory language of

18 AAC 50.035(b) is amended to read:

(b) The following procedures and methods set out in 40 C.F.R., revised as of July 1,

2019 [FEBRUARY 27, 2014], are adopted by reference:

☹
(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 7/2/2000, Register 154; am 2/2/2002, Register 161; am 5/3/2002, Register 162; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 7/25/2008, Register 187; am 11/9/2008, Register 188; am 4/1/2010, Register 193; am 9/17/2011, Register 199; am 4/8/2012, Register 202; am 9/14/2012, Register 203; am 1/4/2013, Register 205; am 4/17/2015, Register 214; am 8/20/2016, Register 219; am 9/15/2018, Register 227; am 11/7/2020, Register 236)

Authority: AS 46.03.020 AS 46.14.020 AS 46.14.140

AS 46.14.010

AS 46.14.030

Sec. 30, ch. 74, SLA 1993

The introductory language of

18 AAC 50.040(a) is amended to read:

~~18 AAC 50.040. Federal standards adopted by reference.~~ (a) The following provisions of 40 C.F.R. Part 60 (Standards of Performance for New Stationary Sources), revised as of April 2, 2020 [JULY 1, ²⁰¹⁷ ~~2019~~], are adopted by reference as they apply to a Title V source:

...

The introductory language of

18 AAC 50.040(c) is amended to read:

(c) The following provisions of 40 C.F.R. Part 63 (National Emission Standards for Hazardous Air Pollutants), revised as of March 9, 2020 [JULY 1, 2017], are adopted by reference as they apply to a Title V source:
☒
(Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; am 7/2/2000, Register 154; am 6/1/2002, Register 162; am 8/15/2002, Register 163; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 7/25/2008, Register 187; am 12/9/2010, Register 196; am 9/14/2012, Register 203; am 1/4/2013, Register 205; am 10/6/2013, Register 208; am 11/9/2014, Register 212; am 4/17/2015, Register 214; am 8/20/2016, Register 219; am 9/15/2018, Register 227; ~~am 1/8/2020, Register 233~~, am 11/7/2020, Register 236)

Authority: AS 46.03.020

AS 46.14.020

AS 46.14.030

AS 46.14.010

18 AAC 50.077(i)(1) is amended to read:

(1) for a woodstove, pellet stove, or pellet-fired hydronic heater, the certification criteria in the National Fireplace Institute Policy Handbook, revised as of November 22, 2019 [NOVEMBER 19, 2019], and adopted by reference, or demonstrate equivalent training and qualification approved by the department;

← (Eff. 2/28/2015, Register 213; am 11/26/2016, Register 220; am 1/12/2018, Register 225; am 1/8/2020, Register 233; am 11/7/2020, Register 236)

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

The last paragraph of the ^eEditor's ⁿNote for 18 AAC 50.077 is ^{changed}amended to read:

→ The following document adopted by reference are available at the Division of Air Quality's Reference Materials for 18 AAC 50 web page at <https://dec.alaska.gov/air/anpms/sip/18AAC50-reference-materials/>: The Northeast States for Coordinated Air Use Management (NESCAUM) Standard Operating Procedures for use of Thermo 1405 TEOM for use in dilution tunnel, May 17, 2019; The National Fireplace Institute Policy Handbook, revised as of November 22, 2019 [NOVEMBER 19, 2019]; and The Masonry Heater Association of North America Reference Manual, revised as of January 2019.

18 AAC 50.542(d)(1)(B) ⁽ⁱⁱ⁾ is amended ~~by adding a new sub-subparagraph~~ to read:

(iv) ~~to the EPA;~~

(Eff. 10/1/2004, Register 171; am 12/1/2004, Register 172; am 7/25/2008, Register 187; am

(ii) by mail or electronic mail to persons on a list maintained by the department, including the EPA administrator and any person who requests to be notified; if a person requests to be sent notice by postal mail instead of electronic mail, the department will send the notice by postal mail; and

Register 236, January ²⁰²¹ ~~2020~~

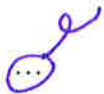
ENVIRONMENTAL CONSERVATION

12/9/2010, Register 196; am 1/4/2013, Register 205; am 8/20/2016, Register 219; am ^{11/5/2017} ~~11/7/2017~~,
Register 224; am 9/15/2018, Register 227; am 11/7/2020, Register 236)

Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	AS 46.14.200

18 AAC 50.990(108) is amended to read:

(108) “thermal soil remediation unit” means a stationary source that causes contaminants [PETROLEUM CONTAMINATION] to be desorbed from soils by heating the soil in a kiln;



18 AAC 50.990(151) is amended to read:

(151) “RACT” has the meaning given the term “reasonably available control technology (RACT)” in 40 C.F.R. 51.100(o), as revised as of July 1, 2019 [JULY 1, 2017], adopted by reference; [C.]

(Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; am 9/4/98, Register 147; am 11/4/99, Register 152; am 1/1/2000, Register 152; am 2/2/2002, Register 161; am 5/3/2002, Register 162; am 11/15/2002, Register 164; am 8/8/2003, Register 167; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 12/30/2007, Register 184; am 7/25/2008, Register 187; am 4/1/2010, Register 193; am 12/9/2010, Register 196; am 9/17/2011,

Register 236, January ²⁰²¹ ~~2020~~

ENVIRONMENTAL CONSERVATION

Register 199; am 9/14/2012, Register 203; am 10/6/2013, Register 208; am 11/9/2014, Register 212; am 2/28/2015, Register 213; am 4/17/2015, Register 214; am 3/2/2016, Register 217; 1/12/2018, Register 225; am 9/15/2018, Register 227; am 1/8/2020, Register 233; am

11/7/2020 Register 236)

Authority:	AS 44.46.025	AS 46.14.140	AS 46.14.250
	AS 46.03.020	AS 46.14.150	AS 46.14.255
	AS 46.03.710	AS 46.14.160	AS 46.14.280
	AS 46.14.010	AS 46.14.170	AS 46.14.285
	AS 46.14.020	AS 46.14.180	AS 46.14.290
	AS 46.14.030	AS 46.14.210	AS 46.14.300
	AS 46.14.120	AS 46.14.230	AS 46.14.560
	AS 46.14.130	AS 46.14.240	Sec. 30, ch. 74, SLA 1993

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: September 30, 2020

File No.: 2020200050

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 Regulation re: 18 AAC
50: - Updates to Air Quality Control,
Material Adopted by Reference

The Department of Law has reviewed the attached regulations of the Department of Environmental Conservation 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 regulations were adopted by the Department of Environmental Conservation after the close of the public comment period. The regulations concern air quality regulations, including Limited Maintenance Plans, and federal air quality materials adopted by reference which have been revised.

The April 26, 2020, public notice and the July 22, 2020, 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.

This is a companion project to 2019200615, Air Quality Standards and Preapproved Emission Limits and should be effective the same day, with this project being filed first.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SRP:sjw

cc w/encl.:

Honorable Jason Brune, Commissioner
Department of Environmental Conservation

Gary Mendivil, Regulations Contact
Department of Environmental Conservation

Rebecca Smith, Regulations Contact
Department of Environmental Conservation

Nathan Haynes, Assistant Attorney General
Department of Law

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

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation (ADEC) proposes to change its air quality regulations to: adopt by reference revised federal air quality regulations, adopt the 2nd 10-year PM-10 Limited Maintenance Plans for Eagle River and Juneau, adopt federal requirements that identify what triggers a contingency measure in nonattainment and maintenance areas statewide, clarify the definition of thermal soil remediation unit, and adopt an updated policy manual from the National Fireplace Institute.

ADEC proposes to adopt regulation changes in Title 18, Chapter 50 of the Alaska Administrative Code, dealing with updated adoptions by reference, clarifying language, the 2nd PM-10 Limited Maintenance Plans for Eagle River and Juneau, federal requirements that identify what triggers a contingency measure in nonattainment and maintenance areas statewide, and an update to the adoption by reference of a policy manual, including the following:

- (1) 18 AAC 50.015 and Editor's note are proposed to be amended, by adding clarification and updating the adoption by reference of federal regulations, to maintain current and consistent requirements related to federal air quality area designations.
- (2) 18 AAC 50.030 is proposed to be amended by updating the *State Air Quality Control Plan* to: amend Volume II, Section III, D.2 and D.3 by adopting the 2nd 10-year PM-10 Limited Maintenance Plans for Eagle River and Juneau; adopt federal language that identifies what triggers contingency measures for nonattainment and maintenance areas statewide; and amend Volume III Appendix to Volume II Section II to incorporate the proposed regulations after public review and comment.
- (3) 18 AAC 50.035(b) is proposed to be amended by updating the adoption by reference of federal regulations to maintain current and consistent air program requirements.
- (4) 18 AAC 50.040(a) and (c) are proposed to be amended by updating the adoption by reference of federal regulations to maintain current and consistent permitting requirements for engines in remote areas of Alaska and for stationary combustion turbines.
- (5) 18 AAC 50.077(i)(1) and 18 AAC 50.077 Editor's note are proposed to be amended by adopting the current approved version of the National Fireplace Institute Policy Handbook.
- (6) 18 AAC 50.542(d)(1)(B) is proposed to be amended by adding a requirement for the department to send notice of minor permit public comment periods to the Environmental Protection Agency.
- (7) 18 AAC 50.990(108) is proposed to be amended by revising the definition of thermal soil remediation unit (TSRU) to reflect the fact that TSRUs can process soil with contaminants other than just petroleum products.
- (8) 18 AAC 50.990(151) is proposed to be amended by updating the adoption by reference of the definition of Reasonably Available Control Technology (RACT) in federal regulations to maintain current and consistent permitting requirements.

If adopted, ADEC will submit the applicable regulation revisions to the U.S. Environmental Protection Agency (EPA) for inclusion in the approved State Implementation Plan (SIP).

Posting

The above list of proposed changes to the regulations provides only a summary of their subject matter. Copies of the proposed regulation changes and SIP amendments are available at the Proposed Updates to Air Quality Regulations and Eagle River and Juneau 2nd 10-year Limited Maintenance Plans – 2020 link on <https://dec.alaska.gov/air/anpms/sip/revisions/>. A copy of the proposed regulation changes is also available on the Alaska Online Public Notice System. Materials that are not feasible to post or are subject to copyright may be viewed at the ADEC office(s) at the following locations: ADEC Anchorage Building, 555 Cordova St., Anchorage; ADEC Fairbanks Office Building, 610 University Avenue; and ADEC Juneau Office Building, 410 Willoughby Avenue, Second Floor. To arrange to view the materials, contact Rebecca Smith at 907-465-5121 or rebecca.smith@alaska.gov.

Comments

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Adeyemi Alimi, Division of Air Quality, Department of Environmental Conservation, 555 Cordova Street, Anchorage, AK 99501; by e-mail to adeyemi.alimi@alaska.gov or dec.air.comment@alaska.gov; by facsimile at (907) 269-7508; or through the Air Quality Division's electronic comment submission web page at <https://dec.alaska.gov/Applications/Air/airtoolsweb/FormalComments>. **The comments must be received not later than 11:59 p.m. on Monday, June 15, 2020.** Comments received after this date will not be considered in final action on these rules and the air quality plan.

Hearing

ADEC has tentatively scheduled a public hearing for these proposed regulations, to be held on Friday, May 29, 2020, from 12:00 p.m. to 2:00 p.m. via teleconference. The public hearing will be held only if a request to hold the public hearing is received by ADEC by 5:00 p.m. on Thursday, May 21, 2020. You may request a public hearing by calling Rebecca Smith at 907-465-5121 between 9:00 a.m. and 5:00 p.m., Monday through Friday, or by e-mailing a request to rebecca.smith@alaska.gov. If no request for the public hearing is received by Thursday, May 21, 2020, the public hearing will be cancelled. ADEC will announce the cancellation of the public hearing by publishing a public notice, by 5:00 p.m. on Friday, May 22, 2020, on these websites:

<https://dec.alaska.gov/air/anpms/sip/pm10-maintenance-plans-eagle-river-juneau>, <https://dec.alaska.gov/Applications/Air/airtoolsweb/AirPermitsApprovalsAndPublicNotices>, and <https://dec.alaska.gov/commish/public-notices>. You may provide oral comments relevant to the proposed action **via telephone** at the hearing tentatively scheduled to be held on Friday, May 29, 2020, from 12:00 p.m. to 2:00 p.m. **by calling 1-800-315-6338; the Meet Me Code is 99549#.**

Due to public health and safety concerns associated with the COVID-19 pandemic, there will not be in-person attendance provided at the hearing site, so please prepare to share your oral comments by telephone only. Callers should be on the line **before** the hearing begins at 12:00 p.m. if they would like to provide oral testimony so that we can document contact information for the record. Priority will be given to those who called in before 1:00 p.m. Prior to the start of the hearing, ADEC may limit the time allotted for each person providing oral testimony, as reasonably necessary to

conclude the hearing in the time provided. If held, the hearing may be extended if necessary to accommodate those present before 2:00 p.m. who did not have an opportunity to comment.

Questions

You may submit written questions relevant to the proposed action to ADEC using the electronic question form at <https://dec.alaska.gov/Applications/Air/airtoolsweb/FormalQuestions> or by sending the questions to Adeyemi Alimi at adeyemi.alimi@alaska.gov or via mail to Adeyemi Alimi, Division of Air Quality, Department of Environmental Conservation, 555 Cordova Street, Anchorage, AK 99501. Questions may also be submitted verbally in testimony at the public hearing, if it occurs. ADEC will aggregate its response to substantially similar questions and make the questions and responses available on <https://dec.alaska.gov/air/anpms/communities/pm10-2020-questions-answers/>. The questions must be received at least 10 days before the end of the public comment period; **the question deadline is Friday, June 5, 2020**. The Department may, but is not required to, answer written questions received after Friday, June 5, 2020, the 10-day cut-off date.

If you are a person with a disability who may need a special accommodation in order to participate in this public process, please contact Kate Orozco at (907) 465-6171 or kate.orozco@alaska.gov not later than Wednesday, May 20, 2020, to ensure that any necessary accommodations can be provided.

After the public comment period ends, the ADEC will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **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 37.10.052; AS 44.46.025; AS 46.03.020; AS 46.14.010; AS 46.14.140, AS 46.14.240; AS 46.14.250

Statutes being implemented, interpreted, or made specific: AS 46.03.020; AS 46.14.010; AS 46.14.020; AS 46.14.030; AS 46.14.140; Sec 30, ch 74, SLA 1993

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

ADEC, Division of Air Quality keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Division of Air Quality notices of proposed regulation changes. To be added to or removed from the list, you may sign up on the Air Online Services (AOS) page at: <http://dec.alaska.gov/Applications/Air/airtoolsweb/Home/Index/>. A myAlaska account is required to use the AOS system.

Date: April 24, 2020



Jason W. Brune, ADEC Commissioner

ADDITIONAL REGULATION 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: 1) update adoption by reference dates; 2) clarify language; 3) adopt new Limited Maintenance Plans for Eagle River and Juneau; 4) add new language regarding contingency measures in nonattainment and maintenance areas; and 5) update the adoption of a policy manual.
3. Citation of regulation (may be grouped): 18 AAC 50.015; 18 AAC 50.030, 18 AAC 50.035; 18 AAC 50.040, 18 AAC 50.077; 18 AAC 50.542; 18 AAC 50.990
4. Department of Law file number, if any: 2020200050
5. Reason for the proposed action:
☒ (X) Compliance with federal law or action (identify): Clean Air Act
☐ () Compliance with new or changed state statute
☐ () Compliance with federal or state court decision (identify): _____
☒ (X) Development of program standards
☐ () Other (identify): _____
6. Appropriation/Allocation: Air Quality Division, Air Permits and Non-Point & Mobile Sources Programs
7. Estimated annual cost to comply with the proposed action to:
A private person: None. There are no direct costs to the public. The majority of the proposed revisions update the regulations to align with federal requirements, keep them current, and make them easier for the public to navigate. The Limited Maintenance Plans for Eagle River and Juneau Mendenhall Valley do not add any new controls or programs that would result in changes to the annual costs to individuals, municipalities, or state agencies.
Another state agency: None.
A municipality: None.
8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 2020 __	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>
Other (identify)	\$ <u>0</u>	\$ <u>0</u>
9. The name of the contact person for the regulation:

Name: Rebecca Smith
Title: Environmental Program Specialist
Address: P.O. Box 111800
Juneau, AK 99811-1800
Telephone: 907-465-5121
E-mail address: rebecca.smith@alaska.gov

10. The origin of the proposed action:

- ☒ Staff of state agency
☒ Federal government
☐ General public
☐ Petition for regulation change
☐ Other (identify): _____

11. Date: April 24, 2020

Prepared by: _____

Name: Rebecca Tyson Smith

Title: Environmental Program Specialist

Telephone: 907-465-5121

Affidavit of Publication

State of Alaska,
City and Borough of Juneau.

Anna Uttereyuk being
first duly sworn, upon oath deposes and
says: that he/she is the legal representative
of the Juneau Empire, a newspaper of
general circulation, published in the City
of Juneau, State of Alaska. The annexed is
a true copy of ad # 897308 as it
was published in the regular and entire
issue of said paper and not as a
supplement form thereof for a period of
1 issue(s), such publication
commencing on 4/26/2020 and
ending on 4/26/2020 and that
said newspaper was regularly distributed
to its subscribers during all of said period.

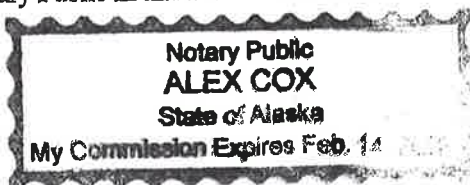
Atty

Subscribed and sworn before me on this

1st day of May, 2020

Al

Notary Public in and for the State of Alaska.



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

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation (ADEC) proposes to change its air quality regulations to: adopt by reference revised federal air quality regulations, adopt the 2nd 10-year PM-10 Limited Maintenance Plans for Eagle River and Juneau, adopt federal requirements that identify what triggers a contingency measure in nonattainment and maintenance areas statewide, clarify the definition of thermal soil remediation unit, and adopt an updated policy manual from the National Fireplace Institute.

ADEC proposes to adopt regulation changes in Title 18, Chapter 50 of the Alaska Administrative Code, dealing with updated adoptions by reference, clarifying language, the 2nd PM-10 Limited Maintenance Plans for Eagle River and Juneau, federal requirements that identify what triggers a contingency measure in nonattainment and maintenance areas statewide, and an update to the adoption by reference of a policy manual, including the following:

(1) 18 AAC 50.015 and Editor's note are proposed to be amended, by adding clarification and updating the adoption by reference of federal regulations, to maintain current and consistent requirements related to federal air quality area designations.

(2) 18 AAC 50.030 is proposed to be amended by updating the State Air Quality Control Plan to: amend Volume II, Section III, D.2 and D.3 by adopting the 2nd 10-year PM-10 Limited Maintenance Plans for Eagle River and Juneau; adopt federal language that identifies what triggers contingency measures for nonattainment and maintenance areas statewide; and amend Volume III Appendix to Volume II Section II to incorporate the proposed regulations after public review and comment.

(3) 18 AAC 50.035(b) is proposed to be amended by updating the adoption by reference of federal regulations to maintain current and consistent air program requirements.

(4) 18 AAC 50.040(a) and (c) are proposed to be amended by updating the adoption by reference of federal regulations to maintain current and consistent permitting requirements for engines in remote areas of Alaska and for stationary combustion turbines.

(5) 18 AAC 50.077(i)(1) and 18 AAC 50.077 Editor's note are proposed to be amended by adopting the current approved version of the National Fireplace Institute Policy Handbook.

(6) 18 AAC 50.542(d)(1)(B) is proposed to be amended by adding a requirement for the department to send notice of minor permit public comment periods to the Environmental Protection Agency.

(7) 18 AAC 50.990(108) is proposed to be amended by revising the definition of thermal soil remediation unit (TSRU) to reflect the fact that TSRUs can process soil with contaminants other than just petroleum products.

(8) 18 AAC 50.990(151) is proposed to be amended by updating the adoption by reference of the definition of Reasonably Available Control Technology (RACT) in federal regulations to maintain current and consistent permitting requirements.

If adopted, ADEC will submit the applicable regulation revisions to the U.S. Environmental Protection Agency (EPA) for inclusion in the approved State Implementation Plan (SIP).

Posting

The above list of proposed changes to the regulations provides only a summary of their subject matter. Copies of the proposed regulation changes and SIP amendments are available at the Proposed Updates to Air Quality Regulations and Eagle River and Juneau 2nd 10-year Limited Maintenance Plans - 2020 link on <https://dec.alaska.gov/air/anpms/sip/revisions/>. A copy of the proposed regulation changes is also available on the Alaska Online Public Notice System. Materials that are not feasible to post or are subject to copyright may be viewed at the ADEC office(s) at the following locations: ADEC Anchorage Building, 555 Cordova St., Anchorage; ADEC Fairbanks Office Building, 610 University Avenue; and ADEC Juneau Office Building, 410 Willoughby Avenue, Second Floor. To arrange to view the materials, contact Rebecca Smith at 907-465-5121 or rebecca.smith@alaska.gov.

Comments

on the proposed regulation changes, including the proposed changes to the SIP, by the public, by the following deadline: 10/1/2020.

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 270259 ST OF AK/DIV AIR QUALITY
PO BOX 111800, JUNEAU, AK 99811

Order #: W0014724

Cost: \$981.1

STATE OF ALASKA THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the afore-said place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

04/26/2020

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed

Subscribed and sworn to before me
this 29th day of April 2020.

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

7/14/2020

STATE OF ALASKA
NOTARY
PUBLIC
Jada L. Nowling

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

The Alaska Department of Environmental Conservation (ADEC) proposes to change its air quality regulations to: adopt by reference revised federal air quality regulations, adopt the 2nd 10-year PM₁₀ Limited Maintenance Plans for Eagle River and Juneau, adopt federal requirements that identify what triggers a contingency measure in nonattainment and maintenance areas statewide, clarify the definition of thermal soil remediation unit, and adopt an updated policy manual from the National Fireplace Institute.

ADEC proposes to adopt regulation changes in Title 18, Chapter 50 of the Alaska Administrative Code, dealing with updated adoptions by reference, clarifying language, the 2nd PM₁₀ Limited Maintenance Plans for Eagle River and Juneau, federal requirements that identify what triggers a contingency measure in nonattainment and maintenance areas statewide, and an update to the adoption by reference of a policy manual, including the following:

- (1) 18 AAC 50.015 and Editor's note are proposed to be amended, by adding clarification and updating the adoption by reference of federal regulations, to maintain current and consistent requirements related to federal air quality area designations.
- (2) 18 AAC 50.030 is proposed to be amended by updating the State Air Quality Control Plan to: amend Volume II, Section II, D.2 and D.3 by adopting the 2nd 10-year PM₁₀ Limited Maintenance Plans for Eagle River and Juneau; adopt federal language that identifies what triggers contingency measures for nonattainment and maintenance areas statewide, and amend Volume II Appendix to Volume II Section II to incorporate the proposed regulations after public review and comment.
- (3) 18 AAC 50.035(b) is proposed to be amended by updating the adoption by reference of federal regulations to maintain current and consistent air program requirements.
- (4) 18 AAC 50.040(a) and (c) are proposed to be amended by updating the adoption by reference of federal regulations to maintain current and consistent permitting requirements for engines in remote areas of Alaska and for stationary combustion turbines.
- (5) 18 AAC 50.077(b) and (c) are proposed to be amended by adopting the current approved version of the National Fireplace Institute Policy Handbook.
- (6) 18 AAC 50.542(a)(1)(B) is proposed to be amended by adding a requirement for the department to send notice of minor permit public comment periods to the Environmental Protection Agency.
- (7) 18 AAC 50.990(1)(B) is proposed to be amended by revising the definition of thermal soil remediation unit (TSRU) to reflect the fact that TSURs can process soil with contaminants other than just petroleum products.
- (8) 18 AAC 50.990(1)(C) is proposed to be amended by updating the adoption by reference of the definition of Reasonably Available Control Technology (RACT) in federal regulations to maintain current and consistent permitting requirements.

If adopted, ADEC will submit the applicable regulation revisions to the U.S. Environmental Protection Agency (EPA) for inclusion in the approved State Implementation Plan (SIP).

Posting

The above list of proposed changes to the regulations provides only a summary of their subject matter. Copies of the proposed regulation changes and SIP amendments are available at the Proposed Updates to Air Quality Regulations and Eagle River and Juneau 2nd 10-year Limited Maintenance Plans - 2020 link on <https://dec.alaska.gov/air/ampm/sip/revisions/>. A copy of the proposed regulation changes is also available on the Alaska Online Public Notice System. Materials that are not feasible to post or are subject to copyright may be viewed at the ADEC offices at the following locations: ADEC Anchorage Building, 555 Cordova St., Anchorage; ADEC Fairbanks Office Building, 410 University Avenue; and ADEC Juneau Office Building, 410 Willoughby Avenue, Second Floor. To arrange to view the materials, contact Rebecca Smith at 907-465-5121 or rebecca.smith@alaska.gov.

Comments

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Adeyemi Alimi, Division of Air Quality, Department of Environmental Conservation, 555 Cordova Street, Anchorage, AK 99501; by e-mail to adeyemi.alimi@alaska.gov or dec.aircomment@alaska.gov; by facsimile at (907) 269-7508; or through the Air Quality Division's electronic comment submission web page at <https://dec.alaska.gov/Applications/Air/Airtoolsweb/FormalComments>. The comments must be received not later than 11:59 p.m. on Monday, June 15, 2020. Comments received after this date will not be considered in final action on these rules and the air quality plan.

Hearing

ADEC has tentatively scheduled a public hearing for these proposed regulations, to be held on Friday, May 29, 2020, from 12:00 p.m. to 2:00 p.m. via teleconference. The public hearing will be held only if a request to hold the public hearing is received by ADEC by 5:00 p.m. on Thursday, May 21, 2020. You may request a public hearing by calling Rebecca Smith at 907-465-5121 between 9:00 a.m. and 5:00 p.m., Monday through Friday, or by e-mailing a request to rebecca.smith@alaska.gov. If no request for the public hearing is received by Thursday, May 21, 2020, the public hearing will be cancelled. ADEC will announce the cancellation of the public hearing by publishing a public notice, by 5:00 p.m. on Friday, May 22, 2020, on these websites: <https://dec.alaska.gov/air/ampm/sip/pm10/maintenance-plans-eagle-river-juneau>, <https://dec.alaska.gov/Applications/Air/Airtoolsweb/AirPermitsApprovalsAndPublicNotices>, and <https://dec.alaska.gov/commis/public-notices/>. You may provide oral comments relevant to the proposed action via telephone at the hearing tentatively scheduled to be held on Friday, May 29, 2020, from 12:00 p.m. to 2:00 p.m. by calling 1-800-315-6338; the Meet Me Code is 995498.

Due to public health and safety concerns associated with the COVID-19 pandemic, there will not be a person attendance provided at the hearing site, so please prepare to share your oral comments by telephone only. Callers should be on the line before the hearing begins at 12:00 p.m. If they would like to provide oral testimony so that we can document contact information for the record. Priority will be given to those who called in before 1:00 p.m. Prior to the start of the hearing, ADEC may limit the time allotted for each person providing oral testimony, as reasonably necessary to conclude the hearing in the time provided. If held, the hearing may be extended if necessary to accommodate those present before 2:00 p.m. who did not have an opportunity to comment.

Questions

You may submit written questions relevant to the proposed action to ADEC using the electronic question form at <https://dec.alaska.gov/Applications/Air/Airtoolsweb/FormalQuestions> or by sending the questions to Adeyemi Alimi at adeyemi.alimi@alaska.gov or via mail to Adeyemi Alimi, Division of Air Quality, Department of Environmental Conservation, 555 Cordova Street, Anchorage, AK 99501. Questions may also be submitted verbally in testimony at the public hearing, if it occurs. ADEC will aggregate its response to substantially similar questions and make the questions and responses available on <https://dec.alaska.gov/air/ampm/commis/pm10-2020-questions-answers/>. The questions must be received at least 10 days before the end of the public comment period; the question deadline is Friday, June 5, 2020. The Department may, but is not required to, answer written questions received after Friday, June 5, 2020, the 10-day cut-off date.

If you are a person with a disability who may need a special accommodation in order to participate in this public process, contact Kate Orozco at (907) 465-6171 or kate.orozco@alaska.gov not later than Wednesday, May 20, 2020, to ensure that any necessary accommodations can be provided.

After the public comment period ends, the ADEC will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. 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 37.10.052; AS 44.46.025; AS 46.03.020; AS 46.14.010; AS 46.14.140, AS 46.14.240; AS 46.14.250

Statutes being implemented, interpreted, or made specific: AS 46.03.020; AS 46.14.010; AS 46.14.020; AS 46.14.030; AS 46.14.140; Sec 30, ch 74, SLA 1993

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

ADEC, Division of Air Quality keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Division of Air Quality notices of proposed regulation changes. To be added to or removed from the list, you may sign up on the Air Online Services (AOS) page at: <http://dec.alaska.gov/Applications/Air/Airtoolsweb/home/index/>. A myAlaska account is required to use the AOS system.

Date: April 24, 2020
By: /s/ Jason W. Brune,
ADEC Commissioner

Published: April 26, 2020

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Rebecca Tyson Smith, Environmental Program Specialist, of the 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, revising language to update adoptions by reference, clarify language, adopt the 2nd PM-10 Limited Maintenance Plans for Eagle River and Juneau by reference, adopt federal requirements that identify what triggers a contingency measure in nonattainment and maintenance areas statewide, and update the adoption by reference of a policy manual has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (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).

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 (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.


Date: 8 July 2020



Rebecca Tyson Smith, Environmental Program Specialist

Subscribed and sworn to before me at 410 W. Houghby Ave Juneau, AK on
July 8, 2020.





Notary Public in and for the State of Alaska

AFFIDAVIT OF CANCELLATION OF ORAL HEARING

I, Rebecca Tyson Smith, Environmental Program Specialist, of the Department of Environmental Conservation, being sworn, state the following:

The Department of Environmental Conservation tentatively scheduled an oral hearing, available upon request as stated in the notice of proposed regulations, for May 29, 2020, at 1200 - 1400, to be held telephonically. No member of the public requested an oral hearing, and the public hearing was cancelled and noticed as stated in the notice of proposed regulations.

Date: 8 July 2020

Rebecca Tyson Smith
Rebecca Tyson Smith, Environmental Program Specialist

Subscribed and sworn to before me at 410 Willoughby Ave Juneau, AK on
July 8, 2020.
(date)

Amanda Bolduc
Notary Public in and for the State of Alaska



AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Rebecca Tyson Smith, Environmental Program Specialist, of the Department of Environmental Conservation, being duly sworn, state the following:

In compliance with AS 44.62.215, the Department of Environmental Conservation has kept a record of its use or rejection of factual or other substantive information that was submitted in writing] as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Environmental Conservation regulation on 18 AAC 50, Air Quality Control, revising language to update adoptions by reference, clarify language, adopt the 2nd PM-10 Limited Maintenance Plans for Eagle River and Juneau by reference, adopt federal requirements that identify what triggers a contingency measure in nonattainment and maintenance areas statewide, and update the adoption by reference of a policy manual.

Date:

8 July 2020


Rebecca Tyson Smith, Environmental Program Specialist

Subscribed and sworn to before me at 410 W. Houghby Ave Juneau, AK on
July 8, 2020.
(date)


Notary Public in and for the State of Alaska

[NOTARY SEAL]

