

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

MEMORANDUM

TO: Gary Mendivil
Department of Environmental Conservation

FROM: Kady Levale, Office of the Lieutenant Governor *KJ*
465.3509

DATE: July 22, 2022

RE: Filed Permanent Regulations: Department of Environmental Conservation

Department of Environmental Conservation regulations re: air quality regional haze
special protection area (18 AAC 50.025(a)(4); 18 AAC 50.030(a); 18 AAC 50.265)

Attorney General File:	2021200060
Regulation Filed:	7/22/2022
Effective Date:	8/21/2022
Print:	243, October 2022

cc with enclosures: Jason W. Brune, Commissioner, Department of Environmental
Conservation
Colleen Bailey, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The attached 4 pages of regulations, dealing with Air Quality regional haze requirements 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 5, 2022
Anchorage, Alaska

Jason W. Brune
Digitally signed by
Jason W. Brune
Date: 2022.07.05
10:44:44 -08'00'

Jason W. Brune, Commissioner
Department of Environmental Conservation

FILING CERTIFICATION

Kady Levale for
I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on July 22,
2022, at 1:41p.m. I filed the attached regulations according to the provisions of AS 44.62.040 –
44.62.120.


for Kevin Meyer, Lieutenant Governor

Effective: August 21, 2022.
Register: 243, October 2022.

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**

18 AAC 50.025(a) is amended by adding a new paragraph to read:

((Publisher: 18 AAC 50.025(a)(2) and (3) are unchanged. Please move "and" from end of (a)(2) to end of (a)(3).))
~~(3) geographic areas classified as Class I areas under 18 AAC 50.015(e); and~~ e

(4) the Regional Haze Visibility Protection Area, which is the area identified in Volume II Section III.K.13.H. of the *State Air Quality Control Plan*, adopted by reference in 18 AAC 50.030.

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

9/15/2018, Register 227; am 4/16/2022, Register 242;
09/15/2018, Register 227; am 8/24/2022, Register 243)

Authority: AS 46.03.020

AS 46.14.010

AS 46.14.030

((Bold/u.l.))

Editor's note: Complete descriptions of the special protection areas designated in this section, including maps, are provided in the state air quality control plan adopted by reference in

18 AAC 50.030. The documents adopted by reference in 18 AAC 50.030 may be reviewed at the department's Anchorage, Fairbanks, or Seward office, or on the internet on the Department of Environmental Conservation, Division of Air Quality Reference Materials. For 18 AAC 50 web page at: <http://dec.alaska.gov/air/anpms/Sir/18AAC50-reference-materials/>

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 5, 2022 ← ((Bold/u.l.)) ~~{adoption date of the~~ regulations} [MAY 25, 2022], are adopted by reference. The plan includes the following

documents that 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 243, October 2022

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; 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; add'l am 11/7/2020, Register 236; am am 4/16/2022, Register 242; 12/25/2020, Register 236; am 8/21/2022, Register 243) ((Bold (u.l.))

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

18 AAC 50, Article 2 is amended by adding a new section to read: Article 2 to

18 AAC 50.265. Additional requirements for construction or operation of Title V permitted sources and operation of minor stationary sources within the regional haze special protection area. In accordance with Volume II, Section III.K.13.H. of the *State Air Quality Control Plan*, adopted by reference in 18 AAC 50.030, in addition to meeting all requirements in 18 AAC 50 as applicable, all stationary sources that require a permit, are located or operating within the area defined in 18 AAC 50.025(a)(4), and contain fuel burning equipment or industrial processes, shall:

(1) (a) maintain onsite for 10 years, records of any maintenance to any significant emissions unit that is not an insignificant emissions unit ~~that does not meet the definition of an "insignificant emissions unit"~~ under 18 AAC 50.326(d) - (i), that has or may have an effect on any emission that affects visibility of Class I areas, including critical maintenance that has occurred or is planned to occur, including all schedules, practices, and maintenance records for each significant emissions unit and control device according to the manufacturer's emission-related written instructions;

(2) ^g (b) if the applicant has not previously submitted the information necessary for the state to compile the national emission inventory as required in 40 C.F.R. 51, Subpart A, as revised as of July 1, 2022, and adopted by reference, ^{Part} ~~then~~ include that information in accordance with 18 AAC 50.200; ~~and~~ ^e

(3) ² (c) upon request by the department, submit copies of the information required under (a)(1) of this section;

(4) ² (d) ensure that an application for a construction permit, new permit, permit renewal, or permit modification specifically addresses information related to possible impacts on the reasonable further progress goals for Class I areas, as identified in the *State Air Quality*

Control Plan, adopted by reference in 18 AAC 50.030; in addition to the requirements found in

18 AAC 50.300 - 18 AAC 50.390 and 18 AAC 50.502 - 18 AAC 50.360

Article 3 and Article 5 of this chapter, as applicable, the application must also include: ^e

(A) ¹ (1) anticipated equipment major maintenance schedules, if applicable;

(B) ² (2) a best estimate of ^{the} projected equipment life of ^a significant emissions ^{unit} ^{units}, if known; for new construction, a permit requirement will be included to collect this information once an emissions unit is installed;

(C) ² (3) an assessment of whether or not emissions resulting from the proposed project may impact the state's reasonable further progress goals; and

(D) ⁴ (4) a description of mitigation measures to minimize any identified adverse impacts to the state's reasonable further progress goals [;]

(5) ² (e) implement mitigation measures identified in a permit to minimize any potential adverse impacts identified. (Eff. 8/21/2022, Register 243)

Register 243, October 2022

ENVIRONMENTAL CONSERVATION

Authority:	AS 46.03.020	AS 46.14.020	AS 46.14.130
	AS 46.03.710	AS 46.14.030	AS 46.14.140
	AS 46.14.010	AS 46.14.120	AS 46.14.180


MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: July 21, 2022

File No.: 2021200060

From: Rebecca Polizzotto 
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Tel. No.: (907) 465-3600

Re: Department of Environmental
Conservation regulations re: air
quality regional haze special
protection area
(18 AAC 50.025(a)(4);
18 AAC 50.030(a); 18 AAC 50.265)

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 adopt by reference new sections of the *State Air Quality Control Plan*, and adopt related air quality regulations, to establish and regulate the regional haze special protection area.

Because these regulations are tied to a deadline set by the United States Environmental Protection Agency, we request that they be filed not later than August 15, 2022.

The April 1, 2022 public notice and the July 5, 2022 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 corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

RCP:scw

CC w/enclosures: Jason W. Brune, Commissioner
Department of Environmental Conservation

Cody Doig, Assistant Attorney General
Department of Law

MEMORANDUM

State of Alaska

Department of Environmental Conservation
Office of the Commissioner

TO: Kevin Meyer
Lieutenant Governor

DATE: July 1, 2022

FILE NO: 2021200060

PHONE NO: 465-5065

FROM: Jason W. Brune
Commissioner

SUBJECT: 18 AAC 50 Amendments –
Regional Haze

I have signed the adoption order for the above referenced changes to the Air Quality regulations to address the federal Regional Haze Rule.

The Alaska Department of Environmental Conservation (“DEC” or “Department”) adopted changes to its air quality regulations and State Implementation Plan. This package would adopt a new Regional Haze Visibility Protection Area, adopt and incorporate the Regional Haze State Implementation Plan (SIP), and adopt new requirements for stationary sources in the new Regional Haze Visibility Protection Area to meet federal requirements.

Please let me know if you have any questions or require additional information. In addition, your staff may contact Alice Edwards, Air Quality Division Director at (907) 465-5109 or at Alice.Edwards@alaska.gov.

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

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation (DEC) proposes to adopt a new Regional Haze Visibility Protection Area, adopt and incorporate the Regional Haze State Implementation Plan (SIP), and adopt new requirements for stationary sources in the new Regional Haze Visibility Protection Area to meet federal requirements.

The Alaska Department of Environmental Conservation (DEC) proposes to adopt a regulation change in Title 18, Chapter 50 of the Alaska Administrative Code, dealing with a Regional Haze Visibility Protection Area, the Regional Haze State Implementation Plan (SIP), and requirements for stationary sources in the new Regional Haze Visibility Protection Area, including the following:

- (1) 18 AAC 50.025(a) is proposed to be amended by adopting a new Regional Haze Visibility Protection Area to define the area where additional data reporting requirements will be required to monitor and track efforts to protect Class I areas from regional haze visibility effects.
- (2) 18 AAC 50.030 is proposed to be amended by adopting by reference updated portions of the *State Air Quality Control Plan*. DEC proposes to amend Volume II, Section III by adopting a new Section III.K.13 (including an associated Appendix) to address protection of visibility at Class I areas specifically related to regional haze. DEC also proposes to amend Volume III Appendix to Volume II; Section II to incorporate the proposed regulations after public review and comment. The intended effect of the amendments is to maintain consistency between the regulations and the *State Air Quality Control Plan*.
- (3) 18 AAC 50 is proposed to be amended by adding a new section, 18 AAC 50.265, which would establish new requirements for stationary sources in the new regional haze special protection area that is proposed in 18 AAC 50.025(a)(4).

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

Posting

The above list of proposed changes to the regulations only provides a summary of their subject matter. Copies of the proposed regulation changes are available at the 2022 Regional Haze Regulations link on: <https://dec.alaska.gov/air/anpms/sip/revisions/> or on the Regional Haze Public Notice Drafts link on: <https://dec.alaska.gov/air/anpms/regional-haze/>. Materials not feasible to post, such as those that are copyrighted, may be viewed at the DEC offices at the following locations: DEC Anchorage Building, 555 Cordova St., Anchorage; DEC Fairbanks Office Building, 610 University Avenue, Fairbanks; and DEC Juneau Office Building, 410

Willoughby Ave., 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 comments electronically via DEC's public notice site at <https://dec.alaska.gov/comment/>**. If you are unable to submit comments via this site, you may submit written comments to Rebecca Smith, Division of Air Quality, Department of Environmental Conservation, P.O. Box 111800, Juneau, Alaska 99811-1800.; by facsimile at (907) 465-5129; or by e-mail to dec.air.comment@alaska.gov. **The comments must be received not later than 11:59 p.m. on Tuesday, May 24, 2022.** Comments received after this date will not be considered in DEC's final action on these rules and the air quality plan.

Hearings

DEC has tentatively scheduled a public hearing for these proposed regulations, to be held on Tuesday, May 10, 2022, 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 DEC by 5:00 p.m. on Tuesday, May 3, 2022. 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 Tuesday, May 3, 2022, the public hearing will be cancelled.** DEC will announce the cancellation of the public hearing by publishing a public notice by 5:00 p.m. on Wednesday, May 4, 2022, on these websites:

<https://dec.alaska.gov/air/anpms/sip/2022-regional-haze>,

<https://dec.alaska.gov/air/anpms/regional-haze-public-notice-draft/>,

<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 Tuesday, May 10, 2022, 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 and determine the order of testimony. Prior to the start of the hearing, DEC may limit the time allotted for each person providing oral testimony, as reasonably necessary to conclude the hearing in the time provided. The hearing may be extended for a reasonable amount of time to accommodate those present before 1:30 p.m. who did not have an opportunity to comment prior to that time.

Questions

You may submit written questions relevant to the proposed action to DEC **submitting questions electronically via DEC's public notice site at <https://dec.alaska.gov/comment/>**; by electronic mail to rebecca.smith@alaska.gov; or by mail to Rebecca Smith, Division of Air Quality, Department of Environmental Conservation, P.O. Box 111800, Juneau, Alaska 99811-1800.

Questions may also be submitted verbally in testimony at the public hearing, if it occurs. The Department may aggregate responses to substantially similar questions and make the questions and responses available on <http://dec.alaska.gov/air/anpms/sip/2022-regional-haze-questions-answers>. To be considered by the Department, questions must be received at least 10 days before the end of the public comment period, **Wednesday, May 11, 2022**. The Department may, but is not required to, answer written questions received after Wednesday, May 11, 2022, the 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 Claire Fishwick at (907) 465-5871 or claire.fishwick@alaska.gov not later than Tuesday, May 3, 2022, to ensure that any necessary accommodations can be provided.

After the public comment period ends, the DEC 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 46.03.020; AS 46.14.010; AS 46.14.020; AS 46.14.030; AS 46.14.140

Statutes being implemented, interpreted, or made specific: AS 46.14.020; AS 46.14.030; AS 46.14.140

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

DEC, 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: March 30, 2022

Jason W.
Brune

Digitally signed by
Jason W. Brune
Date: 2022.03.30
11:14:02 -08'00'

Jason W. Brune
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) add a new Regional Haze Visibility Protection Area; 2) add new requirements for permitted sources in the Regional Haze Visibility Protection Area; and 3) adopt an updated Regional Haze State Implementation Plan.
3. Citation of regulation (may be grouped): 18 AAC 50.025; 18 AAC 50.030; 18 AAC 50.265
4. Department of Law file number, if any: 2021200060
5. Reason for the proposed action:
 - (X) Compliance with federal law or action (identify): Clean Air Act, 42 U.S.C. 7401 et seq.
 - () 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 general public. The proposed revisions update the regulations to allow for implementation of federal regional haze requirements in the State Air Quality Plan. There may be minor costs incurred by industry to report additional data for existing sources to the Department and to complete a screening level analysis for impacts as part of the air permitting process for new or modified sources. Additionally, there will be no added annual costs to individuals, municipalities, or state agencies unless they are the owner or operator of a stationary source having an air permit; in those limited instances, the potential costs are as described above.

Another state agency: None.

A municipality: None.
8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY22	Subsequent Years
Operating Cost	\$ 0	\$ 0
Capital Cost	\$ 0	\$ 0
1002 Federal receipts	\$ 0	\$ 0
1003 General fund match	\$ 0	\$ 0
1004 General fund	\$ 0	\$ 0
1005 General fund/ program	\$ 0	\$ 0
Other (identify)	\$ 0	\$ 0


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: March 30, 2022

Prepared by: 
 Name: Rebecca Tyson Smith
 Title: Environmental Program Specialist
 Telephone: 907-465-5121

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, dealing with regulations to adopt a new Regional Haze Visibility Protection Area, adopt and incorporate the Regional Haze State Implementation Plan (SIP), and adopt new requirements for stationary sources in the new Regional Haze Visibility Protection Area to meet federal requirements 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.

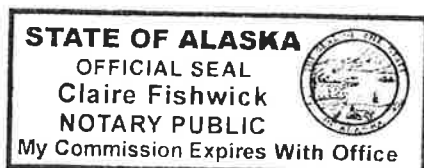
Date: 1 July 2022

Rebecca Tyson Smith
Rebecca Tyson Smith, Environmental Program Specialist

Subscribed and sworn to before me at Juneau on
7/1/22
(date)

[Signature]
Notary Public in and for the State of Alaska

[NOTARY SEAL]



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 and orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Environmental Conservation regulations on Regional Haze, including a new Regional Haze Visibility Protection Area, adopting and incorporating the Regional Haze State Implementation Plan (SIP), and adopting new requirements for stationary sources in the new Regional Haze Visibility Protection Area to meet federal requirements.

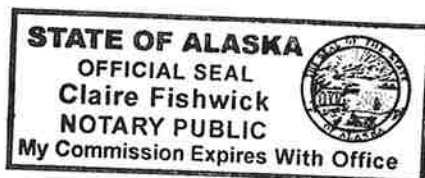
Date: 1 July 2022

Rebecca Tyson Smith
Rebecca Tyson Smith, Environmental Program Specialist

Subscribed and sworn to before me at Juneau on
7/1/22
(date)

[Signature]
Notary Public in and for the State of Alaska

[NOTARY SEAL]



AFFIDAVIT OF ORAL HEARING

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

On Tuesday, May 10, 2022, from 1200 to 1400 via teleconference, 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 to adopt a new Regional Haze Visibility Protection Area, adopt and incorporate the Regional Haze State Implementation Plan (SIP), and adopt new requirements for stationary sources in the new Regional Haze Visibility Protection Area to meet federal requirements.

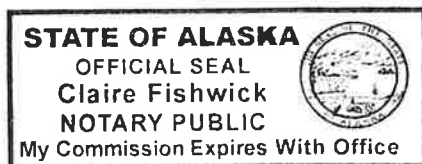
Date: 1 July 2022

Rebecca Tyson Smith
Rebecca Tyson Smith, Environmental Program Specialist

Subscribed and sworn to before me at Juneau on
7/1/22
(date)

Claire Fishwick
Notary Public in and for the State of Alaska

[NOTARY SEAL]



ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 105634 ST OF AK/DIV AIR QUALITY
PO BOX 111800, JUNEAU, AK 99811

Order #: W0028892

Cost: \$815.8

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Adam Garrigus 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 aforesaid 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

04/01/2022

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 4th day of April 2022.

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

MY COMMISSION EXPIRES

7/14/2024

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

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation (DEC) proposes to adopt a new Regional Haze Visibility Protection Area, adopt and incorporate the Regional Haze State Implementation Plan (SIP), and adopt new requirements for stationary sources in the new Regional Haze Visibility Protection Area to meet federal requirements.

The Alaska Department of Environmental Conservation (DEC) proposes to adopt a regulation change in Title 18, Chapter 50 of the Alaska Administrative Code, dealing with a Regional Haze Visibility Protection Area, the Regional Haze State Implementation Plan (SIP), and requirements for stationary sources in the new Regional Haze Visibility Protection Area, including the following:

(1) 18 AAC 50.023(a) is proposed to be amended by adopting a new Regional Haze Visibility Protection Area to define the area where additional data reporting requirements will be required to monitor and control emissions to protect Class I areas from regional haze visibility effects.

(2) 18 AAC 50.030 is proposed to be amended by adopting by reference updated portions of the State Air Quality Control Plan. DEC proposes to amend Volume I, Section II by adopting a new Section II, 13 (including an associated Appendix) to address protection of visibility at Class I areas specifically related to regional haze. DEC also proposes to amend Volume I, Appendix to Volume I, Section II to incorporate the proposed regulations after public review and comment. The intended effect of the amendments is to maintain consistency between the regulations and the State Air Quality Control Plan.

(3) 18 AAC 50 is proposed to be amended by adding a new section, 18 AAC 50.245, which would establish new requirements for stationary sources in the new Regional Haze special protection area that is proposed in 18 AAC 50.023(a)(4).

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

Posting
The above list of proposed changes to the regulations only provides a summary of their subject matter. Copies of the proposed regulation changes are available at the 2022 Regional Haze Regulations site: <https://dec.alaska.gov/airquality/regional-haze-regulations> or on the Regional Haze Public Notice Drafts link on: <https://dec.alaska.gov/airquality/regional-haze/>. Materials not feasible to post, such as those that are copyrighted, may be viewed at the DEC offices at the following locations: DEC Anchorage Building, 555 Cordova St., Anchorage; DEC Fairbanks Office Building, 410 University Avenue, Fairbanks; and DEC Juneau Office Building, 410 Westport Ave., 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 comments electronically via DEC's public notice site at <https://dec.alaska.gov/comment/>. If you are unable to submit comments via this site, you may submit written comments to Rebecca Smith, Division of Air Quality, Department of Environmental Conservation, P.O. Box 11800, Juneau, Alaska 99811-1800, by facsimile at (907) 465-5125, or by e-mail to dec.air.comments@alaska.gov. The comments must be received not later than 11:59 p.m. on Tuesday, May 24, 2022. Comments received after this date will not be considered in DEC's final action on these rules and the air quality plan.

Hearings
DEC has tentatively scheduled a public hearing for these proposed regulations, to be held on Tuesday, May 10, 2022, 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 DEC by 5:00 p.m. on Tuesday, May 3, 2022. You may request a public hearing by calling Rebecca Smith at (907) 465-5121 between 7:00 a.m. and 5:00 p.m., Monday through Friday, or by e-mailing a request to rebecca.smith@dec.alaska.gov. If no request for the public hearing is received by Tuesday, May 3, 2022, the public hearing will be canceled. DEC will announce the cancellation of the public hearing by publishing a public notice by 5:00 p.m. on Wednesday, May 4, 2022, on these websites:

<https://dec.alaska.gov/airquality/regional-haze>,
<https://dec.alaska.gov/airquality/regional-haze-public-notice>,
<https://dec.alaska.gov/applications/air/permits/>,
<https://dec.alaska.gov/airquality/regional-haze-public-notice/>, and <https://dec.alaska.gov/airquality/regional-haze-public-notice/>.

You may provide oral comments relevant to the proposed action via telephone at the hearing tentatively scheduled to be held on Tuesday, May 10, 2022, from 12:00 p.m. to 2:00 p.m. by calling 1-800-315-6338, the Alaska toll-free number. 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 and determine the order of testimony. Prior to the start of the hearing, DEC may limit the time allotted for each person providing oral testimony, as reasonably necessary to conclude the hearing in the time provided. The hearing may be extended for a reasonable amount of time to accommodate those present before 1:30 p.m. who did not have an opportunity to comment prior to that time.

Questions
You may submit written questions relevant to the proposed action to DEC submitting questions electronically via DEC's public notice site at <https://dec.alaska.gov/comment/>, by electronic mail to rebecca.smith@dec.alaska.gov, or by mail to Rebecca Smith, Division of Air Quality, Department of Environmental Conservation, P.O. Box 11800, Juneau, Alaska 99811-1800. Questions may also be submitted verbally in testimony at the public hearing, if it occurs. The Department may aggregate responses to substantially similar questions and make the questions and responses available on <http://dec.alaska.gov/airquality/regional-haze-regional-haze-questions-answers>. To be considered by the Department, questions must be received at least 10 days before the end of the public comment period, Wednesday, May 11, 2022. The Department may, but is not required to, answer written questions received after Wednesday, May 11, 2022, the 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 Claire Fawcett at (907) 465-5671 or cfawcett@dec.alaska.gov not later than Tuesday, May 3, 2022, to ensure that any necessary accommodations can be provided.

After the public comment period ends, the DEC 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 46.03.020; AS 46.14.010; AS 46.14.020; AS 46.14.030; AS 46.14.140

Statutes being implemented, interpreted, or made specific: AS 46.14.020; AS 46.14.030; AS 46.14.140

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

DEC, 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/online-services/>. A myAlaska account is required to use the AOS system.

Date: March 30, 2022
/s/ Jason W. Brune, Commissioner
Pub: April 1, 2022

JADA L. NOWLING
Notary Public
State of Alaska
My Commission Expires Jul 14, 2024