

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; or

(3) the department has not prohibited operation under (e) of this section.

(e) The department may prohibit operation of a solid fuel-fired heating device in a nonattainment or maintenance area for which the department has declared a PM-2.5 air quality episode under emergency episode provisions of a local air quality plan that has been incorporated in the *State Air Quality Control Plan*. The declaration must specify

(1) the air quality zone affected by the prohibition;

(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.

(f) 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. (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

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; requirements for 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, tires, 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;

(8) construction and demolition debris, including plywood and particleboard;

(9) flooring products; or

(10) manure.

(d) A commercial wood seller shall 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).

(e) A commercial wood seller who is subject to (d) of this section shall

(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 the department 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.

(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) Before October 1, 2021, and for any sales of wet wood under (j)(1) on or after October 1, 2021, a commercial wood seller who is required to register under (d) 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.

(j) On or 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 the requirement of (g) of this section;

(2) the wood is sold in round logs eight feet or more in length; and

(3) the seller confirms in writing the buyers 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 or after October 1, 2021, a commercial wood seller required to register with the department under (d) of this section

(1) may only sell clearly labeled 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 before freezing;

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

(3) shall measure monthly, using a 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 before sale;

(4) shall document the measured moisture content, keep a record of the measurements over the seasoning period, and sign an affidavit in a form the department provides attesting the wood is dry before 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 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 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; am 12/8/2024, Register 252)

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) Except as provided in this section, a person may not install, reinstall, sell, lease, distribute, or convey the following devices 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 operation 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. 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