

by contacting the Department of Environmental Conservation, Division of Air Quality, at (907) 465-5100, or can be obtained from the Internet at http://burnwise.alaska.gov/moisture_disclosure_program.htm.

18 AAC 50.077. Standards for wood-fired heating devices. (a) This section applies to a person who

(1) owns or operates a wood-fired heating device in an area identified in 18 AAC 50.015(b)(3), if the wood-fired heating device

(A) is installed on or after February 28, 2015; and

(B) is not otherwise exempted in this section;

(2) intends to supply, sell, lease, distribute, convey, or install a wood-fired heating device for operation in an area identified in 18 AAC 50.015(b)(3), if

(A) the wood-fired heating device

(i) is installed on or after February 28, 2015; and

(ii) is not otherwise exempted in this section: or

(B) under 42 U.S.C. 7513 and 7602, EPA designates the area as a “serious” nonattainment area with respect to PM-2.5, and the wood-fired heating device

(i) is being sold, leased or conveyed as part of an existing building or other property and the device was installed in that building or on that property before February 28, 2015;

(ii) lacks valid EPA certification under 40 C.F.R. 60.533 before February 28, 2015 or a qualifying “white tag” under EPA’s Phase 2 voluntary partnership program for hydronic heaters before February 28, 2015;

(iii) is being sold, leased, or conveyed as part of an existing building or other property on or after the date of EPA’s designation of the area as a “serious” nonattainment area: and

(iv) is not otherwise exempted in this section.

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

(1) the model received a qualifying “white tag” under EPA’s Phase 2 voluntary partnership program for hydronic heaters, meets the particulate matter annual average emission limit in (2) of this subsection, and has a rated size under 350,000 Btu per hour; or

(2) a laboratory with current EPA accreditation under 40 C.F.R. 60.535 has tested the model to meet an average emission level of 0.32 pounds per million Btu of heat output, a particulate matter annual average emission limit of 2.5 grams per hour, and a maximum individual test-run emission rate of 18.0 grams of fine particles per hour; the test results must have been

(A) obtained using the test procedures applicable to the specific device in EPA’s Phase 2 voluntary partnership program for hydronic heaters; those procedures are set out in

(i) Attachment 2 to the *EPA Hydronic Heater Program Phase 2 Partnership Agreement*, dated October 12, 2011, consisting of EPA’s *Test method 28 WHH for Measurement of Particulate Emissions and Heating Efficiency of Wood-Fired Hydronic Heating Appliances*; the test method is adopted by reference;

(ii) ASTM International E 2618-09, *Standard Test Method for Measurement of Particulate Emissions and Heating Efficiency of Outdoor Solid Fuel-Fired Hydronic Heating Devices*, approved February 15, 2009 and adopted by reference;

(iii) ASTM International E 2515-11, *Standard Test Method for Determination of Particulate Matter Emissions Collected by a Dilution Tunnel*, approved November 1, 2011 and adopted by reference; and

(B) submitted to and approved by the department as described in (e) of this section, if the wood-fired hydronic heater is not already listed under (e) of this section by the department.

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

(1) the model

(A) has a valid certification under 40 C.F.R. 60.533 from EPA;

(B) meets the particulate matter annual average emission limit in (2) of this subsection; however, this subparagraph applies only to a woodstove that is installed on or after August 31, 2015; and

(C) has a rated size under 350,000 Btu per hour; or

(2) a laboratory with current EPA accreditation under 40 C.F.R. 60.535 has tested the model to meet a particulate matter annual average emission limit of 2.5 grams per hour; the test results must have been

(A) obtained using the

(i) test procedures applicable to the specific device; those procedures are set out in 40 C.F.R. Part 60, Appendix A, Methods 28 and 28 A, adopted by reference in 18 AAC 50.040; and

(ii) emission concentration measurement procedures applicable to the specific device; those procedures are set out in 40 C.F.R. Part 60, Appendix A, Methods 5G and 5H, adopted by reference in 18 AAC 50.040; and

(B) submitted to and approved by the department as described in (e) of this section, if the woodstove is not already listed under (e) of this section by the department.

(d) Except as provided under (f), (g), or (h) of this section, and if a wood-fired heating device has a rated size of 350,000 Btu or greater per hour, a person may not operate or install the wood-fired heating device in an area identified in 18 AAC 50.015(b)(3), and may not supply, sell, lease, distribute, or convey the wood-fired heating device for operation or installation in an area identified in 18 AAC 50.015(b)(3), unless a laboratory with current EPA accreditation under 40 C.F.R. 60.535 has tested the model to meet a particulate matter annual average emission limit of 2.5 grams per hour; the test results must have been

(1) obtained using the test procedures applicable to the specific device; those procedures are set out in

(A) ASTM International E 2618-09, *Standard Test Method for Measurement of Particulate Emissions and Heating Efficiency of Outdoor Solid Fuel-Fired Hydronic Heating Devices*, adopted by reference in (b)(2)(A)(ii) of this section;

(B) ASTM International E 2515-11, *Standard Test Method for Determination of Particulate Matter Emissions Collected by a Dilution Tunnel*, adopted by reference in (b)(2)(A)(iii) of this section; and

(2) submitted to and approved by the department as described in (e) of this section, if the wood-fired heating device is not already listed under (e) of this section by the department.

(e) The department may review, without a prior submission by the manufacturer, test results under (b)(2), (c)(2), or (d) of this section. If the department determines that the model tested complies with the requirements of (b)(2), (c)(2), or (d) of this section, as applicable, the department will approve the test results and place the model on the list that the department prepares under this subsection. If a wood-fired heating device subject to this section is not already on that list, and is not a wood-fired hydronic heater allowable under (b)(1) of this section

or a woodstove allowable under (c)(1) of this section, the installation or operation of the wood-fired heating device or the supplying, sale, lease, distribution, or conveyance of the wood-fired heating device for operation or installation may not occur unless the manufacturer submits, and the department reviews and approves, proof of compliance with the requirements of (b)(1) or (c)(1) of this section, as applicable, or test results demonstrating compliance with the requirements of (b)(2), (c)(2), or (d) of this section, as applicable. The department will make a list of the wood-fired heating devices that the department has approved under this subsection or that are allowable under (b)(1) or (c)(1) of this section and will make the list available to the public.

(f) A person described in (a)(2) of this section may supply, sell, lease, distribute, convey, or install a wood-fired heating device if that person has confirmed in writing with the buyer or operator of the device that the device will be installed and used in an area other than an area identified in 18 AAC 50.015(b)(3).

(g) Subsections (b) – (d) of this section do not apply to a wood-fired heating device that is located in an area that is identified in 18 AAC 50.015(b)(3), if

(1) under 42 U.S.C. 7513 and 7602, EPA has designated the area as a “moderate” nonattainment area with respect to PM-2.5; and

(2) the wood-fired heating device is being sold, leased, or conveyed as part of an existing building or other property and the device was installed in that building or on that property before February 28, 2015.

(h) Subsections (b) – (d) of this section do not apply to the conveyance of a wood-fired heating device under (a)(2)(B) of this section if the owner requests and receives a temporary waiver from the department or a local air quality program. The department or local air quality program may grant a temporary waiver after considering

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

(2) technical feasibility information provided by the owner or operator; and

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

(i) A person who disputes a decision by the department under this section may request review under 18 AAC 15.185 or 18 AAC 15.195 – 18 AAC 15.340. (Eff. 2/28/2015, Register 213)

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

Editor's note: For the convenience of consumers, the United States Environmental Protection Agency (EPA) keeps a list of wood-fired hydronic heaters with qualifying "white tags" under EPA's Phase 2 voluntary partnership program for hydronic heaters. That list is part of EPA's *Partners – Program Participation – List of Qualified Hydronic Heaters*, and is available on the Internet at <http://www.epa.gov/burnwise/owhhlist.html>. For additional information whether a heater appearing on that list is in compliance with 18 AAC 50.077, please contact the Department of Environmental Conservation at: Department of Environmental Conservation, Division of Air Quality, 410 Willoughby Avenue, Suite 303, P.O. Box 111800, Juneau, AK 99811; telephone (907) 465-5100.

For the convenience of consumers, the United States Environmental Protection Agency (EPA) keeps a list of wood heaters certified under 40 C.F.R. 60.533. That list, entitled *List of EPA Certified Wood Heaters (Heaters certified as meeting the 1988 Standards of Performance for New Residential Wood Heaters)*, is available on the Internet at <http://www.epa.gov/Compliance/resources/publications/monitoring/caa/woodstoves/certifiedwood.pdf>. For additional information whether a heater appearing on that list is in compliance with 18 AAC 50.077, please contact the Department of Environmental Conservation, Division of Air Quality, 410 Willoughby Avenue, Suite 303, P.O. Box 111800, Juneau, AK 99811; telephone (907) 465-5100.

The test methods adopted by reference in 18 AAC 50.077 may be reviewed at the department's Anchorage, Fairbanks, or Juneau office. For information on how to obtain a copy of the ASTM International documents adopted by reference in 18 AAC 50.077, contact ASTM International, Publications Department, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania, 19428-2959; telephone (877) 909-2786; fax (610) 832-9555.

The list of wood-fired heating devices maintained under 18 AAC 50.077(e) is available at the department's offices in Anchorage, Fairbanks, and Juneau, is available on the Internet at <http://burnwise.alaska.gov/>, or can be obtained by contacting the Department of Environmental Conservation, Division of Air Quality, 410 Willoughby Avenue, Suite 303, P.O. Box 111800, Juneau, AK 99811; telephone (907) 465-5100.

18 AAC 50.080. Ice fog standards. The department will, in its discretion, require a person who proposes to build or operate an industrial process, fuel-burning equipment, or incinerator in an area of potential ice fog to obtain a permit and to reduce water emissions. (Eff. 1/18/97, Register 141)

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

18 AAC 50.085. Volatile liquid storage tank emission standards. (a) The owner, operator, or permittee of a volatile liquid storage tank located in the Port of Anchorage that has a volume of 9,000 barrels (378,000 gallons) or more shall reduce organic vapors emitted to the atmosphere by using

- (1) an internal floating roof installed before June 1, 1992;