

**HOUSE BILL NO. 163**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE TAMMIE WILSON

Introduced: 3/11/13

Referred: Community and Regional Affairs, Resources

**A BILL**

**FOR AN ACT ENTITLED**

1    **"An Act prohibiting a person from burning certain materials in a solid fuel burning**  
2    **device; relating to solid fuel burning device emission standards; and relating to**  
3    **prohibitions on the burning of solid fuels."**

4    **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5        \* **Section 1.** AS 46.14.400(a) is amended to read:

6               (a) **Except as provided in (k) of this section, with** [WITH] the approval of  
7               the department, a municipality may establish and administer within its jurisdiction a  
8               local air quality control program that operates in lieu of and is consistent with all or  
9               part of the department's air quality program as established under this chapter. A first or  
10              second class borough may administer an air quality control program approved by the  
11              department under this subsection on an areawide basis and is not subject to the  
12              restrictions for acquiring additional areawide powers specified in AS 29.35.300 -  
13              29.35.350. A third class borough may administer a local air quality control program  
14              approved by the department under this subsection only in a service area formed under

AS 29.35.490(b) or (c).

\* **Sec. 2.** AS 46.14.400 is amended by adding a new subsection to read:

(k) A second or third class borough or a second class city may not prohibit the burning of solid fuel unless authorized by the governor in case of an emergency.

\* **Sec. 3.** AS 46.14 is amended by adding a new section to article 5 to read:

**Sec. 46.14.570. Solid fuel burning devices.** (a) A person may not burn or cause to be burned in a solid fuel burning device

- (1) garbage;
- (2) treated wood;
- (3) plastics;
- (4) rubber products;
- (5) animals;
- (6) asphaltic products;
- (7) waste petroleum products;
- (8) paints; or
- (9) railroad ties.

(b) After January 1, 2014, a person may not sell, offer to sell, or knowingly advertise to sell, in the state a solid fuel burning device that exceeds the particulate air contaminant emission standard set by the department under (c) of this section. This subsection does not apply to fireplaces.

(c) The department shall adopt regulations that establish statewide particulate air contaminant emission standards for all new solid fuel burning devices using the most recent test methodology of the United States Environmental Protection Agency. The department may adopt emission standards developed by the United States Environmental Protection Agency for new solid fuel burning devices. A particulate air contaminant emission standard for a solid fuel burning device adopted under this section may not exceed two and one-half grams of particulate matter per hour for each 200,000 British thermal units of heat output. Before adopting a particulate air contaminant emission standard under this section, the department shall find, in writing, support for the standard considering the

- (1) climates in which the solid fuel burning device will be operating;

- 1 (2) characteristics of the emissions of the solid fuel burning device;  
2 (3) technological feasibility of the standard;  
3 (4) economic feasibility of the standard;  
4 (5) effect of the standard on human health and welfare; and  
5 (6) the effect of the standard on the environment.
- 6 (d) the department shall establish a procedure to
- 7 (1) determine whether a new solid fuel burning device complies with  
8 the particulate air contaminant emission standards adopted under (c) of this section;  
9 and
- 10 (2) approve the sale of new solid fuel burning devices that comply with  
11 the particulate air contaminant emission standards adopted under (c) of this section.
- 12 (e) A state or local authority may not adopt a particulate air contaminant  
13 emission standard for solid fuel burning devices other than the standard adopted by  
14 regulation under (c) of this section.
- 15 (f) A particulate air contaminant emission standard for solid fuel burning  
16 devices adopted under (c) of this section does not constitute an air quality standard, an  
17 emissions limitation for hazardous air pollutants, or an emission standard for a unit or  
18 stationary source for purposes of AS 46.14.010 and 46.14.015.