

**SENATE BILL NO. 299 am H**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTIETH LEGISLATURE - SECOND SESSION**

**BY SENATOR LEMAN**

**Amended: 4/15/98**

**Introduced: 2/12/98**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the treatment of well test flares, nonroad engines, and  
2 aggregated fuel burning equipment associated with nonroad engines under the  
3 state's air quality control program; defining 'stationary source' for purposes of the  
4 state's air quality program."

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

6 \* **Section 1.** AS 46.14 is amended by adding new sections to article 5 to read:

7 **Sec. 46.14.570. Nonroad engines.** Notwithstanding other provisions of this  
8 chapter,

9 (1) nonroad engines and aggregated fuel burning equipment associated  
10 with nonroad engines are mobile sources and are not considered to be facilities;

11 (2) an air quality control permit is not required under this chapter for  
12 the operation of nonroad engines or aggregated fuel burning equipment associated with  
13 nonroad engines;

14 (3) the emissions from and BTU per hour ratings of nonroad engines

1 and aggregated fuel burning equipment associated with nonroad engines may not be  
 2 considered by the department when determining the classification of a facility for  
 3 purposes of an air quality control permit under this chapter;

4 (4) the emissions from nonroad engines and aggregated fuel burning  
 5 equipment associated with nonroad engines may be included by the department as a  
 6 part of an ambient air quality analysis; and

7 (5) a regulation that regulates emissions from or establishes an emission  
 8 standard for nonroad engines or aggregated fuel burning equipment associated with  
 9 nonroad engines may not be adopted by the department without the findings required  
 10 under AS 46.14.010(c) made in accordance with AS 46.14.015.

11 **Sec. 46.14.572. Well test flares.** Notwithstanding other provisions of this  
 12 chapter,

13 (1) well test flares are not considered to be facilities;

14 (2) an air quality control permit is not required under this chapter for  
 15 the operation of well test flares;

16 (3) the emissions from and BTU per hour ratings of well test flares  
 17 may not be considered by the department when determining the classification of a  
 18 facility for purposes of an air quality control permit under this chapter;

19 (4) the emissions from well test flares may be included by the  
 20 department as a part of an ambient air quality analysis; and

21 (5) a regulation that regulates emissions from or establishes an emission  
 22 standard for well test flares may not be adopted by the department without the findings  
 23 required under AS 46.14.010(c) made in accordance with AS 46.14.015.

24 \* **Sec. 2.** AS 46.14.990 is amended by adding new paragraphs to read:

25 (28) "nonroad engine" means an internal combustion engine, other than  
 26 an engine used to propel a motor vehicle or a vehicle used solely for competition or  
 27 an engine that is subject to federal standards adopted under 42 U.S.C. 7411 or 42  
 28 U.S.C. 7521, that

29 (A) is in or on a piece of equipment and that is self-propelled  
 30 or serves a dual purpose by both propelling itself and performing another  
 31 function;

1 (B) is in or on a piece of equipment and that is intended to be  
2 propelled while performing its function; or

3 (C) by itself, or in or on a piece of equipment, is designed to  
4 be and is capable of being carried or moved from one location to another,  
5 except that an internal combustion engine described by this subparagraph is not  
6 considered to be a nonroad engine if it, or a similar engine or engines replacing  
7 that engine and intended to perform the same or similar function as the engine  
8 replaced, remains or will remain, at a location for a total of more than 12  
9 consecutive months at a nonseasonal source or for the full annual operating  
10 period at a seasonal source; the exception in this subparagraph does not apply  
11 to the engine after it is removed from the location; in this subparagraph,

12 (i) "location" means a single site at a building, structure,  
13 facility, or installation;

14 (ii) "seasonal source" is a stationary source that remains  
15 in a single location for at least two years and that operates at that  
16 location for at least three months each year;

17 (29) "stationary source" means a source of air pollution other than  
18 emissions resulting from an internal combustion engine for transportation purposes,  
19 from a nonroad engine, or from a mobile source.