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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Gary Mendivil
Department of Environmental Conservation

FROM: April Simpson, Office of the Lieutenant Governor
465.4081 

DATE: December 9, 2019

RE: Filed Permanent Regulations: Department of Environmental Conservation
Department of Environmental Conservation: Air Quality Control: PM 2.5 Serious SIP
Regulations (18 AAC 50)

Attorney General File:	2018200888
Regulation Filed:	12/9/2019
Effective Date:	1/8/2020
Print:	233, April 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The attached twenty three pages of regulations, dealing with Fine Particulate Matter (PM2.5) and amendments to the State Implementation Plan (SIP) 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: November 19, 2019
Anchorage, Alaska

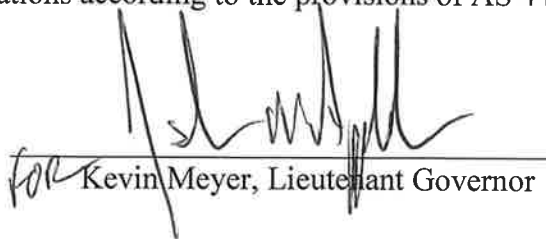


Jason W. Brune, Commissioner
Department of Environmental Conservation

FILING CERTIFICATION

Josh Applebee for

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on Dec 9,
2019, at 2:21pm. I filed the attached regulations according to the provisions of AS 44.62.040 –
44.62.120.



for Kevin Meyer, Lieutenant Governor

Effective: January 8, 2020

Register: 233, April 2020

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**

**DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**



18 AAC 50

Air Quality Control

Filed and Effective

January 8, 2020

**Michael J. Dunleavy
Governor**

**Jason W. Brune
Commissioner**

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** [AS AMENDED THROUGH] {*November 19, 2019*} [AUGUST 10, 2018], 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 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)

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 50.030 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 at: <http://dec.alaska.gov/air/anpms/sip/18AAC50-reference-materials/>.

18 AAC 50.075(e) is amended to read:

(e) The department may prohibit operation of a solid fuel-fired heating device in a **a nonattainment or maintenance** [AN] area for which the department has declared a PM-2.5 air quality episode under emergency episode provisions **of** [INCLUDED IN] a local air quality plan **that has been** incorporated in the *State Air Quality Control Plan*. **The declaration must specify** [, ADOPTED BY REFERENCE IN 18 AAC 50.030, ONLY IF THE ANNOUNCEMENT IDENTIFIES]

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

(2) any **applicable** exceptions **to the prohibition; and**

(3) that operators shall withhold fuel from non-exempt devices and ensure that combustion, as evidenced by visible smoke from a chimney, has ceased within three hours of the effective time of the declaration[AS IDENTIFIED IN THE *STATE AIR QUALITY CONTROL PLAN*, ADOPTED BY REFERENCE IN 18 AAC 50.030.].

18 AAC 50.075(f) is amended to read:

(f) **In**[A SOLID FUEL-FIRED HEATING DEVICE LOCATED IN] an area identified in 18 AAC 50.015(b)(3), **a person may not operate a solid fuel-fired heating device in a manner that causes**

(1) visible emissions, measured as set out in (a)(2) of this section, that 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; and

(2) visible emissions, as observed using 40 C.F.R. Part 60, Appendix A, Method 22, adopted by reference in 18 AAC 50.035, to cross property lines. [SHALL BE OPERATED 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 EMISSIONS ARE MEASURED AS SET OUT IN (a)(2) OF THIS SECTION.] (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 1/8/2020, Register 233)

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

The section heading for 18 AAC 50.076 is amended to read:

18 AAC 50.076. Solid fuel-fired heating device fuel requirements; requirements for [REGISTRATION OF COMMERCIAL] wood sellers.

18 AAC 50.076(d) is amended to read:

(d) A commercial wood seller **shall** [MUST] register under (e) of this section with the department to sell or provide wood to a person **who is** located in **or intends to burn the wood 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) A[BEFORE SELLING OR PROVIDING WOOD TO A PERSON LOCATED IN THE AREAS THAT IS IDENTIFIED IN 18 AAC 50.015(b)(3), A] commercial wood seller **who is** subject to **(d)** [(d) – (g)] of this section **shall** [MUST]

- (1) submit a registration application in a format provided by the department;
- (2) have available for use a moisture content meter **of a type approved by** [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.

The introductory language of 18 AAC 50.076(g) is amended to read:

(g) **Before October 1, 2021, and for any sales of wet wood under (j)(1) on or after October 1, 2021, a** [A] commercial wood seller who is [REGISTERED AS] required **to register** under **(d)** [(d) – (f)] of this section

...

18 AAC 50.076 is amended by adding new subsections to read:

- (j) On and after October 1, 2021, a commercial wood seller who is required to register with the department under (d) of this section may sell wet wood only if
- (1) the wood seller meets all requirements of (g) of this section;
 - (2) the wood sold is in round logs eight feet or more in length; and

(3) the seller confirms in writing the buyer's ability to properly dry the wood for use in the next winter season or beyond and that the wood will be burned in accordance with (a) - (c) of this section.

(k) Except as permitted under (j) of this section, on and after October 1, 2021, a commercial wood seller required to register with the department under (d) of this section

(1) may only sell dry wood that is

(A) seasoned, split, and stored covered for at least 9 months unless otherwise confirmed dry;

(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 covered, and confirmed dry prior to freezing;

(2) may not market sales of wood that do not comply with this section;

(3) shall periodically measure, using a type of commercially available moisture test meter that is approved by the department for accuracy, the moisture content of a representative sample of the wood to ensure the stock is dry prior to selling;

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

(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 a compliance or enforcement action by the department for failing 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.

(l) Non-commercial wood sellers may not sell wet wood in an area identified in 18 AAC 50.015(b)(3). (Eff. 2/28/2015, Register 213; am 3/2/2016, Register 217; am 11/26/2016, Register 220; am 1/8/2020, Register 233)

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) Except as provided in this section, a person may not install, reinstall, sell, lease, distribute, or convey the following devices for use in an area identified in 18 AAC 50.015(b)(3):

- (1) a wood-fired hydronic heater;
- (2) a woodstove;
- (3) a wood-fired heating device with a manufacturer-rated heat output capacity of 350,000 Btu per hour or more.

(b) Notwithstanding (a) of this section, the department will approve models of pellet fueled wood-fired hydronic heaters for use in an area identified in 18 AAC 50.015(b)(3) that

- (1) have a manufacturer-rated heat output capacity under 350,000 Btu per hour;
- (2) have a valid certification from EPA under 40 C.F.R. 60.5474(a) and (b), revised as of July 1, 2019, and adopted by reference, for which the department has reviewed and accepted the underlying certification test results; and

(3) meet an average particulate matter emission level of 0.10 pounds per million Btu of heat output for each individual burn rate as tested by a laboratory with current EPA accreditation under 40 C.F.R. 60.5477, revised as of July 1, 2019, and adopted by reference; the laboratory test results must be

(A) obtained using one of the following test methods that is applicable to the specific device:

(i) ASTM International E 2618-13, *Standard Test Method for Measurement of Particulate Emissions and Heating Efficiency of Outdoor Solid Fuel-Fired Hydronic Heating Appliances*, approved by EPA September 1, 2013, and adopted by reference, subject to conditions in 40 C.F.R. Part 60, Subpart QQQQ, revised as of July 1, 2019, and adopted by reference;

(ii) 40 C.F.R. Part 60, Appendix A-8, Method 28WHH-PTS, revised as of July 1, 2019, and adopted by reference;

(iii) alternative test methods, including broadly applicable test methods, if approved by both EPA and the department; and

(B) obtained using one of the following emission concentration measurements that is applicable to the specific device:

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

(ii) 40 C.F.R. Part 60, Appendix A, Method 5G, revised as of July 1, 2019, and adopted by reference; and

(C) approved by the department together with the supporting data.

(c) Notwithstanding (a) of this section, the department may approve specific models of woodstoves and pellet stoves for operation in an area identified in 18 AAC 50.015(b)(3). The department will approve models that

(1) have a manufacturer-rated heat output capacity of less than 350,000 Btu per hour;

(2) have a valid certification from EPA under 40 C.F.R. 60.533, revised as of July 1, 2019, and adopted by reference, for which the department has reviewed and accepted the underlying certification test results; and

(3) meet a particulate matter annual average emission limit of 2.0 grams per hour as tested by a laboratory with current EPA accreditation under 40 C.F.R. 60.535 revised as of July 1, 2019, and adopted by reference; the test results must be

(A) obtained using one of the following test methods applicable to the specific device:

(i) 40 C.F.R. Part 60, Appendix A, Methods 28, 28 A, or 28R, revised as of July 1, 2017, and adopted by reference;

(ii) alternative test methods, including broadly applicable test methods, if approved by both EPA and the department; and

(B) obtained using one of the following emission concentration measurements, as applicable to the specific device:

(i) 40 C.F.R. Part 60, Appendix A-3, Methods 5G or 5H, revised as of July 1, 2017, and adopted by reference; and

(ii) after September 1, 2020, with either a tapered element oscillating microbalance (TEOM) or 1-hour filter data from the EPA certification

report for the device; TEOM data must be obtained following the procedures set out in the Northeast States for Coordinated Air Use Management (NESCAUM) Standard Operating Procedures for use of Thermo 1405 TEOM for use in a dilution tunnel using Option 2 in Section 6 and excluding Section 7, revised as of May 17, 2019, and adopted by reference; if using TEOM data, the department may approve devices only if the TEOM data indicates that no rolling 60-minute period exceeds 4.0 grams per hour; if using the 1- hour filter data, the department may approve devices only if no reported valid test run measurement exceeds 6.0 grams per hour;

(C) calculated in grams per hour, to a tenth of a gram; and

(D) approved by the department together with the supporting data.

(d) Notwithstanding (a) of this section, the department may approve specific models of wood-fired heating devices with a manufacturer-rated heat output capacity of 350,000 Btu per hour or more for operation in an area identified in 18 AAC 50.015(b)(3) if a laboratory with current EPA accreditation under 40 C.F.R. 60.535 or 40 C.F.R. 60.5477 has tested the model to meet a particulate matter emission limit of 2.0 grams per hour; the test results must be

(1) obtained using one of the following test methods applicable to the specific device:

(A) ASTM International E 2618-13, *Standard Test Method for Measurement of Particulate Emissions and Heating Efficiency of Outdoor Solid Fuel-Fired Hydronic Heating Appliances*, adopted by reference in (b)(3)(A)(i) of this section;

(B) 40 C.F.R. Part 60, Appendix A-8, Method 28WHH, revised as of July 1, 2019, 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, 2019, and adopted by reference;

(D) alternative test methods, including broadly applicable test methods, if approved by both EPA and the department; and

(2) obtained 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)(3)(B)(i) of this section; and

(3) approved by the department together with the supporting data.

(e) The department will publish a list devices that meet the criteria in (b) – (d) of this section and that the department has approved for operation in an area identified in 18 AAC 50.015(b)(3). The department may review laboratory test data with or without submission by a manufacturer.

(f) Notwithstanding (a) of this section, a person may sell, lease, distribute, convey, or install a new wood-fired heating device if the buyer or operator of the device confirms in writing that the device will be installed in an area other than an area identified in 18 AAC 50.015(b)(3).

(g) In response to a request from the owner or operator of a wood-fired heating device, the department or local air quality program may temporarily waive the requirements of (a) and (l) – (n) of this section 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 PM-2.5 exposure including hospitals, schools, child care facilities, health clinics, long-term care facilities, assisted living homes, and senior centers.

(h) As applicable, the owner, vendor, or dealer of a wood-fired heating device shall register the device, using a form or method provided by the department, in the following circumstances

(1) upon the sale or conveyance of a device;

(2) before closing, if the device is being sold, leased, or conveyed as part of an existing building or other property;

(3) when applying for a waiver described in the local air quality control plan incorporated in the *State Air Quality Control Plan*;

(4) to participate in the Burn Right Program;

(5) to participate in a woodstove change-out or conversion program in the local air quality control plan incorporated in the *State Air Quality Control Plan*; and

(6) before closeout of any compliance or enforcement action.

(i) The owner or operator of a wood-fired heating device shall ensure that a device and any retrofit control devices are properly sized and professionally installed. Following each installation of a wood-fired heating device or retrofit control device in an area identified in 18 AAC 50.015(b)(3), the installer shall provide confirmation to the department that the device was installed correctly on a form provided by the department. Installers must meet the following requirements

(1) for a woodstove, pellet stove, or pellet-fired hydronic heater, the certification criteria in The National Fireplace Institute Policy Handbook, revised as of {November 19, 2019}

and adopted by reference, or demonstrate equivalent training and qualification approved by the department;

(2) for new masonry heaters, the certification criteria in The Masonry Heater Association of North America Reference Manual, revised as of January 2019 and adopted by reference, or demonstrate equivalent training and qualification approved by the department;

(3) for retrofit control devices, such as electronic precipitators, certification as described in (1) – (2) of this subsection or be representatives trained by the manufacturer.

(j) A person may not install

(1) a pellet fueled wood-fired hydronic heater within 330 feet from the closest property line or within 660 feet from a school, clinic, hospital, or senior housing unit;

(2) a wood-fired heating device as the primary or only heat source in

(A) new construction, except new construction of a dry cabin located on a two acre or larger parcel; or

(B) a structure used as a rental unit, unless the structure has been used as a rental prior to {*January 8, 2010*} and qualifies for a No Other Adequate Heat Source waiver, as identified in a local air quality plan incorporated in the *State Air Quality Control Plan*.

(k) Vendors of wood-fired heating devices

(1) may not advertise devices prohibited by this section for sale within an area identified in 18 AAC 50.015(b)(3); and

(2) shall provide a buyer with curtailment information and proper operating instructions at the time of sale.

(l) In an area identified in 18 AAC 50.015(b)(3), a person who owns a woodstove or pellet stove that does not have a valid certification from EPA under 40 C.F.R. 60.533 or a non-pellet fueled wood-fired outdoor hydronic heater shall render the device inoperable before December 31, 2024; or before the device is sold, leased, or conveyed as part of an existing structure, whichever is earlier.

(m) In an area identified in 18 AAC 50.015(b)(3), a person who owns a device that, under this section, may not be reinstalled within the area shall ensure the device is rendered inoperable when it is removed.

(n) If EPA publishes a finding under 40 C.F.R. 51.1014(a)(1) - (4) related to the local air quality control plan incorporated in the *State Air Quality Control Plan* for an area identified in 18 AAC 50.015(b)(3), the owner of a wood-fired heating device other than a masonry heater in an area identified in 18 AAC 50.015(b)(3) that has a particulate matter emission rating of greater than 2.0 grams per hour shall render the device inoperable, notwithstanding a valid EPA certification, by the following deadlines

(1) for a device manufactured 25 years or more before the effective date of the EPA finding, before December 31, 2024 or before the device is sold, leased, or conveyed as part of an existing building, whichever is earlier;

(2) for a device manufactured less than 25 years before the effective date of the EPA finding, before 25 years from the date of manufacture.

(o) 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.

(p) In this section, “dry cabin” means a residential structure 1,000 square feet or less that does not have a well or water provided by a direct public utility.

(q) In this section, “TEOM” means tapered element oscillating microbalance.

(Eff. 2/28/2015, Register 213; am 11/26/2016, Register 220; am 1/12/2018, Register 225; am 1/8/2020, Register 233)

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

The Editor’s note for 18 AAC 50.077 is repealed and changed to read:

Editor’s note: 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>. 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, P.O. Box 111800, Juneau, AK 99811-1800; 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 purchase 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, or <http://www.astem.org>. 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 <https://dec.alaska.gov/air/burnwise/>; or can be obtained by contacting the Department of Environmental Conservation, Division of Air Quality, P.O. Box 111800, Juneau, AK 99811-1800; telephone (907) 465-5100.

The following documents adopted by reference are available at the Division of Air Quality's Reference Materials for 18 AAC 50 web page at <https://dec.alaska.gov/air/anpms/sip/18AAC50-reference-materials/>: The Northeast States for Coordinated Air Use Management (NESCAUM) Standard Operating Procedures for use of Thermo 1405 TEOM® for use in a dilution tunnel, May 17, 2019; The National Fireplace Institute Policy Handbook, revised as of {*November 19, 2019*}; and The Masonry Heater Association of North America Reference Manual, revised as of January 2019.

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 an individual or business whose activities emit PM-2.5 or PM-2.5 precursor pollutants within an area identified in 18 AAC 50.015(b)(3).

(b) After September 1, 2022, only fuel oil, containing no more than 1,000 parts per million sulfur, may be sold or purchased for use in fuel oil-fired equipment, including space heating devices. This subsection does not apply to major stationary sources subject to a Best Available Control Technology determination or to diesel-fired equipment or vehicles subject to more stringent federal diesel fuel sulfur requirements.

(c) Small area sources of PM-2.5 listed below shall provide the following information to the department by March 15, 2020, or 60 days after commencing operations

(1) commercial charbroilers shall identify the

(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 charbroiler;

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

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

(G) air flow rate, measured in cubic feet per minute, of hood or exhaust system serving each charbroiler; and

(H) manufacturer and model of any installed pollution control devices designed to reduce particulates, kitchen smoke, or odor;

(2) commercial incinerators shall identify the

(A) owner name and physical address;

(B) source type, including medical, liquid, or solid waste;

(C) process description;

(D) fuel used;

(E) throughput of waste stream, expressed in pounds per hour;

(F) daily hours of operation;

(G) applicable emission limits and regulatory authorities that govern their operation; and

(H) manufacturer and model of any installed pollution control devices designed to control or limit particulates, smoke, or odor.

(3) commercial used oil burners shall identify the

(A) owner name, facility name, and physical address of the facility;

(B) the purpose of the burner, for example, space heating or boiler operation;

(C) number and type of burners;

(D) fuel type, for example, lubricants, heat transfer fluids, solvents, cleaning agents, mixtures, or cooking oil;

(E) fuel source, for example, if it is purchased, self-generated, or disposal;

(F) fuel quality, including whether it is raw or processed and, if processed whether it is processed to specifications;

(G) amount of fuel, measured in gallons, consumed by each burner in an hour;

(H) daily operating hours for each burner;

(I) applicable emission limits and regulatory authorities that govern their operation;

(J) manufacturer and model of each waste burner; and

(K) manufacturer and model of any installed pollution control devices designed to control or limit particulates, smoke, or odor.

(d) Commercial coffee roasters within an area identified in 18 AAC 50.015(b)(3) shall install a pollution control device, such as a catalytic oxidizer or thermal oxidizer, on any unit that emits 24 pounds or more of particulate matter in a 12-month period. The pollution control device must be appropriate to the unit and approved by the department. The device must be installed not

later than one year from {*January 8, 2020*} or before commencing operation, whichever is later.

The department may waive the requirements of this subsection if the facility provides information demonstrating that control technology is technically or economically infeasible.

(Eff. 1/8/2020, Register 233)

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].

The introductory language of 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

...

The introductory language of 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, the owner of an existing coal-fired heating device shall render the device inoperable by the earlier of December 31, 2024 or before the device is sold, leased, or conveyed as part of an existing building.

(g) Coal-fired heating devices not meeting the requirements of (b) and (d) of this section may 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 1/8/2020, Register 233)

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 is contaminated by physical or chemical impurities as the result of use; 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; used oil does not include materials derived from crude or synthetic oils that are fuels, such as gasoline, jet fuel, or diesel fuel, or cleaning agents or solvents, such as 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 1/8/2020, Register 233)

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