

Original sponsor: Malone

Offered: 3/18/77
Referred: Rules

1 IN THE HOUSE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 CS FOR 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 or district authorized to establish or
11 participate in an air pollution control program under secs. 210(a) or
12 (d) of this chapter fails to establish a program within the time
13 specified, or if the department has reason to believe that an air
14 pollution control program in force under that section is inadequate to
15 prevent and control air pollution in the jurisdiction to which the
16 program applies, or that the program is being administered in a manner
17 inconsistent with the requirements of this chapter, the department
18 shall, within 45 days after giving written [FOLLOWING 45 DAYS] notice
19 setting out its reasons, 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 AS 46.03.220(b) is repealed and re-enacted to read: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 or district a written statement setting out the
24 nature of the deficiencies and describing the necessary action to be
25 taken. The determination of the department shall be provided to the
26 municipality or district within 45 days of the hearing, and the muni-
27 cipality or district shall have a reasonable period of time to initiate
28 corrective action. Once initiated, corrective action must be completed
29 within 120 days.

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

2 (c) If the municipality or the district set up under sec. 210(a)
3 or (d) of this chapter remedies the deficiencies described in the
4 statement provided by the department under (b) of this section, the
5 department shall immediately approve the program. If the municipality
6 or the district fails to initiate [TAKE] the necessary corrective action
7 within the time specified the department shall administer in the muni-
8 cipality or district all of the regulatory provisions of this chapter.
9 The department's air pollution control program shall then supersede
10 municipal air pollution ordinances, regulations, and requirements in the
11 affected jurisdiction.

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

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

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

19 * Sec. 5. The department shall review applications for approval of an air
20 pollution control program submitted by a municipality or district and pending
21 on the effective date of this Act. It shall, within 45 days of the effective
22 date of this Act, provide written notice to the municipality or district of
23 the deficiencies in the application submitted. The provisions of AS 46.03.-
24 220 are applicable to review of applications submitted and subject to review
25 by the department under this section.

26 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-
27 070(c).