

HOUSE BILL NO. 436

IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE VEZEY

Introduced: 2/4/94

Referred: State Affairs, Resources

A BILL

FOR AN ACT ENTITLED

1 "An Act prohibiting the Department of Environmental Conservation from adopting
2 or enforcing a regulation that establishes an ambient air quality standard or
3 emission standard that is more stringent than a corresponding federal standard;
4 and providing for an effective date."

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

6 * Section 1. AS 46.14.010(a) is amended to read:

7 (a) After public hearing, the department may adopt regulations under this
8 chapter establishing ambient air quality standards, emission standards, or exemptions
9 to implement a state air quality control program required under 42 U.S.C. 7401 -
10 7671q (Clean Air Act), as amended, and regulations adopted under those sections. The
11 standards established under this section may be for the state as a whole or may vary
12 in recognition of local conditions. The department may not adopt or enforce a
13 regulation that establishes an ambient air quality standard or emission standard
14 that is more stringent than a corresponding federal standard.

1 * **Sec. 2.** AS 46.14.010(b) is amended to read:

2 (b) Unless the governor has determined that an emergency exists that requires
3 emergency regulations under AS 44.62.250, the department may adopt the following
4 types of regulations only after the procedures established in (a) ~~and~~ [,] (c) [, AND (d)]
5 of this section and compliance with AS 46.14.015:

6 (1) a regulation that establishes an ambient air quality standard for an
7 air contaminant for which there is no corresponding federal standard;

8 (2) [A REGULATION THAT ESTABLISHES AN AMBIENT AIR
9 QUALITY STANDARD OR EMISSION STANDARD THAT IS MORE STRINGENT
10 THAN A CORRESPONDING FEDERAL STANDARD;

11 (3)] a regulation that establishes an equivalent emission limitation for
12 a hazardous air contaminant for which the federal administrator has not adopted a
13 corresponding maximum achievable control technology standard; or

14 ~~(3)~~ [(4)] a regulation that regulates emissions from a source or facility
15 or establishes an emission standard under the authority of AS 46.14.120(e),
16 46.14.130(a)(3)(B), or 46.14.130(b)(4)(B).

17 * **Sec. 3.** AS 46.14.010(c) is amended to read:

18 (c) In preparation for peer review under AS 46.14.015 and before adopting a
19 regulation described under (b) of this section, the department shall

20 (1) find in writing that exposure profiles and either meteorological
21 conditions or source characteristics in the state or in an area of the state reasonably
22 require the ambient air quality standard, or emission standard to protect human health
23 and welfare or the environment; this paragraph does not apply to a regulation under
24 ~~(b)(2)~~ [(b)(3)] of this section;

25 (2) find in writing that the proposed standard or emission limitation is
26 technologically feasible; and

27 (3) prepare a written analysis of the economic feasibility of the
28 proposal.

29 * **Sec. 4.** AS 46.14.015(a) is amended to read:

30 (a) Before the department adopts a regulation described under
31 AS 46.14.010(b), written findings under AS 46.14.010(c) [AND (d)] shall be made

1 available by the department to the public at locations throughout the state that the
2 department considers appropriate.

3 * Sec. 5. AS 46.14.990(21) is amended to read:

4 (21) "regulated air contaminant" means

5 (A) a material, compound, or element for which a national or
6 state ambient air quality standard has been adopted;

7 (B) oxides of nitrogen;

8 (C) a volatile organic compound;

9 (D) a pollutant that is addressed by a

10 (i) standard adopted under 42 U.S.C. 7411 - 7412 (Clean
11 Air Act, sec. 111 - 112);

12 (ii) permit authorized under 42 U.S.C. 7412(g) or (j)
13 (Clean Air Act, sec. 112(g) or (j)); or

14 (iii) regulation adopted under AS 46.14.010(b)(2)
15 [AS 46.14.010(b)(3)]; and

16 (E) a substance regulated under 42 U.S.C. 7671a (Clean Air
17 Act, Sec. 602);

18 * Sec. 6. AS 46.14.010(d) is repealed.

19 * Sec. 7. This Act takes effect immediately under AS 01.10.070(c).