

DEPARTMENT OF ENVIRONMENTAL CONSERVATION



18 AAC 50

Air Quality Control

Public Comment Draft

May 14, 2019

**Comment Period Ends
July 26, 2019, 5:00 p.m.**

**Michael J. Dunleavy
Governor**

**Jason W. Brune
Commissioner**

18 AAC 50.030(a) is amended to read:

18 AAC 50.030. State air quality control plan. (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, as amended through {*adoption date of the regulations*} [AUGUST 10, 2018], are adopted by reference. The plan includes the following documents which 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 PM-2.5, upon the effective date of an EPA finding of failure to attain the NAAQS, failure to meet a qualitative milestone, or failure to meet a reasonable further progress requirement, implementation of contingency measures in the *State Air Quality Control Plan*, adopted by reference in 18 AAC 50.030 will begin as identified.

(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 ___/___/____, Register ___)

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

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18 AAC 50.030 is amended by adding a new Editor's Note to read:

Editor's note: The documents adopted by reference in 18 AAC 50.030 may be reviewed at the department's Anchorage, Fairbanks, or Juneau office, or on the internet on the Department of Environmental Conservation, Division of Air Quality's Reference Materials for 18 AAC 50 web page.

18 AAC 50.075(e) is amended to read:

(e) The department may prohibit operation of a solid fuel-fired heating device in an area for which the department has declared a PM-2.5 air quality episode under emergency episode provisions included in a local air quality plan incorporated in the *State Air Quality Control Plan*, adopted by reference in 18 AAC 50.030, only if the **declaration** [ANNOUNCEMENT] identifies

(1) the air quality zone affected by the prohibition; [AND]

(2) any **applicable** exceptions **to the prohibition** as identified in the *State Air Quality Control Plan*, adopted by reference in 18 AAC 50.030; **and**

(3) whether fuel to non-exempt devices must be withheld and combustion in these devices – as evidenced by visible smoke from a chimney – must cease within three hours of the declaration.

...

18 AAC 50.075(f) is amended to read:

(f) A solid fuel-fired heating device located in an area identified in 18 AAC 50.015(b)(3) shall be operated

(1) so that the visible emissions or opacity do not exceed 20 percent opacity for more than six minutes in any one hour, except during the first 15 minutes after initial firing of the device when the opacity limit must be less than 50 percent; [VISIBLE] **visible** emissions are measured as set out in (a)(2) of this section; and

(2) **so that the visible emissions, as observed using 40 C.F.R. Part 60, Appendix A, Method 22, adopted by reference in 18 AAC 50.040, do not cross property lines; visible emissions that cross property lines are excess emissions and a violation of the visible emission standard.**

(Eff. 1/18/97, Register 141; am 5/6/2009, Register 190; am 2/28/2015, Register 213; am 11/26/2016, Register 220; 1/12/2018, Register 225; am __/__/____, Register ____)

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

18 AAC 50.076(d) is amended to read:

(d) A commercial wood seller must register under (e) of this section with the department to sell or provide wood to a person 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 “SERIOUS” NONATTAINMENT AREA WITH RESPECT TO PM-2.5;

(2) THE DEPARTMENT ISSUES A FINDING THAT WOOD SMOKE IS A SIGNIFICANT COMPONENT OF THE PM-2.5 AMOUNT THAT RESULTED IN DESIGNATION OF THE AREA IDENTIFIED IN 18 AAC 50.015(b)(3) AS “NONATTAINMENT”; AND

(3) NOT LATER THAN 60 DAYS BEFORE THE DATE ON WHICH THE REQUIREMENTS OF THIS SUBSECTION AND (e) – (g) OF THIS SECTION ARE TO APPLY, THE DEPARTMENT

(A) PREPARES A NOTICE IDENTIFYING THE NEED FOR APPLYING THE REQUIREMENTS OF THIS SUBSECTION AND (e) – (g) OF THIS SECTION WITH REGARD TO THE SALE OR PROVISION OF WOOD TO A PERSON LOCATED IN THE AREA; AND

(B) ISSUES THE NOTICE DESCRIBED IN (a) OF THIS PARAGRAPH BY

(I) PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION;

(II) POSTING IN THE OFFICE OF THE LOCAL AIR POLLUTION CONTROL PROGRAM; AND

(III) POSTING ON THE ALASKA ONLINE PUBLIC NOTICE SYSTEM (AS 44.62.175).]

...

18 AAC 50.076(e) is amended to read:

(e) Before selling or providing wood to a person located in the area [AREAS] that is identified in 18 AAC 50.015(b)(3), a commercial wood seller subject to (d) – (g) and (j) of this section must

- (1) submit a registration application in a format provided by the department;
- (2) have available for use a moisture content meter that the department has approved under (g)(1) **or (j)(2)** of this section;
- (3) have a valid business license issued under AS 43.70; and
- (4) renew the registration every three years by submitting, at least 30 days before the expiration date of the existing registration, an application for renewal to the department in a format provided by the department.

...

18 AAC 50.076(g) is amended to read:

(g) **Until September 30, 2021, a** [A] commercial wood seller who is registered as required under (d) – (f) of this section

...

18 AAC 50.076 is amended by adding a new subsection to read:

(j) After October 1, 2021, a commercial wood seller required to register with the department under (d) – (f) of this section

- (1) shall only sell dry wood that is either
 - (A) seasoned, split and stored covered for at least 9 months;
 - (B) mechanically dried, where the drying process has been inspected and approved by the department to ensure consistency and reliability; or
 - (C) harvested from an inspected fire killed source that has been split, stacked, stored and confirmed dry prior to freezing;

(2) shall test, using a commercially available moisture test meter that the department has approved for accuracy, measure moisture content periodically to verify and ensure stock is dry prior to selling.

(3) shall document the measured moisture content, and keep a record of the measurements over the seasoning period and sign an affidavit form that the department provides attesting the wood is dry prior to sale;

(4) shall only market dry wood;

(5) shall obtain the consumer's signature on the dry wood affidavit, or if the consumer is unavailable, shall mark on the form that the consumer is unavailable;

(6) shall provide the consumer with a copy of the signed dry wood affidavit;

(7) shall submit to the department, not later than the 15th day of each month, the department's copy of each dry wood affidavit completed during the previous month;

(8) shall retain the seller's own copy of each affidavit form for two years after the date of the sale, provision, or delivery;

(9) shall account for each affidavit form received from the department; when making a monthly submission under (7) of this subsection, the commercial wood seller shall

(A) submit any affidavit form not given to a consumer due to damage or errors; and

(B) report the unique number of any affidavit form that is lost;

(10) shall return any unused affidavit forms if the commercial wood seller's registration expires or is revoked;

(11) is subject to one or more of the following if the commercial wood seller fails to comply with a provision of this subsection, including:

(A) remedial training on the requirements of (d) – (f) of this section and this subsection;

(B) a notice of violation;

(C) until the department determines that the commercial wood seller is in compliance, removal of the seller from the list that the department maintains under (f)(3) of this section;

(D) revocation of registration;

(E) enforcement under AS 46.03.020, 46.03.760, or 46.03.790; and

(12) may request an informal or adjudicatory hearing as prescribed in 18 AAC 15.185 and 18 AAC 15.195 – 18 AAC 15.340 if the department denies registration, denies renewal of a registration, or takes an action under (11)(A) – (D) of this subsection.

(Eff. 2/28/2015, Register 213; am 3/2/2016, Register 217; am 11/26/2016, Register 220; am ___/___/____, Register ___)

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

18 AAC 50.077 is repealed and readopted to read:

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) or

(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).

(b) Except as provided under (i), (j), or (m) of this section, a person may not install, reinstall, sell, lease, distribute, or convey a wood-fired heating device that does not have a valid EPA certification under 40 C.F.R. 60.533 or a non-pellet fueled wood-fired outdoor hydronic heater in an area identified in 18 AAC 50.015(b)(3); and shall

(1) remove or replace that device by the earlier of

(A) December 31, 2024, or

(B) before it is sold, leased, or conveyed as part of an existing building;

and

(2) destroy or render the uninstalled device inoperable.

(c) Except as provided under (i), (j) or (m) of this section, a person may not supply, sell, lease, distribute, or convey a non-pellet fueled wood-fired hydronic heater for operation or installation in an area identified in 18 AAC 50.015(b)(3).

(d) Except as provided under (i), (j) or (m) of this section, a person may not install or reinstall a pellet fueled 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 pellet fueled wood-fired hydronic heater for operation or installation in an area identified in 18 AAC 50.015(b)(3), unless it is listed under (h) of this section by the department. A device shall not be on the list unless

(1) the model

(A) has been certified under 40 C.F.R. 60.5474(a)(1) and (b)(1) (Subpart QQQQ, “Step 1” emission rates), revised as of July 1, 2017, and adopted by reference;

(B) meets the particulate matter annual average emission limit in (2) of this subsection; and

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

(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 0.10 pounds per million Btu of heat output for each individual burn rate; the test results

(A) must be obtained using one of the following test procedures applicable to the specific device:

(i) ASTM International E 2618-13, *Standard Test Method for Measurement of Particulate Emissions and Heating Efficiency of Solid Fuel-Fired Hydronic Heating Appliances*, approved September 1, 2013, and adopted by reference, subject to conditions in 40 C.F.R. Part 60, Subpart QQQQ, revised as of July 1, 2017, and adopted by reference;

(ii) 40 C.F.R. Part 60, Appendix A-8, Method 28WHH-PTS, revised as of July 1, 2017, and adopted by reference;

(iii) Alternative Test Methods may only be accepted upon approval by the Department.

(B) must be obtained by using one of the following test procedures applicable to the specific devices:

(i) 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;

(ii) 40 C.F.R. Part 60, Appendix A, Method 5G, revised as of July 1, 2017, and adopted by reference; and

(C) obtained under (A) and (B) of this paragraph must be submitted to and approved by the department as described in (h) of this section, if the wood-fired hydronic heater is not already listed under (h) of this section by the department; and

(3) the device is installed more than 330 feet from the closest property line or more than 660 feet from a school, clinic, hospital, or senior housing unit.

(e) Except as provided under (i), (j) or (m) of this section, a person may not supply, sell, lease, distribute, or convey a catalyst equipped woodstove or pellet fueled woodstove for operation or installation in an area identified in 18 AAC 50.015(b)(3), unless it is listed under (h) of this section by the department. A device shall not be on the list 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 or pellet stove that is installed on or after August 31, 2015; and

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

(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 2.0 grams per hour; the test results must be

(A) obtained using

(i) the test procedures applicable to the specific device; those procedures are set out in 40 C.F.R. Part 60, Appendix A, Methods 28, 28 A, and 28R, revised as of July 1, 2017, and adopted by reference; or

(ii) Alternative Test Methods may only be accepted upon approval by the Department; and

(B) obtained using the 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, revised as of July 1, 2017, and adopted by reference; and

(C) calculated in grams per hour; and

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

(f) Except as provided under (i), (j) or (m) of this section, a person may not supply, sell, lease, distribute, or convey a non-catalyst equipped woodstove for operation or installation in an area identified in 18 AAC 50.015(b)(3), unless it is listed under (h) of this section by the department. A device shall not be on the list 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 or pellet stove that is installed on or after August 31, 2015; and

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

(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 2.0 grams per hour; the test results must be

(A) obtained using the test procedures applicable to the specific device; those procedures are set out in 40 C.F.R. Part 60, Appendix A, Methods 28, 28 A, and 28R, revised as of July 1, 2017, and adopted by reference;

(B) Alternative Test Methods may only be accepted upon approval by the Department; and

(C) obtained using the emission concentration measurement procedures applicable to the specific device;

(i) use the procedures set out in 40 C.F.R. Part 60, Appendix A, Methods 5G and 5H, revised as of July 1, 2017, and adopted by reference; and

(ii) include a tapered element oscillating microbalance (TEOM); using the procedures set out in the Northeast States for Coordinated Air Use Management (NESCAUM) Standard Operating Procedures for using TEOM 1405 in a dilution tunnel, located at the NESCAUM Test Method website: <http://www.nescaum.org/topics/test-methods, and> using Option 2 in Section 6 and excluding Section 7;

(C) calculated in grams per hour;

(D) presented for the TEOM test as an emissions profile, and the emissions profile demonstrates emissions are controlled; and

(E) submitted to and approved by the department as described in (h) of this section.

(g) Except as provided under (i), (j) or (m) 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 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 emission limit of 2.0 grams per hour; the test results

(1) must be obtained using one of the following test procedures applicable to the specific device

(A) ASTM International E 2618-13, *Standard Test Method for Measurement of Particulate Emissions and Heating Efficiency of Solid Fuel-Fired Hydronic Heating Appliances*, adopted by reference in (b)(2)(A)(i) of this section;

(B) 40 C.F.R. Part 60, Appendix A-8, Method 28WHH, revised as of July 1, 2017, and adopted by reference;

(C) Canadian Standards Association (CSA) Method B415.1-10, *Performance Testing of Solid-Fuel-Burning Heating Appliances*, dated March 2010, reaffirmed 2015, and adopted by reference, as referenced in 40 C.F.R. Part 60, Subpart QQQQ, revised as of July 1, 2017, and adopted by reference; and

(D) Alternative Test Methods may only be accepted upon approval by the Department.

(2) must be obtained by using 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)(i) of this section; and

(3) obtained under (1) and (2) of this subsection must be submitted to and approved by the department as described in (h) of this section, if the wood-fired heating device is not already listed under (h) of this section by the department.

(h) 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 (d)(1), (e)(1) or (f)(1) of this section and will make the list available to the public;

(1) the department may review, without a prior submission by the manufacturer, test results obtained under (d)(2), (e)(2), (f)(2) or (g) of this section. If the department determines that the model tested complies with the requirements of (d)(2), (e)(2), (f)(2) or (g) 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.

(2) if a wood-fired heating device subject to this section is not already on that list, and is not a pellet fueled wood-fired hydronic heater allowable under (d)(1) of this section or a woodstove allowable under (e)(1) or (f)(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 (d)(1), (e)(1) or (f)(1) of this section, as applicable, or test results demonstrating compliance with the requirements of (d)(2), (e)(2), (f)(2) or (g) of this section, as applicable.

(i) 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).

(j) Subsections (b) – (f) and (m) of this section do not apply to the conveyance of a wood-fired heating device 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.

(k) In addition to the requirements in (c)-(g) wood-fired heating devices shall

- (1) be registered, using a form or method provided by the department, with the Department of Environmental Conservation, Air Quality Division

- (A) upon sale of new device by the device vendor or dealer; vendor shall

- (i) also provide curtailment information to buyer at time of sale;

and

- (ii) review proper operating instructions with buyer;

- (B) prior to closing if device is being sold, leased, or conveyed as part of an existing building or other property;

- (C) prior to issuance of any waivers described in the air quality control plan incorporated in the *State Air Quality Control* plan, adopted by reference in 18 AAC 50.030;

- (D) prior to closeout of any compliance or enforcement action;

- (E) in order to participate in the Burn Right Program;

- (F) in order to participate in any wood-stove change-out or conversion program;

(2) be professionally sized and professionally installed as follows:

(A) for new wood stoves, pellet stoves, and gas inserts, installers shall be certified by the National Fireplace Institute;

(i) confirmation of proper installation shall be provided to the department;

(ii) confirmation shall include type of device, location of device and date of installation; and

(iii) confirmation of removal and destruction of any existing device shall be provided to the department;

(B) for new masonry heaters, installers shall be certified by the Masonry Heaters Association;

(i) confirmation of proper installation shall be provided to the department;

(ii) confirmation shall include type of device, location of device and date of installation;

(3) have any retrofit control devices (RCD), such as Electrostatic precipitators (ESPs) be professionally installed by certified installers or manufacturer representatives;

(A) confirmation of proper installation shall be provided to the department;

(B) confirmation shall include type of device, location of device and date of installation.

(4) not be the primary or only heat source

(A) in new construction, except new construction of structures considered as ‘dry’ cabins located within a 2 acre parcel or larger;

(B) for a structure used as a rental unit, unless the structure has been used as a rental prior to {*effective date of regulations*} and qualifies for a No Other Adequate Heat Source (NOASH) waiver, as identified in a local air quality plan incorporated in the State Air Quality Control Plan, adopted by reference in 18 AAC 50.030;

(5) shall not be advertised for sale within an area identified in 18 AAC 50.015(b)(3) if they do not meet the requirements of sections (c), (d), (e), (f), and (g).

(l) 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.

(m) With respect to plan requirements related to PM-2.5, upon the effective date of an EPA finding of failure to attain the NAAQS, to meet a qualitative milestone, or to make reasonable further progress; and except as provided under (h), (i), or (j) of this section, wood-fired heating devices that have a valid EPA certification under 40 C.F.R. 60.533, have an emission rating greater than 2.0 g/hr, and were manufactured greater than 25 years from the current date shall

(1) be removed or replaced by the earlier of

(A) December 31, 2024, or

(B) before the device is sold, leased, or conveyed as part of an existing building; and

(2) be destroyed or rendered inoperable.

(Eff. 2/28/2015, Register 213; am 11/26/2016, Register 220; am 1/12/2018, Register 225; am ___/___/___, Register ___)

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

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The Editor's note for 18 AAC 50.077 is amended to read:

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. **The list can be found on the internet at: <https://www.epa.gov/compliance/list-epa-certified-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](http://www.epa.gov/burnwise/owhhl.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. **The list can be found on the internet at: <https://www.epa.gov/compliance/list-epa-certified-wood-stoves>.** [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/C](http://www.epa.gov/compliance/resources/publications/monitoring/c)

AA/WOODSTOVES/CERTIFIEDWOD.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. For information on how to obtain a copy of the Canadian Standards Association document adopted by reference in 18 AAC 50.077, contact the Canadian Standards Association (CSA), 178 Rexdale Boulevard, Etobicoke, ON, M9W 1R3, Canada; telephone (416) 747-4139; fax (416) 401-6621

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 is amended by adding a new section to read:

18 AAC 50.078. Additional Control Measures for a Serious PM-2.5 Nonattainment Area. (a) This section applies to individuals or businesses whose activities emit PM-2.5 or PM-2.5 precursor pollutants within an area identified in 18 AAC 50.015(b)(3).

(b) Beginning July 1, 2020, only Diesel #1, containing no more than 896 parts per million sulfur, may be sold or purchased for use in diesel-fired equipment, including space heating devices. Mobile diesel-fired equipment is excluded from this section and remains subject to federal diesel fuel sulfur requirements. This subsection does not apply to major stationary sources subject to Best Available Control Technology determination and mobile diesel-fired equipment subject to federal diesel fuel sulfur requirements.

(c) Small area sources of PM-2.5 listed below shall submit to the department a one-time submission of the following information:

(1) commercial charbroilers:

(A) name and location of the commercial cooking operation;

(B) operation type – chain-driven or under-fired;

(C) number and size, in cooking surface square feet, of each charbroiler;

at the commercial cooking operation;

(D) type of fuel used to heat each charboiler(s);

(E) type and quantity, in pounds, of meat cooked on the charbroiler(s) on a weekly basis for the previous 12-month period;

(F) daily operating hours of the commercial cooking operation;

(G) flowrate (cubic feet per minute) of hood or exhaust system(s) serving each charbroiler; and

(H) the manufacturer and model of any installed pollution control devices designed for the reduction of particulates, kitchen smoke and/or odor;

(2) commercial incinerators:

(A) owner name and physical address;

- (B) source type (medical, liquid, solid waste, etc.);
- (C) process description;
- (D) fuel used;
- (E) throughput of waste stream, expressed in pounds per hour (lbs/hr);
- (F) daily hours of operation;
- (G) applicable emission limits and regulatory authority; and
- (H) manufacturer and model of any installed pollution control devices designed for particulates, smoke and/or odor.

(3) commercial used oil burners:

- (A) owner name, facility name, physical address of facility burning used oil;
- (B) burner purpose (space heating, boiler operation, etc.);
- (C) number, type of burners;
- (D) fuel type (e.g. lubricants, heat transfer fluids, solvents, cleaning agents, mixtures, cooking oil, etc.);
- (E) fuel source (purchased, self-generated, disposal, etc.);
- (F) fuel quality – raw or processed (spec or off-spec);
- (G) fuel consumed per hour, per burner (gallons/hr);
- (H) daily operating hours per burner;
- (I) applicable emission limits and regulatory authority;
- (J) manufacturer and model of waste burner(s); and
- (K) manufacturer and model of any installed pollution control devices designed for particulates, smoke and/or odor.

(d) Commercial coffee roasters within an area identified in 18 AAC 50.015(b)(3) must install a pollution control device appropriate to the unit, approved by the department, such as a catalytic oxidizer or thermal oxidizer not later than one year from {effective date of regulations} unless the facility provides information to the department demonstrating control technology is technically or economically infeasible.

(e) Non-commercial wood sellers may only sell dry wood.

(Eff. __/__/____, Register ____)

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

18 AAC 50.079(b) is amended to read:

(b) A person may not install or reinstall a coal-fired heating device and may not supply, sell, lease, distribute, or convey a coal-fired heating device for operation **in an area identified in 18 AAC 50.015(b)(3)** [OR INSTALLATION UNLESS IT IS A LISTED DEVICE WITH THE LOCAL GOVERNMENT’S AIR QUALITY PROGRAM OR CERTIFIED BY EPA].

...

18 AAC 50.079(c) is amended to read:

(c) Except as provided under (d) or (e) of this section, a person may not sell, lease, or convey a coal-fired heating device as part of an existing building or other property located in an area identified in 18 AAC 50.015(b)(3) [UNLESS THE DEVICE IS LISTED WITH THE LOCAL GOVERNMENT’S AIR QUALITY PROGRAM OR CERTIFIED BY EPA].

...

18 AAC 50.079(d) is amended to read:

(d) **Subsections** [SUBSECTION] (c) **and (f)** of this section **do** [DOES] not apply to an installed coal-fired heating device that has undergone, during wintertime operation, an emission source test

...

18 AAC 50.079(e) is amended to read:

(e) **Subsections** [SUBSECTION] (c) **and (f)** of this section **do** [DOES] not apply to the conveyance of a coal-fired heating device in an area identified in 18 AAC 50.015(b)(3) 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

...

18 AAC 50.079 is amended by adding new subsections to read:

(f) Except as provided under (d) or (e) of this section, an existing coal-fired heating device shall be

(1) remove or replace by the earlier of

(A) December 31, 2024, or

(B) before sale, lease or conveyance as part of an existing building; and

(2) destroy or render the removed device inoperable.

(g) Coal-fired heating devices not meeting the requirements of subsections (b), (c), and (d) of this section shall not be advertised for sale within an area identified in 18 AAC 50.015(b)(3).

(Eff. 1/12/2018, Register 225; am 9/15/2018, Register 227; am __/__/____, Register ____)

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

18 AAC 50.990 is amended by adding new paragraphs to read:

(152) "catalytic oxidizer" means an emission control device that employs a catalyst fixed onto a substrate to oxidize air pollutants in an exhaust stream;

(153) "charbroiler" means a cooking device composed of a grated grill and a heat source, where food resting on the grated grill cooks as the food receives direct heat from the heat source or a radiant surface;

(154) "chain-driven charbroiler" means a semi-enclosed charbroiler designed to mechanically move food on a grated grill through the broiler;

(155) "used oil" means any petroleum product that has been refined from crude oil (in whole or in part), or any synthetic oil that has been used and as a result of such use is contaminated by physical or chemical impurities; used oil is a free-flowing liquid at standard temperature and pressure and has a flash point of greater than 100 degrees Fahrenheit; used oil includes oils used as lubricants, heat transfer fluids, hydraulic fluids, and for other similar uses, but does not include materials derived from crude or synthetic oils that are fuels (e.g., gasoline, jet fuel and diesel fuel), cleaning agents or solvents (e.g., naphtha or mineral spirits).

(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 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 __/__/____, Register ____)

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