

Original sponsor: Malone

Offered: 5/17/78  
Referred: Rules

1 IN THE HOUSE

BY THE COMMUNITY AND REGIONAL  
AFFAIRS COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 190

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND 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 speci-  
13 fied, or if the department has reason to believe that an air pollution  
14 control program in force under that section is inadequate to prevent and  
15 control air pollution in the jurisdiction to which the program applies,  
16 or that the program is being administered in a manner inconsistent with  
17 the requirements of this chapter, the department shall, within 45 days  
18 after 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 AS 46.03.220(b) is repealed and re-enacted to read: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 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.

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

1 (c) If the municipality or the district set up under sec. 210(a)  
2 or (d) of this chapter remedies the deficiencies described in the state-  
3 ment provided by the department under (b) of this section, the depart-  
4 ment shall immediately approve the program. If the municipality or  
5 district partially remedies the deficiencies described in the statement  
6 provided by the department, the department shall grant partial approval  
7 of the program to the extent of correction or remedy of the deficien-  
8 cies. If the municipality or the district fails to take the necessary  
9 corrective action within 180 days after receipt of the statement pro-  
10 vided by the department under (b) of this s [REDACTED] [THE TIME SPECIFIED]  
11 the department shall administer in the muni [REDACTED] 190 district all of  
12 the regulatory provisions of this chapter. The department shall, during  
13 the 180 days specified, work actively with the municipality or district,  
14 furnishing financial, technical and manpower resources to assist in  
15 correcting any of the deficiencies identified in the statement provided  
16 by the department under (b) of this section [THE DEPARTMENT'S AIR POLLU-  
17 TION CONTROL PROGRAM SHALL THEN SUPERSEDE MUNICIPAL AIR POLLUTION  
18 ORDINANCES, REGULATIONS, AND REQUIREMENTS IN THE AFFECTED JURISDICTION].

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

20 (g) The provisions of (a) - (h) of this section are applicable to  
21 an application for program approval submitted by a municipality or  
22 district under sec. 210(a)(4) of this chapter.

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

26 \* Sec. 5. AS 46.03 is amended by adding a new section to read:

27 Sec. 46.03.225. SINGLE PERMIT REQUIRED. No air contaminant source  
28 may be required to obtain a permit to operate from the department if

29 (1) the contaminant source for which a permit may be required

1 is located within a municipality or district having an air pollution  
2 control program approved by the department under sec. 210(a) - (d) of  
3 this chapter;

4 (2) the requirements of the air pollution control program of  
5 the municipality or district are equal to or more stringent than re-  
6 quirements imposed by regulation of the department applicable to the air  
7 contaminant source; and

8 (3) the municipality or district has issued a permit to  
9 operate the air contaminant source.

10 \* Sec. 6. AS 46.03.220(f) is repealed.

11 \* Sec. 7. The department shall review applications for approval of an air  
12 pollution control program submitted by a municipality or district and pending  
13 on the effective date of this Act. It shall, within 45 days of the effective  
14 date of this Act, provide written notice to the municipality or district of  
15 the deficiencies in the application submitted. The provisions of AS 46.03.-  
16 220 are applicable to review of applications submitted and subject to review  
17 by the department under this section.

18 \* Sec. 8. This Act takes effect immediately in accordance with AS 01.10.-  
19 070(c).