

**MEMORANDUM OF UNDERSTANDING
BETWEEN
ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
AND
FAIRBANKS NORTH STAR BOROUGH
FOR
AIR POLLUTION CONTROL**

I. Purpose

The purpose of this Memorandum of Understanding (MOU) is to clarify the joint responsibilities for air pollution control and monitoring within the Fairbanks North Star Borough with an emphasis on fine particulate matter (PM_{2.5}) and carbon monoxide (CO). The Alaska Department of Environmental Conservation (DEC) and the Fairbanks North Star Borough (Borough) have joint responsibility for air pollution control in the Fairbanks North Star Borough. The parties to this MOU recognize that clear lines of responsibility must be established and maintained to maximize the efficient utilization of available resources and to provide the greatest protection to the public's health and safety. It is with this recognition that these two parties hereby enter into this agreement.

II. Major Stationary Sources

DEC will retain responsibility for permitting, inspection, surveillance, and enforcement of all currently permitted facilities under DEC authority, and for any new sources that require DEC permit approval under AS 46.14.

DEC will:

notify the Borough upon receipt of any permit applications or renewals for State Air Quality Permits for stationary sources located within the Borough, to allow sufficient time for Borough comment on such permitting activities;

respond to Borough requests during the Department permit review, for additional information from a permit applicant pursuant to 18 AAC 50 or the State Implementation Plan for Air Quality Control; and

provide information in a reasonable time period to the Borough in response to requests for information on permitted facilities.

The Borough will:

Maintain its registration to DEC's online system for public notice announcements; and

notify DEC when it desires information on a permitted facility, permit application or renewal.

III. Open Burning

DEC will be responsible for issuing approvals for open burning of materials from Fire Service training, land clearing operations of 40 acres or greater per year and for the open burning of petroleum-based materials or other materials in a way that produces black smoke.

DEC will:

provide the Borough with copies of all open burning approvals issued by DEC for sites within the Borough;

notify applicants to contact the Borough regarding any Borough Codes pertaining to open burning; and

include open burning prohibitions in its air quality advisories if determined to be appropriate to the air pollution event.

The Borough will:

advise DEC and the Division of Forestry if the Borough re-establishes any open burning regulations and permit procedures.

IV. Area Source Control Programs

The Borough and DEC recognize that many small stationary pollution emission sources have the potential to collectively impact air quality. These small sources are categorized as area sources by EPA and DEC and may be regulated by local, state, or federal rules, but are not typically permitted by the DEC Air Permit program. They include, but are not limited to, the following types of sources: solid fuel-fired heating devices, commercial and residential space heating, small sources that fall below permitting thresholds, and fugitive dust sources including, but not limited to construction and demolition activities, sand blasting, land clearing, and farming activities.

The Borough will:

implement solid fuel-fired heating device repair, retrofit, replacement, conversion, and removal programs as resources allow;

implement voluntary programs related to fuel burning that assist in mitigating PM_{2.5} air pollution as resources allow;

conduct public outreach and education on air quality health effects and the mitigation and impacts of air pollution from home heating devices, and other local area sources as resources allow;

take the lead in developing and implementing local control programs to address pollution from area sources consistent with the Borough Assembly's approval/authorization and will notify and consult with DEC regarding local control programs being considered for implementation to insure coordination with any existing state programs or regulations.

DEC will:

When appropriate, implement state regulations designed to mitigate area source impacts in the area;

assist and coordinate with the Borough on public outreach and education activities;

notify and consult with the Borough regarding any proposed state area source programs or regulations that could impact a local control program or activities within the Borough;

provide technical assistance related to state and federal requirements that could impact development and implementation of a local control program.

The Borough and DEC will:

look for opportunities to share data related to area sources that can further technical efforts in assessing air quality impacts;

jointly determine whether, and when, the two agencies will need to coordinate on implementation of an area source program;

jointly determine the roles and responsibilities for each agency in implementing any coordinated area source program;

upon agreement by both agencies as to the roles, responsibilities, funding, and any other essential details of a coordinated area source program, work cooperatively to implement the program; and

amend this agreement, as soon as practical, to incorporate the relevant details related to an approved area source program so that clear lines of responsibility are delineated.

V. Complaint Response

The parties recognize that the Borough does not currently have the ability to effectively respond to complaints and take appropriate enforcement actions. DEC will respond to, investigate, and enforce air quality complaints within the Borough. If the Borough Assembly enacts ordinances authorizing such actions in the future, the parties agree they will meet and confer within thirty (30) days to determine

case coordination and to designate the agency lead in assessing appropriate enforcement actions.

For DEC permitted stationary sources, DEC will investigate public Air Quality Complaints. If the Borough is interested in public complaints regarding permitted facilities, the Borough will, in its discretion, contact DEC. DEC agrees to share information regarding the complaint investigation and closure with the Borough.

VI. Ambient Air Monitoring/Air Quality Forecasting

As of July 1, 2016, DEC began maintenance and operation of the federally required air quality monitoring network consisting of three sampling sites in the Fairbanks North Star Borough: The Fairbanks State Office Building (SOB), the multi-pollutant National Core site (NCore) and the Hurst Road (formerly named North Pole Fire Station #3 (NPF3)) sampling site. The SOB and Hurst sites are used to monitor fine particulate matter (PM_{2.5}) and the NCore site monitors PM_{2.5} and carbon monoxide, along with a suite of other criteria pollutants and meteorological parameters. The Borough will review monitoring needs with DEC and EPA in consideration of resources available for the purpose of assigning monitoring priorities. The Borough will continue to provide recorded daily ambient air quality forecasts during the period of October 1 through March 31 each winter. DEC will issue air quality advisories and will post these to the state advisory website.

Close communication and cooperation between the agencies is necessary to share information on ambient air conditions including any results from any special purpose monitoring efforts to determine the need for issuing an air quality advisory, or declaring an air episode due to anthropogenic or natural events.

DEC will:

- operate and maintain the NCore, CO, PM_{2.5} ambient air and meteorological monitoring network as required in accordance with state and federal regulations, guidelines, and the yearly DEC/EPA and Borough Air Programs work plan;

- assume payment for utilities and internet access for the monitoring sites on Borough property and previously covered by the Borough, specifically for the NCore and Hurst Road monitoring sites;

- operate and maintain the PM_{2.5} speciation monitor in accordance with state and federal regulations, guidelines, and the yearly DEC/EPA and Borough Air Programs work plan;

- continue to provide technical assistance to the Borough in the areas of ambient air monitoring science, instrument operation, and quality assurance;

send the Borough copies of correspondence and applicable materials associated with air quality monitoring work performed by DEC within the Borough and air monitoring information received from EPA or other sources which may be of interest to the Borough;

notify the Borough as to reporting requirements, due dates, etc.;

review and approve in writing special purpose monitoring site locations using Federal Equivalence Method (FEM) monitors as required and notify EPA of SPM monitoring locations;

provide, or facilitate in-state, technical assistance and training as time and funding allows;

provide filter weighing operations for the analysis of particulate filters;

conduct an annual monitoring network assessment and develop recommendations for any changes which may be necessary in coordination with the Borough and EPA;

coordinate with and assist the Borough on developing air quality forecasts, issue air quality alerts and advisories for the non-attainment area and the entire Fairbanks North Star Borough,, and assist in the distribution of information to the public and interested parties; and

provide and maintain a data acquisition system including a website for near real-time data access and a database for data storage, review, and submission of required monitoring data to EPA.

The Borough will:

house the NCore, Hurst Road air quality monitoring sites, and the Hurst Road meteorological tower on Borough property and grant DEC access to these sites year round;

notify DEC regarding any special air monitoring studies using non-regulatory monitors to identify/better define air quality problem areas, spelled out in the Borough Air Program work plan and as funding and staff allow;

submit to DEC in writing for approval any desired/required changes to the special purpose monitoring sites monitoring network for any sites using FEM monitors pursuant the Borough Air Program work plan;

assist DEC staff with field monitoring during short-term periods when DEC has staffing problems (as time and funding allows);

continue to implement, as needed, the Borough's emergency episode prevention and response plan for CO pursuant to the Borough Air Program work plan;

provide a recorded daily CO forecast during periods of poor air quality, when CO concentrations are of concern. The daily CO forecast will also be provided on the Borough web page and phone system for media and the general public; and

develop and provide PM_{2.5} forecasts to address potential impacts during the summer wildfire season and the winter PM_{2.5} season. A daily forecast will be provided during periods of poor air quality. The PM_{2.5} forecast will be posted on the Borough web page and the Borough's phone system for media and the general public.

VII. Air Quality Planning

The Borough will continue its efforts to maintain the National Ambient Air Quality Standard (NAAQS) for carbon monoxide and work towards meeting attainment for fine particulate matter (PM_{2.5}). This will include the study and possible implementation of reasonable, cost-effective strategies designed to reduce ambient air pollutant concentrations which will allow the Borough to maintain the carbon monoxide standard and attain the PM_{2.5} standard.

DEC will:

provide technical and administrative assistance to the Borough;

- in the area of maintenance of the NAAQS for carbon monoxide; and
- In the area of development of the attainment plan for PM_{2.5}

work with the Borough to develop additional programs that will;

- aid the Borough in maintaining the health based NAAQS for carbon monoxide in the Borough maintenance area, subject to available funding;
- aid the Borough in attaining the health based NAAQS standard for PM_{2.5} in the Borough nonattainment area, subject to available funding; and
- assist the Borough in its dealings with EPA, particularly in the development of additional strategies to reduce ambient air pollutant levels in the Borough.

The Borough will:

continue its efforts to maintain the NAAQS for carbon monoxide;

update the CO maintenance plan per the Clean Air Act requirements or as

needed to address local objectives;

continue its efforts to attain the NAAQS for PM_{2.5};

implement PM_{2.5} strategies to attain the standard that are shown to be necessary, reasonable, and cost effective;

assist DEC to study PM_{2.5} concentrations at cold temperatures, and the resultant impact of PM_{2.5} on the prospects for attaining and maintaining the PM_{2.5} standard in the Borough nonattainment area, including potential use of new and innovative programs;

develop emission inventories as needed to support or implement PM_{2.5} SIPs; and

take the lead in collaboratively developing and updating with DEC a PM_{2.5} attainment plan to bring the Borough nonattainment area into attainment with the NAAQS.

VIII. Mobile Source Control Programs

The Borough and DEC recognize that air pollution emissions from motor vehicles and other mobile sources have the potential to collectively impact air quality. Mobile sources are typically regulated by federal and state rules, but local programs can be beneficial in reducing emissions.

The Borough will:

take the lead in developing and implementing local control programs to address pollution from mobile sources and will notify and consult with DEC regarding local control programs being considered for implementation to insure coordination with any existing state programs or regulations; and

implement projects to expand parking lot electrical plug-in infrastructure to reduce cold start emissions at Borough owned facilities, when included in the State Implementation Plan as resources allow.

DEC will:

maintain state regulations that allow a vehicle inspection & maintenance program to remain as a CO contingency measure in the Fairbanks CO maintenance plan as required by EPA;

coordinate with the state DOT on any diesel emission reduction projects being implemented to reduce PM_{2.5} emissions from the state fleet as part of the State Implementation Plan;

notify and consult with the Borough regarding any proposed state mobile source programs or regulations that could impact a local control program or activities within the Borough; and

provide technical assistance related to state and federal requirements that could impact development and implementation of a local control program.

The Borough and DEC will:

look for opportunities to share data related to mobile sources that can further technical efforts in assessing air quality impacts;

jointly determine whether, and when, the two agencies will need to coordinate on implementation of any mobile source program;

jointly determine the roles and responsibilities for each agency in implementing any coordinated mobile source program;

upon agreement by both agencies as to the roles, responsibilities, funding, and any other essential details of a coordinated mobile source program, work cooperatively to implement the program; and

amend this agreement, as soon as practical, to incorporate the relevant details related to any approved mobile source program so that clear lines of responsibility are delineated.

IX. Congestion Mitigation & Air Quality (CMAQ) Projects

The Borough will:

Conduct a call for project nominations to address PM_{2.5} in the donut area (the area outside of the metropolitan planning area but within the PM_{2.5} non-attainment area) if funding is available, on behalf of the CMAQ Project Evaluation Board;

Coordinate with the DEC regarding the development of CMAQ projects to address the PM_{2.5} within the non-attainment area;

Consult with the metropolitan planning organization (MPO) and the State of Alaska DOT&PF Northern Region regarding priority CMAQ projects within the metropolitan planning area.

DEC will:

Coordinate with the Borough regarding the development of CMAQ projects to address PM_{2.5} within the non-attainment area;

Consult with the MPO and the State of Alaska DOT&PF Northern Region regarding priority CMAQ projects within the metropolitan planning area.

DEC and the Borough will:

jointly determine roles and responsibilities for implementing CMAQ projects at the time that the projects are submitted to the metropolitan planning organization or Department of Transportation for funding.

X. Notice/Project Contacts

For purposes of this agreement each agency will identify a project manager who will have overall responsibility for management of the agreement. The project managers may designate and identify in writing to the other agency, other staff with responsibility for implementing specific activities under the agreement.

For purposes of this agreement DEC's project manager is,

Alice Edwards, Director, Division of Air Quality

For purposes of this agreement, the Borough's project manager is,

Nicholas Czarnecki, Manager, Air Quality Division

All project work plans and approvals shall be submitted through the project managers designated in this section.

Parties agree to notify each other in writing of changes in project manager or activity managers within 10 days of change.

XI. Budgetary

DEC and the Borough shall negotiate any funding agreements for the coming year as an amendment to this MOU. Any annual funding agreements will be negotiated between the DEC Air Quality Director and the FNSB Air Quality Manager. Future year appropriations shall be discussed and operational costs agreed upon no later than May 31st of each year. The annual funding agreements shall be documented in writing and make specific reference to this MOU.

This MOU has no financial consideration at this point in time. If future services are needed by either party requiring funding, an amendment to this MOU will be issued.

XII. It is mutually agreed:

1. that the Borough and DEC shall employ and maintain staff to carry out the

activities necessary to administer the air quality programs outlined in this agreement;

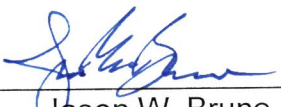
2. that nothing in this agreement shall be construed as obligating DEC or the Borough to the expenditure of funds, or for the future payment of funds; and
3. that amendments to this agreement may be proposed by either party and shall become effective upon approval of both parties.

XIII. Execution/Modification and Duration of Agreement

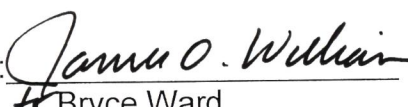
This agreement will be in effect upon signature by both parties until amended or revoked. The agreement may be terminated upon 90 days' written notice by either party. In addition, all notes, data collected, equipment and any draft reports shall be submitted to DEC within 30 days of termination of this agreement by either party.

Alaska Department of
Environmental Conservation

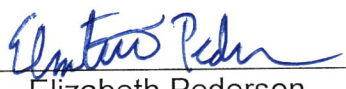
Fairbanks North Star Borough

By: 
Jason W. Brune
Commissioner

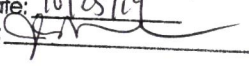
Date: 12/11/19

By: 
Bryce Ward
Mayor

Date: 10/31/19

By: 
Elizabeth Pederson
DEC Finance Officer

Date: 11-29-19

Reviewed by Legal Department
Date: 10/25/19
By: 

By: Bryce J. Ward, Mayor
Introduced: 06/13/2019
Adopted: 06/13/2019

FAIRBANKS NORTH STAR BOROUGH

RESOLUTION NO. 2019 – 25

A RESOLUTION APPROVING PROPOSED MEMORANDUM OF UNDERSTANDING
BETWEEN ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND
FAIRBANKS NORTH STAR BOROUGH FOR AIR POLLUTION CONTROL AND
SPECIFICALLY PM_{2.5}

WHEREAS, Wintertime fine particulate concentrations in the Fairbanks North Star Borough (Borough) routinely exceed the allowable air pollutant limit in the Borough; and

WHEREAS, In order to protect the public's health and safety, the US Environmental Protection Agency has declared a portion of the Borough as a non-attainment area for fine particulates requiring action to thereby mitigate the health risk; and

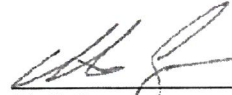
WHEREAS, The Alaska Department of Environmental Conservation (DEC) and the Borough have agreed to exercise joint responsibility for air pollution control, specifically with respect to fine particulates (PM_{2.5}), in the Borough as established by the attached Memorandum of Understanding (MOU); and

WHEREAS, The MOU defines the individual and joint responsibilities of the DEC and the Borough in order to maximize local control and provide required state oversight and coordination; and

WHEREAS, The MOU does not require any specific PM_{2.5} control measures.

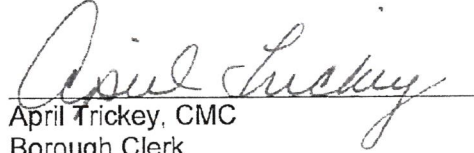
NOW THEREFORE BE IT RESOLVED that the Fairbanks North Star Borough Assembly approves the proposed attached Memorandum of Understanding between Alaska Department of Environmental Conservation and Fairbanks North Star Borough for Air Pollution Control.

PASSED AND APPROVED THIS 13TH DAY OF JUNE, 2019.



Matt Cooper
Presiding Officer

ATTEST:



April Trickey, CMC
Borough Clerk

Yeses: Gray, Williams, Lyke, Lojewski, Tacke, Quist, Major, Cooper
Noes: None
Other: Sanford (Excused)