

**Response to Public Comments
on the Proposed Amendments to**

**Title 18, Alaska Administrative Code, Chapter 50,
Air Quality Control**

&

**Title 18, Alaska Administrative Code, Chapter 52
Emissions Inspection and Maintenance Requirements
for Motor Vehicles**

Close of Comments: 5 PM, January 7, 2008

**Alaska Department of Environmental Conservation
Division of Air Quality
Air Non-Point & Mobile Source Program**

Response Dated January 18, 2008

1.0 Introduction

This document contains the Department of Environmental Conservation's (ADEC) response to public comments on the proposed amendments to Title 18 Alaska Administrative Code (AAC) Chapter 50-Air Quality Control, and Title 18 AAC Chapter 52- Emissions Inspection Maintenance Requirements for Motor Vehicles. The public comment period opened on November 21, 2007 and ended on January 7, 2008.

Background Information

In 2004, Anchorage and Fairbanks were reclassified by the U.S. Environmental Protection Agency (EPA) as carbon monoxide (CO) maintenance areas. As a result, federal requirements allow both areas to consider moving their local vehicle inspection & maintenance (I/M) programs from active control measures to contingency measures within their control plans.

The proposed changes to 18 AAC 52 provide, in part, the opportunity to suspend the local I/M programs after consultation and approval by EPA of a revision to the control plan and to provide for reestablishment of I/M if needed as a control plan contingency measure. The proposed changes to 18 AAC 50.030 and the State Air Quality Control Plan (SIP) would reflect these revisions to 18 AAC 52 as well as provide for an updated Fairbanks CO maintenance plan that proposed to suspend the local I/M program in 2010. Specifically, the proposed amendments will:

- add flexibility to 18 AAC 52 to allow for suspension and reestablishment of local vehicle inspection and maintenance programs;
- update 18 AAC 52.060(d)(1)(A) to adopt by reference the latest federal poverty guidelines;
- update 18 AAC 52.005 to further clarify the term "Municipality of Anchorage" as the I/M area for the commuter I/M program;
- update 18 AAC 50.030 to adopt by reference the latest revisions to the State Air Quality Control Plan for the Fairbanks Carbon Monoxide (CO) control plan and state transportation control program;
- update Section II of the State Air Quality Control Plan by incorporating the revisions to 18 AAC 52;
- update Section III.A of the State Air Quality Control Plan by incorporating the revisions to 18 AAC 52 into the state transportation control program;
- update Section III.C of the State Air Quality Control Plan by incorporating revisions to the Fairbanks Carbon Monoxide control plan that would allow for the suspension of the local vehicle inspection program while demonstrating continued maintenance of the health standard including a revised emissions inventory, emission control strategies, contingency control measures, and mobile source emissions budget; and
- update the State Air Quality Control Plan appendices for Section III.A and III.C.

Two public hearings were held simultaneously at the ADEC offices located at 610 University Avenue, in Fairbanks, Alaska and at 555 Cordova Street, in Anchorage, Alaska from 12:00 pm to 1:30 pm on January 3, 2008. Oral comment was received from one person attending the public hearing in Fairbanks and from one person attending the public hearing in Anchorage. ADEC received two written comments concerning the impact of this regulation change on the Anchorage I/M program. One additional written comment was received a few minutes past the

comment deadline, but was substantially the same as one of the other timely written comments. A summary of the oral and written public comments and ADEC's response to these comments are presented in the following sections. Oral comments have been paraphrased in this summary; verbatim transcripts are available for both public hearings.

2.0 Summary of and Response to Oral Comments

Oral Comment 1: Scott Allen from Ester, Alaska provided testimony at the Fairbanks public hearing. His testimony indicated that he wanted the I/M program discontinued because he did not believe it had ever worked and that automotive technology has made the testing superfluous. He also noted that it increases the licensing costs to vehicle owners and that funding could be better directed elsewhere. He concluded with his view that the program is another layer of bureaucracy and unnecessary.

ADEC Response to Oral Comment 1: The department believes that the vehicle I/M program has been an effective primary control measure for improving air quality in Anchorage and Fairbanks and for helping both of these communities reach attainment of the CO standard. While EPA requirements on the automobile industry have decreased pollutant emissions from new vehicles over time, those requirements combined with the application of vigorous local I/M programs were major contributors to Anchorage and Fairbanks meeting the CO standard.

In 2004, Anchorage and Fairbanks attained the EPA's CO health standards and were redesignated by the U.S. Environmental Protection Agency (EPA) as CO maintenance areas. As a result of this shift to maintenance status, federal requirements allow vehicle inspection & maintenance (I/M) programs to move from active controls to contingency measures within local air quality control plans. In order to discontinue the I/M programs, updated control plans must demonstrate the programs are no longer needed to keep CO levels below the health standard. The plans must also keep the programs as contingency measures should problems occur in the future. While the federal requirements allow for areas to remove local I/M programs, there is no federal requirement for local communities to do so.

The proposed regulation changes to 18 AAC 52 would allow Fairbanks and Anchorage to discontinue their I/M programs following consultation with the EPA and EPA's approval of an updated air quality control plan. However, federal requirements dictate the I/M program remain as a contingency measure in the local air quality control plan. Therefore, the proposed regulation changes provide an opportunity to reestablish the I/M program if needed.

Under the proposed regulation changes to 18 AAC 50, the state is also proposing to adopt changes to the Fairbanks CO Maintenance Plan. The Fairbanks plan demonstrates maintenance with the health standards with a suspension of the I/M program in 2010. The plan proposes to suspend the I/M program at that time and moves the program into contingency measure status. However, the program cannot be suspended until the EPA formally approves the Fairbanks CO Maintenance Plan revisions.

Record of Consideration and Use of Oral Comment 1: This comment supports the proposed revisions to the Fairbanks Air Quality Control Plan and no suggestions were made for revisions to the proposal. As a result, no changes were made to the proposed regulations and Air Quality Control Plan as a result of this comment.

Oral Comment 2: Andy Fritchen and Jim Lewis from the United Parcel Service were both present at the Anchorage public hearing. Mr. Fritchen did not provide specific testimony on the proposed regulations but had some questions about the Alaska I/M Program. He wanted to find out about “regulation changes that would drastically affect our emission control program in the Anchorage area which includes the airport operation vehicles that are based in Anchorage.” Mr. Fritchen wanted information on major changes to the I/M program which UPS may have to comply with in the future.

ADEC Response to Oral Comment 2: These questions addressed whether or not there are plans to change the I/M programs in Alaska and do not specifically address the regulation changes under consideration. Alice Edwards, Environmental Program Manager of the Air Non-Point & Mobile Source Section, Division of Air Quality, ADEC was present at the Anchorage public hearing via telephone and responded to Mr. Fritchen.

ADEC responded by saying that the primary purpose of the proposed regulation change is to establish a mechanism to shutdown and startup a vehicle I/M program upon approval of an updated carbon monoxide implementation plan for the affected community. Other minor clean up revisions are also included. In Alaska, only Anchorage and Fairbanks have these plans. There is a plan for Fairbanks to discontinue its local I/M program starting in 2010, if approved by the EPA. There is no similar plan for Anchorage at this time, so nothing is included in this package. ADEC indicated that there are no other I/M regulation revisions currently being developed by the Department and clarified that this proposal did not include any changes to vehicle emission standards under the current I/M program. Mr. Fritchen was referred to contact Cindy Heil, the state I/M program administrator in the ADEC Anchorage office, to ensure that UPS had access to existing vehicle emission requirements and could be informed of any future I/M regulation packages.

Record of Consideration and Use of Oral Comment 2: The questions posed were more general in nature regarding future plans for changes to the I/M programs in Alaska and did not specifically address the proposed regulation changes currently under consideration. No suggestions were made for revisions to the proposal. As a result, no changes were made to the proposed regulations and Air Quality Control Plan as a result of these questions.

3.0 Summary of and Response to Written Public Comments

ADEC received two written comments within the public comment period, one from a private citizen and one from the American Lung Association of Alaska. Both written comments were in favor of keeping the Anchorage I/M program intact, and because these comments are similar in nature, are presented together. One written comment was also received from a private citizen via email after the close of the comment period, but is substantially the same as the two written comments received within the comment period. ADEC’s response to these written public comments is presented below.

Written Comment 1: Written comments from Marge Larson, Executive Director, American Lung Association of Alaska, were received via email on January 7, 2008 at 4:25 PM:

“To whom it may concern: I am writing to express the American Lung Association of Alaska’s support for the Anchorage I/M inspection program. Air quality, both indoor and out, plays an important role in lung health, and we believe that the current program has been successful removing harmful pollutants from Anchorage air, and therefore protects Anchorage residents, particularly those with lung disease. We oppose a change in the State Implementation Plan (SIP) that would allow Anchorage to eliminate this program.

I have attached a local study by Dr. Maryellen Gordian published in The Journal of Exposure Science and Environmental Epidemiology. The study shows an increased risk of asthma for children who attend school near high traffic intersections; that risk will be even higher if the I/M testing program is discontinued. Included herein are numbers of Anchorage residents who have already been diagnosed with a lung disease or other chronic disease affected by air pollution.

	Total Pop	Under 18	65 & Over	Pediatric Asthma	Adult Asthma	Chronic Bronchitis	Emphysema	Cardiovascular Disease	Diabetes
ANCHORAGE	275,043	77,655	17,615	6,911	15,331	7,894	2,768	52,891	13,061

Other than our concerns that the elimination of the I/M program would decrease the air quality in Anchorage resulting in serious health risks, we feel that the termination of the program also poses other questions that have gone unanswered by public officials:

- Currently, the I/M program funds air quality testing required by the EPA in order to receive federal transportation funds. If the program is eliminated, how will the Municipality continue to fund this mandatory program?
- While the program’s main point of focus has been carbon monoxide, it has also impacted the emissions of other harmful pollutants. Are those pollutants, such as benzene, on a decline similar to that of CO? If not, how will the Municipality address an increase in these chemicals?

In light of these concerns, we do not support a change in the State Implementation Plan, and encourage the Department of Environmental Conservation to advise the Municipality of Anchorage to keep the I/M program in place.”

Written Comment 2: Faxed comments were received from Van Bakel of Anchorage, Alaska at 1:28 PM on January 7, 2008 as follows: “The emission testing program in the state of Alaska has done a world of good in cleaning up air quality & educating residents about the maintenance of their vehicles. The program has forced air quality standards to come into compliance. This Program is working and succeeding in getting its job done! Why in the world would we want to stop a successful program that works!!! The cost of this program is minimal to the actual user of the resource and it is cost prohibitive to any user group. Please consider the I/M task force recommendations that were put forth from the Anchorage I/M task force. These adaptations seem to answer all public complaints, while maintaining a clean air program. It is the air that we breathe, do we not have to do all that we can to keep it clean?”

ADEC Response to Written Comments: The department believes that the vehicle I/M program has been an effective primary control measure for improving air quality in Anchorage and Fairbanks and for helping both of these communities reach attainment of the CO standard. While EPA requirements on the automobile industry have decreased pollutant emissions from new vehicles over time, those requirements combined with the application of vigorous local I/M programs were major contributors to Anchorage and Fairbanks meeting the CO standard.

In 2004, Anchorage and Fairbanks attained the EPA's CO health standards and were redesignated by the U.S. Environmental Protection Agency (EPA) as CO maintenance areas. As a result of this shift to maintenance status, federal requirements allow vehicle inspection & maintenance (I/M) programs to move from active controls to contingency measures within local air quality control plans. In order to discontinue the I/M programs, updated control plans must demonstrate the programs are no longer needed to keep CO levels below the health standard. The plans must also keep the programs as contingency measures should problems occur in the future. While the federal requirements allow for areas to remove local I/M programs, there is no federal requirement for local communities to do so.

ADEC's proposed regulation changes to 18 AAC 52 would allow Fairbanks and Anchorage to discontinue their I/M programs following consultation with the EPA and EPA's approval of an updated air quality maintenance plan. The proposed regulation changes also provide an opportunity for Fairbanks and Anchorage to reestablish their I/M program, if needed, as an Air Quality Control Plan contingency measure. The proposed regulation revision to 18 AAC 52 does not require a community to discontinue their local I/M program, but establishes the mechanism to do so.

The proposed revisions to 18 AAC 50 and the State Air Quality Control Plan do not take any steps to suspend the Anchorage I/M program. Any changes to, or suspension of, the Anchorage I/M program must be addressed through a revision of the Anchorage Carbon Monoxide Maintenance Plan and must be approved by the EPA. The Anchorage metropolitan planning organization, Anchorage Metropolitan Area Transportation Solutions (AMATS), is delegated the responsibility for developing local air quality plans for carbon monoxide in Anchorage. AMATS recommends any new air quality plan to the Anchorage Assembly for approval. AMATS is the regulatory entity responsible for initiating updates to the Anchorage air quality control plan. Consideration of the Anchorage I/M Task Force recommendations for the local I/M program are best addressed by AMATS and the Municipality of Anchorage. Their process allows for public comment and public hearings on changes to the local I/M program and the Anchorage CO maintenance plan.

If in the future AMATS and the Municipality of Anchorage propose changes to, or suspension of, the Anchorage I/M program, they must update the Anchorage CO maintenance plan and demonstrate how future compliance with the carbon monoxide air quality standard will be achieved. A proposed suspension of the I/M program requires the Anchorage CO maintenance plan maintain the I/M program as a contingency measure should future violations of the CO health standard occur. In addition, the plan must demonstrate adequate resources to fund remaining plan activities, including monitoring to track compliance with CO ambient air quality health standards.

As noted in the comments, while the I/M program was established to help Anchorage meet CO standards it may impact other pollutant emissions as well. For this reason, an updated air quality plan would also address requirements of Clean Air Act section 110(l) ensuring that suspension of the I/M program would not cause attainment problems for the other criteria pollutants. Unfortunately, hazardous air pollutants, such as benzene, do not have national ambient air quality standards established by EPA.

Record of Consideration and Use of Written Comments: These comments support retaining the Anchorage I/M program. This regulation proposal does not have any substantial effect on the implementation of the Anchorage program, although it does allow for changes in the future. For the Fairbanks Air Quality Control Plan, no factual information is provided to suggest the proposed plan is flawed in meeting state and federal requirements and should be revised. As a result, no changes were made to the proposed regulations and Air Quality Control Plan as a result of these comments.

Written Comment Received After the Comment Period: Mary Ann Pease with MAP Consulting, LLC emailed the following comments received at 5:04 PM on Jan. 7, 2008: “Any alteration of the IM program should be carefully weighed against the unquestionable benefits the program has had on air quality in Anchorage. In years past, a yellow band of smog would form over the city or the Inlet, particularly in the wintertime. That identifiable air pollution no longer exists, thanks in large part to the IM testing program, which has removed non-compliant vehicles from Anchorage’s roadways. Clearly the program has been a success, and its continuation will ensure that Anchorage air quality continues to meet federal standards. Anchorage air quality has also been helped by improvements in fuel efficiency and cleaner burning gasoline. But, it is very difficult to point to any one factor as the sole reason that Anchorage’s air quality has improved. It is a combination of factors that has created this improvement, and eliminating any one component greatly increases the likelihood that air quality will deteriorate in the future. The system that is in place works well and continues to provide Anchorage with acceptable air quality. Scrapping the IM program, with its proven success, is not the answer to continued improvement in air quality in Anchorage.”

Record of Consideration and Use of Written Comments: Since this comment was received after the end of the public comment period and is similar in scope to other comments, no action was taken on this comment.