

Introduced: 2/8/77
Referred: Community &
Regional Affairs

1 IN THE HOUSE

BY MALONE

2 *SCS CS* HOUSE BILL NO. 190

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to municipal air pollution control
7 programs; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 46.03.220(a) is amended to read:

10 (a) If a municipality authorized to establish or participate in an
11 air pollution control program under secs. 210(a) or (d) of this chapter
12 fails to establish a program within the time specified, or if the depart-
13 ment has reason to believe that an air pollution control program in
14 force under that section is inadequate to prevent and control air pollu-
15 tion in the jurisdiction to which the program applies, or that the
16 program is being administered in a manner inconsistent with the require-
17 ments of this chapter, the department shall, within 45 days and after
18 first giving written [FOLLOWING 45 DAYS] notice setting out its reasons,
19 conduct a hearing on the matter.

20 * Sec. 2. AS 46.03.220(b) is repealed and re-enacted to read:

21 (b) If, after the hearing, the department determines that any of
22 the deficiencies enumerated in (a) of this section exist, it shall pro-
23 vide the municipality a written statement setting out the nature of the
24 deficiencies and describing the necessary action to be taken. The
25 determination of the department shall be provided to the municipality
26 within 45 days of the hearing, and the municipality shall have a reason-
27 able period of time to correct the deficiencies, not to exceed 90 days.

28 * Sec. 3. AS 46.03.220(c) is amended to read:

29 (c) If the municipality or the district set up under sec. 210(a)

1 or (d) of this chapter remedies the deficiencies described in the
2 statement provided by the department under (b) of this section, the
3 department shall immediately approve the program. If the municipality
4 or the district fails to take the necessary corrective action within the
5 time specified the department shall administer in the municipality or
6 district all of the regulatory provisions of this chapter. The depart-
7 ment's air pollution control program shall then supersede municipal air
8 pollution ordinances, regulations, and requirements in the affected
9 jurisdiction.

10 * Sec. 4. AS 46.03.220 is amended by adding new subsections to read:

11 (g) The provisions of (a) - (c) and (h) of this section are
12 applicable to an application for program approval submitted by a municipi-
13 pality or district under sec. 210(a)(4) of this chapter.

14 (h) If action by the department is unlawfully withheld or un-
15 reasonably withheld under this section, the superior court may compel
16 the department to initiate action.

17 * Sec. 5. The department shall review applications for approval of an air
18 pollution control program submitted by a municipality or district and pending
19 on the effective date of this Act. It shall, within 45 days of the effective
20 date of this Act, provide written notice to the municipality or district of
21 the deficiencies in the application submitted. The provisions of AS 46.03.-
22 220 are applicable to review of applications submitted and subject to review
23 by the department under this section.

24 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-
25 070(c).