

(d) A person may operate a wood-fired heating device in an area for which the department has declared a PM-2.5 air quality episode under 18 AAC 50.246 or 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

(1) visible emissions or opacity from the wood fired heating device is below the opacity limits identified in the episode announcement for that area as defined in the *State Air Quality Control Plan*, adopted by reference in 18 AAC 50.030; or

(2) the owner or operator of the wood-fired heating device obtains a written temporary waiver from the department or local air quality control program from the opacity limits identified in the episode announcement; the department or local air quality program may grant a temporary waiver after considering

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

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

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

(D) mitigation measures implemented by the owner or operator to prevent adverse health impacts to individuals sensitive to exposure to PM-2.5; and

(E) the contribution of the device to the exceedance of the PM-2.5 concentration triggering the episode announcement. (Eff. 1/18/97, Register 141; am 5/6/2009, Register 190; am 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: The alternative to EPA Method 9, ALT-082, addressed in 18 AAC 50.075(a)(2) is available at the department's Anchorage, Fairbanks, and Juneau offices, and can be obtained by contacting the Department of Environmental Conservation, Division of Air Quality, at (907) 465-5100. The document is also available from the United States Environmental Protection Agency, Technology Transfer Network, Emission Measurement Center, at <http://www.epa.gov/ttn/emc/tmethods.html>

18 AAC 50.076. Solid fuel-fired heating device fuel requirements; registration of commercial wood sellers. (a) A person operating a solid fuel-fired heating device in an area identified in 18 AAC 50.015(b)(3) may use only the following fuels:

(1) for wood-fired heating devices, and subject to additional limitations under (b) of this section,

(A) wood, if not prohibited under (c) of this section;

(B) the following wood products, if made wholly from wood not prohibited under (c) of this section:

(i) wood pellets;

(ii) manufactured compressed wood logs;

(iii) bricks;

(iv) pucks;

(C) manufacturer-recommended starter fuels, including home heating oil, propane, natural gas, or wood-based material for dual fuel-fired hydronic heaters;

(D) biomass fuels approved by the manufacturer;

(2) for coal-burning devices,

(A) coal;

(B) coal pellets;

(3) for all solid fuel-fired heating devices, a fuel that is approved by the manufacturer and not prohibited under (c) of this section.

(b) Not earlier than October 1, 2015, and between October 1 and March 31 of each year, a person operating a wood-fired heating device in an area identified in 18 AAC 50.015(b)(3) may use only the following fuels:

(1) dry wood, if not prohibited under (c) of this section;

(2) the following wood products, if made wholly from wood not prohibited under (c) of this section;

(A) wood pellets;

(B) manufactured compressed wood logs;

(C) bricks;

(D) pucks;

(3) manufacturer-recommended starter fuels, including home heating oil, propane, natural gas, or wood-based material for dual fuel-fired hydronic heaters;

(4) biomass fuels approved by the manufacturer;

(5) a fuel that is approved by the manufacturer, and that is not wet wood or a fuel prohibited under (c) of this section.

(c) A person operating a solid fuel-fired device may not burn or incinerate in the device

(1) wood that has paint, stains, or other types of coating;

(2) wood that has been treated with preservatives, including copper chromium arsenate, creosote, or pentachlorophenol;

(3) asphalt, rubber, or tar products, including materials contaminated with petroleum, petroleum derivatives, oily wastes, or oil cleanup materials;

(4) chlorinated or halogenated organic compounds, including plastics, polyurethane products, pesticides, herbicides, or fungicides;

(5) compounds containing cyanide or asbestos;

(6) animal carcasses; or

(7) putrescible garbage.

(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).

(e) 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 subject to (d) – (g) 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) 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.

(f) Upon receipt of a complete registration application and the department's determination that the commercial wood seller is in compliance with (e)(2) and (3) of this section, the department will

- (1) issue a unique registration identification number to the commercial wood seller;
- (2) issue the commercial wood seller a batch of uniquely numbered three-part moisture content disclosure forms for use under (g) of this section; and
- (3) add the commercial wood seller to a list of registered commercial wood sellers that the department maintains and makes available to the public.

(g) A commercial wood seller who is registered as required under (d) – (f) of this section

(1) shall test, using a commercially available moisture test meter that the department has approved for accuracy, the moisture content of a load of wood at the time of sale or provision to the consumer, or if the consumer purchases one or more loads of wood for later delivery or arranges for the later delivery of one or more loads of wood, shall test the moisture content of each load at the time of delivery, unless the wood sold or delivered is subject to (2), (3) or (4) of this subsection; the department will maintain a list of commercially available moisture test meters that the department has approved for accuracy; for split wood, wood rounds, or logs that are cut at the time of or before sale and that are marketed, sold, or provided as dry wood, the commercial wood seller shall

(A) measure moisture content in at least three pieces of wood for each cord of wood purchased;

(B) randomly select the wood to be tested from differing locations throughout the entire load;

(C) ensure that each selected piece of wood undergoes a fresh cut and is tested in the center of the fresh cut end; and

(D) document the measured moisture content on the moisture content disclosure form that the department provides under (f)(2) of this section, and fully complete and sign the form;

(2) if selling or providing frozen wood, shall note on the moisture content disclosure form that the wood is frozen and assumed to be wet wood with greater than 20 percent moisture content, and shall fully complete and sign the rest of the form; for purposes of this paragraph, “frozen wood” means wood that is

(A) cut at a temperature below 32 degrees Fahrenheit for immediate sale or provision to the consumer; or

(B) delivered at a temperature below 32 degrees Fahrenheit, if the consumer purchase one or more loads of wood for later delivery or arranges for the later delivery of one or more loads of wood;

(3) if marketing, selling, or providing wet wood, shall note on the moisture content disclosure form that the wood is wet and assumed to be greater than 20 percent moisture content, and shall fully complete and sign the rest of the form;

(4) if marketing, selling, or providing, as dry wood,

(A) wood that was split before freezing, may market, sell, or provide the wood as dry wood only if

(i) the split wood is covered and stacked for ventilation;

(ii) after splitting, covering, and stacking the wood, the commercial wood seller tests the wood as required under (1)(A) – (D) of this subsection and the test results demonstrate that each piece of wood tested is dry wood;

(iii) the commercial wood seller records and saves the test results and the date of the test; and

(iv) upon actual sale, provision, or delivery, if the temperature is below 32 degrees Fahrenheit, the commercial wood seller documents the previously recorded test results and the date on the moisture content disclosure form and fully completes and signs the rest of the form;

(B) wood that was split after freezing, may market, sell, or provide the wood as dry wood after freezing only if

(i) the wood is mechanically dried;

(ii) the wood is manufactured as pellet logs; or

(iii) the source of the wood is from fire-killed trees and has been inspected by the department and found to be dry wood;

(5) shall obtain the consumer's signature on the moisture content disclosure form, 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 moisture content disclosure form;

(7) shall submit to the department, not later than the 15th day of each month, the department's copy of each moisture content disclosure form completed during the previous month;

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

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

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

(B) report the unique number of any moisture content disclosure form that is lost;

(10) shall return any unused moisture content disclosure 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:

(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.

(h) In this section, “commercial wood seller”

(1) means a person who sells wood for use in space heating;

(2) does not include a person whose sales of wood consist wholly of

(A) wood products permissible under (a)(1)(B) or (b)(2) of this section; or

(B) bundles of split dry wood that are sized not more than 0.75 cubic feet a bundle; or

(C) logs or rounds intended for resale, where the resale of the wood and measurement and documentation of their moisture content will be addressed by a commercial wood seller.

(i) A commercial wood seller is not required to meet the requirements of (g) of this section for any portion of its sales that are

(1) wood products permissible under (a)(1)(B) or (b)(2) of this section;

(2) bundles of split dry wood that are sized not more than 0.75 cubic feet per bundle; or

(3) logs or rounds intended for resale, where the resale of the wood and measurement and documentation of their moisture content will be addressed by another commercial wood seller. (Eff. 2/28/2015, Register 213; am 3/2/2016, Register 217)

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: A copy of the list of commercially available moisture test meters that the Department of Environmental Conservation has approved under 18 AAC 50.076(g) for use by commercial wood sellers is available at the department’s offices in Anchorage, Fairbanks, and Juneau, and can be obtained 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.

The list of registered commercial wood sellers described in 18 AAC 50.076(f) is available at the department’s offices in Anchorage, Fairbanks, and Juneau, and can be obtained

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