

**HB**

**163**

<TARGET><BILL>HB 163</BILL><SUBJECT>HB  
163</SUBJECT><COMM>HCRA28</COMM></TARGET>

# HOUSE COMMITTEE REPORT

(7)  
 Date Referred to Committee: March 11, 2013 FURTHER REFERRALS: Resources

Date of Committee Action: March 21, 2013

The COMMUNITY AND REGIONAL AFFAIRS Committee considered: HB 163

**HOUSE BILL NO. 163**

"An Act prohibiting a person from burning certain materials in a solid fuel burning device; relating to solid fuel burning device emission standards; and relating to prohibitions on the burning of solid fuels."

**HB 163 REGULATION OF SOLID FUEL BURNING DEVICES**

Recommends it be replaced with  HCS or  CS for \_\_\_\_\_ (\_\_\_\_\_)  
 For Senate Bills with new title:  Technical Title  New Title: HCR \_\_\_\_\_  Same Title  New Title

- attach amendments
- add new referral to \_\_\_\_\_ Committee
- Letter of Intent \_\_\_\_\_ Committee

- List of Abbrev for Depts.:
- ADM
  - CEC
  - COR
  - CRT
  - EED
  - DEC
  - DFG
  - GOV
  - DHS
  - LWF
  - LAW
  - LEG
  - MVA
  - DNR
  - DPS
  - REV
  - DOT
  - UA

<b>NEW FISCAL NOTES</b>				
*FN# is assigned by Chief Clerk's Office				
*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	CEC			X
	DEC		X	

<b>PREVIOUS FISCAL NOTES</b>				
FN#	List by Dept(s):	Fiscal	Indet.	Zero

<b>Signing with recommendations</b>	Printed Last Name	DP	DNP	NR	AM
<i>Walter Foster</i>	Foster	X			
<i>Paul H. Reinbold</i>	Reinbold	X			
<i>William Drummond</i>	Drummond	X			
Chair: <i>Walter Foster</i>	W Foster	✓			
Chair: <i>William Drummond</i>	W DRUMMOND	X			

**Alaska State Legislature**  
**House of Representatives**  
Representative Tammie Wilson

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Rep.Tammie.Wilson@akleg.gov

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## House Bill 163

"An Act prohibiting a person from burning certain materials in a solid fuel burning device; relating to solid fuel burning device emission standards; and relating to prohibitions on the burning of solid fuels."

House Bill 163 will establish a new emission standard for solid fuel burning devices within the State by allowing only the cleanest burning devices to be sold at local retail stores. Those who have a solid fuel device currently installed are grandfathered under the new emission standard and would not need to convert their device.

Currently, a PM 2.5 nonattainment area has been designated by the U.S. Environmental Protection Agency within the Fairbanks North Star Borough. During the winter months, air quality status can reach unhealthy levels for many of the people who reside within the nonattainment area.

HB 163 ensures the most efficient EPA certified appliances are installed as homeowners naturally upgrade their units, saving Alaskans money by reducing the cost of space heat. Additionally, by installing the best technology, air quality at a neighborhood and regional level will also improve. This is important for the overall health of the communities and for achieving federal attainment with EPA. Finally, HB 163 guarantees an individual's right to use a solid fuel burning device in accordance with their budget and local and state law.

The consequences of not reaching EPA PM 2.5 attainment status stretch beyond health concerns. If attainment is not reached by 2014, the EPA could sanction the state of Alaska by withholding Federal highway funds amounting in the millions of dollars. This would prevent many of Alaska's roads and transportation infrastructure from being constructed or upgraded. HB 163 is a proactive, statewide bill and will hopefully prevent additional communities from becoming a PM 2.5 non-attainment area.

House Bill 163 will be another tool to avoid EPA sanctions, while also improving energy efficiency and the health of Alaska's residents.

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## HB 163 Sectional Analysis

**Section 1:** Provides limitation of burn bans for certain municipal air quality control programs.

**Section 2:** Adds new subsection under 46.14.400 prohibiting second or third class boroughs or second class cities from implementing solid fuel burning bans unless authorized by the governor in case of an emergency.

**Section 3:** (a) Prohibits the burning of certain materials. (b) A person may not sell a solid fuel burning device that exceeds the emission standard established by the Department of Environmental Conservation (DEC). (c) Establishes statewide particulate emission standards for solid fuel burning devices of 2.5 grams per hour for each 200,000 BTUs of heat output. Provides DEC with a procedure for adopting a new emission standard. (d) Establishes a procedure for approving the sale of a new solid fuel burning device that complies with the particulate emission standard. (e) A state or local authority may not adopt a particulate emission standard different than provided in (c). (f) Clarifying that the device standard is not a limitation for hazardous air pollution or an emission standard for a stationary source.

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## EPA Certified Wood Stoves

Since 1988, EPA has required manufacturers of wood stoves to certify that each model line of wood stoves offered for sale in the United States comply with the EPA particulate emissions guidelines in the Clean Air Act.

EPA-certified wood stoves are cleaner and more efficient than a wood stove manufactured before 1988. As part of the certification process, each wood stove model line is required to undergo emissions testing in accordance with EPA Reference Method 28 and sampling methods 5G or 5H by an EPA-accredited laboratory.

Only after successfully passing these tests can a wood stove be offered for sale in the United States.<sup>1</sup>

The current emissions levels allowed by the EPA are 7.5 g/hr for non-catalytic stoves and 4.1 g/hr for catalytic stoves. HB 163 will limit emissions to 2.5 g/hr for all types of solid fuel burning devices, including outdoor wood boilers.

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<sup>1</sup> "Wood Stove Certification." *Compliance Monitoring*. Environmental Protection Agency, 6/16/2009. <<http://www.epa.gov/compliance/monitoring/programs/caa/whcert.html>>.

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## **State Implementation Plan (SIP)**

Section 110 of the Clean Air Act, 42 U.S.C. §7410, requires state and local air pollution control agencies to adopt Federally approved control strategies to minimize air pollution. The resulting body of regulations is known as a State Implementation Plan (SIP).

SIPs generally establish limits or work practice standards to minimize emissions of the criteria air pollutants or their precursors.

Pollutants of concern include sulfur dioxide, particulate matter, nitrogen oxides, lead, carbon monoxide, and ozone.

EPA has established national ambient air quality standards (NAAQS) for these pollutants. SIPs also include special control strategies for nonattainment areas -- areas that are not meeting the NAAQS.

These control strategies often include items such as vehicle inspection and maintenance, lower gasoline vapor pressures, gas pump vapor recovery, and other reasonably available control technologies (RACT).

Finally, SIPs include preconstruction permit requirements for projects that may result in emission increases.<sup>1</sup>

HB 163 will be included into the Fairbanks North Star Borough's SIP, providing a cost-neutral mechanism for reaching PM 2.5 attainment.

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<sup>1</sup>  
<http://yosemite.epa.gov/r10/AIRPAGE.NSF/f3f22921988a261b882569e5005ee8bb/b2ce4780021daa07882569de007ba77f?OpenDocument>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF THE  
REGIONAL  
ADMINISTRATOR

DEC 26 2012

The Honorable Tammie Wilson  
State of Alaska, House of Representatives  
301 Santa Claus Lane, Suite 3B  
North Pole, AK 99705

Dear Representative Wilson:

Thank you for contacting the U.S. Environmental Protection Agency about wood smoke emissions in the Fairbanks North Star Borough. The attached document addresses both your questions to John Dupree as well as those sent to me, in a separate e-mail transmission, as Regional Administrator of the EPA Region 10.

We share your concern about the harmful effects of high levels of fine particle pollution in Alaska and across the country. As we have learned more about the health impacts, the EPA has taken a number of steps designed to reduce this type of pollution in our communities, including reducing emissions from new diesel vehicles, power plants and stationary diesel engines. The EPA has regulated particulate matter from wood heating appliances since 1988. The Agency is currently revising these regulations to incorporate more stringent emission standards for a range of wood heating appliances. We expect to release a draft rule for public comment this spring. We welcome any comments you might have on this proposal once it is available for comment.

The EPA has also developed a number of voluntary wood smoke reduction strategies and education materials which concerned citizens may use to reduce wood smoke emissions in their communities, under the national Burn Wise Program.

Thank you again for contacting the EPA. I hope this information will help your efforts to develop a legislative strategy to address wood smoke emissions in the Fairbanks North Star Borough. If you have any questions or need additional information, please feel free to contact Lucy Edmondson or me on my staff, at [Edmondson.lucy@epa.gov](mailto:Edmondson.lucy@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis J. McLerran".

Dennis J. McLerran  
Regional Administrator

**Questions to John Dupree, EPA Headquarters:**

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**I. December 7, 2012 email:**

**Question 1: Today it is -30 and all of our monitors comply with EPA standards. The area is utilizing their solid fuel devices but the air is clear. My question is: how do we figure in the impact of our weather to being in compliance every day of the year. Is there an appliance out there, which no matter how many are being used, can prevent our levels of PM 2.5 to exceed the current standards?**

- *Response: The combination of pollution from woodstoves and other sources, extreme cold temperatures, and air stagnation causes your airshed to exceed the PM 2.5 standards. The Alaska Department of Environmental Conservation has compiled extensive data regarding wood smoke emissions and has performed analyses on PM 2.5 compliance. When ADEC runs scenarios of compliance for future years, or for proposed control strategies, they conduct the analysis using different temperature scenarios to determine the potential impact of control strategies for a range of weather conditions. I encourage you to contact the ADEC for more information on this and to follow-up with us if they do not have the analysis you seek.*

**II. December 4, 2012 email:**

**Question 1: I am seeking information on how wood stoves are tested.**

- *Response: Wood heating appliances such as wood stoves and pellet stoves are regulated by the EPA under regulations adopted under authority of the Clean Air Act (40 CFR Part 60, Subpart AAA). These regulations set forth a particulate matter emission limit of 7.5 grams per hour for non-catalytic wood stoves and 4.1 grams per hour for wood stoves equipped with catalysts. Manufacturers demonstrate compliance with these emission limits by having their stoves tested at an EPA accredited laboratory in accordance with EPA test methods. Based on the test results each wood stove model line is given a particulate matter emission rating. The test results must be reviewed and approved by EPA before the stove can be offered for sale in the United States. EPA certified wood stoves are 70% cleaner than non-certified wood stoves. For a listing of these wood stoves, visit our website at [www.epa.gov/burnwise](http://www.epa.gov/burnwise) or [www.epa.gov/compliance/monitoring/programs/caa/woodheaters.html](http://www.epa.gov/compliance/monitoring/programs/caa/woodheaters.html).*

**Question 2: Does the amount of emissions change due to the climate they are used in? Today the temperature is negative 40 and our air quality is poor.**

- *Response: Yes, colder temperatures increase emissions of particulate matter and volatile organic compounds. ADEC's modeling mentioned above considers this.*

**Question 3: If the state decided to only allow solid fuel devices that burn at a 2.5 emissions rate G/Hour would that significantly improve our air shed?**

- *Response: Yes, limiting the installation and/or operation of wood heating appliances to those that emit no more than 2.5 grams per hour could greatly reduce wood smoke pollution and improve air quality in the Fairbanks North Star airshed. The State of Washington has seen reductions in air pollution levels by establishing a 4.5 gram per hour limit on wood stoves*

operated and or sold in that state. Rod Tinnemore from the Washington Department of Ecology can provide additional information on the effectiveness of this program. Mr. Tinnemore may be reached at 360-407-6978.

**Question 4: Is the start up emissions on these cleaner units different?**

- *Response: Yes, the startup period can be shorter and cleaner with an EPA certified wood stove or pellet stove. In addition, following proper start up practices (e.g., start fires with newspaper and dry kindling, and use only dry, well-seasoned wood) will help ensure fewer emissions.*

**Question 5: I would appreciate any studies or information that could help us determine what our next step should be.**

- *Response: Below are some links to additional information from the EPA and other sources that may be helpful to you as you determine your next steps.*
- *EPA Burnwise Public information: <http://www.epa.gov/burnwise/burnwisekit.html>*
- *Strategies for Reducing Residential Wood Smoke (<http://www.epa.gov/pm/measures/strategies-doc-8-11-09.pdf>)*
- *Libby Montana Wood Stove Change Out Final Report -- [http://www.woodstovechangeout.org/fileadmin/PDF/Libby\\_Report-Final.pdf](http://www.woodstovechangeout.org/fileadmin/PDF/Libby_Report-Final.pdf)*
- *Wood Stove Change Out Tool Kit -- <http://www.epa.gov/burnwise/how-to-guide.html>*
- *Fireplace and Freestanding Stove Usage and Attitude Study -- <http://www.hpba.org/media/hearth-industry-prs/hpbexpo-2010-state-of-the-hearth>*

**Questions to Dennis McLerran, EPA Region 10, December 10, 2012 email.**

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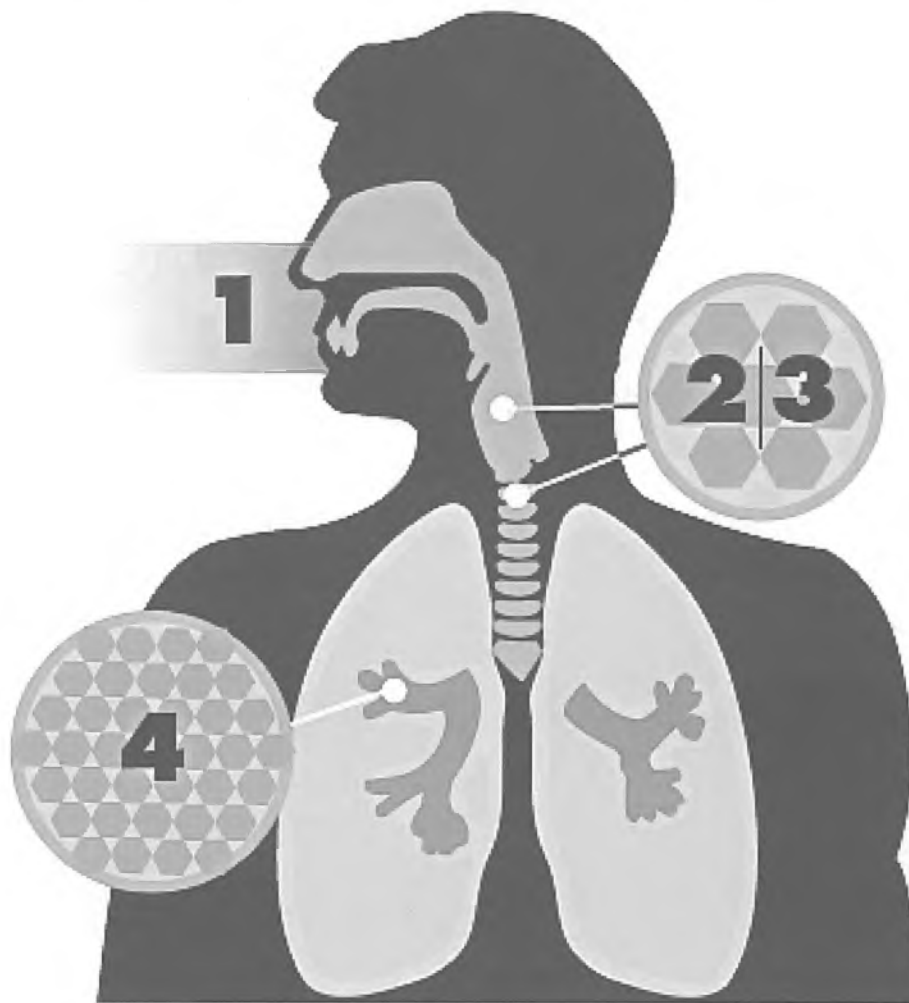
**Question 1: I would like to know if we only allowed stoves 2 g/hour or less and hydronic heaters at 4 g/hour or less to be sold in the state whether or not this would help us reach attainment quicker.**

- *Response: Yes, Limiting the installation and/or operation of wood stoves to those that emit no more than 2 grams per hour and hydronic heaters to 4 grams per hour could greatly reduce wood smoke pollution and improve air quality. As mentioned above, the State of Washington's tighter wood stove standards have helped to reduce air pollution in that state.*

**Question 2: If we were only using lower emitted stoves, would that affect how much smoke is produced when one starts up their appliance?**

- *Response: Yes, the startup period can be shorter and cleaner with an EPA certified wood stove or pellet stove. In addition, following proper start up practices (e.g., start fires with newspaper and dry kindling, and use only dry, well-seasoned wood) will help ensure fewer emissions.*

## How Particulate Matter Enters Our Body



- 1** Particulate matter enters our respiratory (lung) system through the nose and throat.
- 2 | 3** The larger particulate matter (PM<sub>10</sub>) is eliminated through coughing, sneezing and swallowing.
- 4** PM<sub>2.5</sub> can penetrate deep into the lungs. It can travel all the way to the alveoli, causing lung and heart problems, and delivering harmful chemicals to the blood system.



# Automobiles and Carbon Monoxide

## What is Carbon Monoxide?

Carbon monoxide (CO) is a colorless, odorless, poisonous gas. A product of incomplete burning of hydrocarbon-based fuels, carbon monoxide consists of a carbon atom and an oxygen atom linked together.

## Why is Carbon Monoxide a Public Health Problem?

Carbon monoxide enters the bloodstream through the lungs and forms carboxyhemoglobin, a compound that inhibits the blood's capacity to carry oxygen to organs and tissues. Persons with heart disease are especially sensitive to carbon monoxide poisoning and may experience chest pain if they breathe the gas while exercising. Infants, elderly persons, and individuals with respiratory diseases are also particularly sensitive. Carbon monoxide can affect healthy individuals, impairing exercise capacity, visual perception, manual dexterity, learning functions, and ability to perform complex tasks.

In 1992, carbon monoxide levels exceeded the Federal air quality standard in 20 U.S. cities, home to more than 14 million people.

## How is Carbon Monoxide Formed?

Carbon monoxide results from incomplete combustion of fuel and is emitted directly from vehicle tailpipes. Incomplete combustion is most likely to occur at low air-to-fuel ratios in the engine. These conditions are common during vehicle starting when air supply is restricted ("choked"), when cars are not tuned properly, and at altitude, where "thin" air effectively reduces the amount of oxygen available for combustion (except in cars that are designed or adjusted to compensate for altitude).

Nationwide, two-thirds of the carbon monoxide emissions come from transportation sources, with the largest contribution coming from highway motor vehicles. In urban areas, the motor vehicle contribution to carbon monoxide pollution can exceed 90 percent.

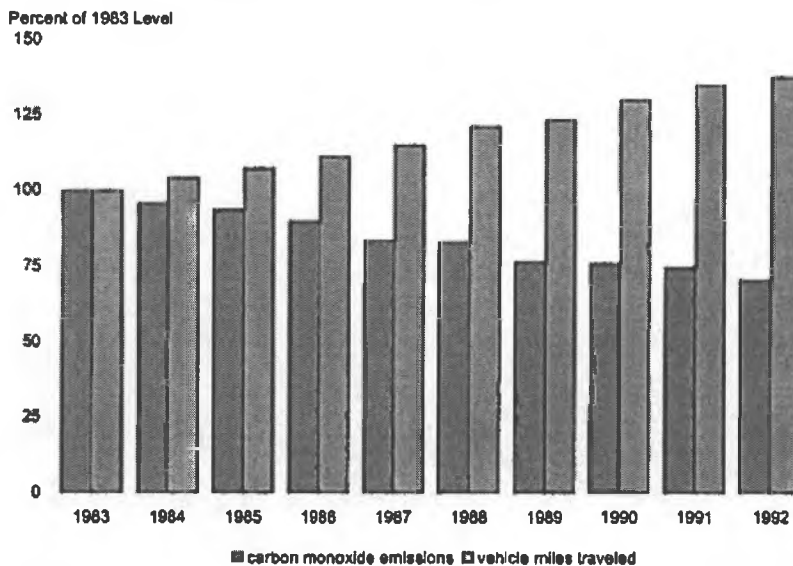
## What's Been Done to Control Carbon Monoxide Levels?

The Clean Air Act gives state and local governments primary responsibility for regulating pollution from power plants, factories, and other "stationary sources." The U.S. Environmental Protection Agency (EPA) has primary responsibility for "mobile source" pollution control.

The EPA motor vehicle program has achieved considerable success in reducing carbon monoxide emissions. EPA standards in the early 1970's prompted automakers to improve basic engine design. By 1975, most new cars were equipped with catalytic converters designed to convert carbon monoxide to carbon dioxide. Catalysts typically reduce carbon monoxide emissions upwards of 80 percent. In the early 1980's, automakers introduced more sophisticated converters, plus on-board computers and oxygen sensors to help optimize the efficiency of the catalytic converter.

Today's passenger cars are capable of emitting 90 percent less carbon monoxide over their lifetimes than their uncontrolled counterparts of the 1960's. As a result, ambient carbon monoxide levels have dropped, despite large increases in the number of vehicles on the road and the number of miles they travel. With continued increases in vehicle travel projected, however, carbon monoxide levels will begin to climb again unless even more effective emission controls are employed.

**Carbon monoxide emissions have dropped, despite increased travel**



**What Else Is Being Done?**

Carbon monoxide emissions from automobiles increase dramatically in cold weather. This is because cars need more fuel to start at cold temperatures, and because some emission control devices (such as oxygen sensors and catalytic converters) operate less efficiently when they are cold.

Until 1994, vehicles were tested for carbon monoxide emissions only at 75° F. But recognizing the effect of cold weather, the 1990 Clean Air Act calls for 1994, and later, cars and light trucks to meet a carbon monoxide standard at 20° F as well.

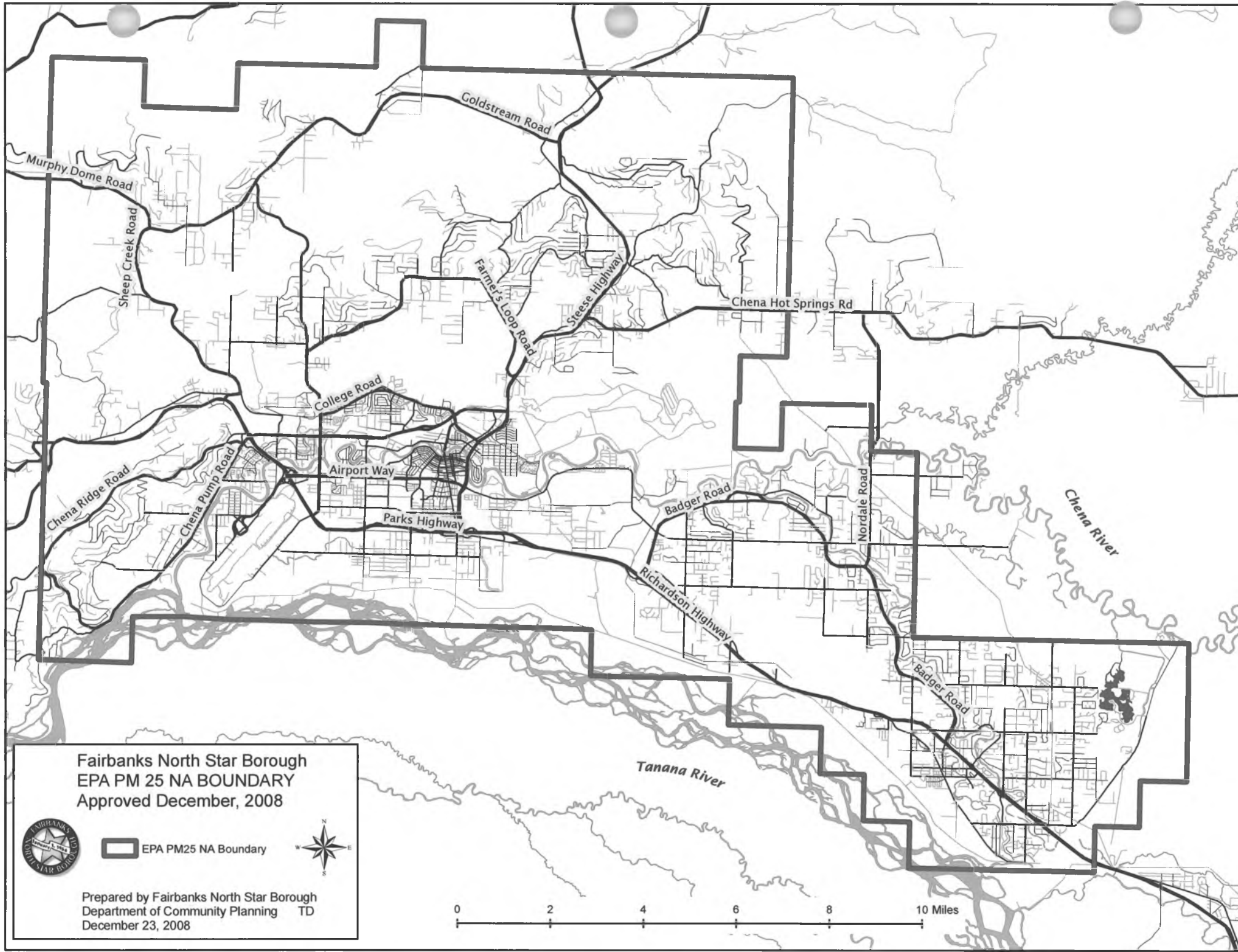
The 1990 Clean Air Act also stipulates expanded requirements for Inspection and Maintenance programs. These routine emission system checks should help identify malfunctioning vehicles that emit excessive levels of carbon monoxide and other pollutants. The inspections will be complemented by requirements for on-board warning devices to alert drivers when their emission control systems are not working properly.

Another strategy to reduce carbon monoxide emissions from motor vehicles is to add oxygen-containing compounds to gasoline. This has the effect of "leaning out" the air-to-fuel ratio, thereby promoting complete fuel combustion. The most common oxygen additives are alcohols or their derivatives.

Several Western U.S. cities have successfully employed wintertime oxygenated gasolines for many years. The 1990 Clean Air Act expands this concept and requires that oxygenated gasolines be used during the winter months in certain metropolitan areas with high carbon monoxide levels (see a listing on the reverse side of this page).

***For More Information:***

*The Office of Mobile Sources is the national center for research and policy on air pollution from highway and off-highway motor vehicles and equipment. You can write to us at the EPA National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, MI 48105. Our phone number is (313) 668-4333.*



**Fairbanks North Star Borough  
EPA PM 25 NA BOUNDARY  
Approved December, 2008**



 EPA PM25 NA Boundary



Prepared by Fairbanks North Star Borough  
Department of Community Planning TD  
December 23, 2008



# Fiscal Note

State of Alaska  
2013 Legislative Session

Bill Version: HB 163  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB163-DCCED-DCRA-03-15-13  
Title: REGULATION OF SOLID FUEL BURNING  
DEVICES  
Sponsor: T.WILSON  
Requester: House Community & Regional Affairs

Department: Department of Commerce, Community and  
Economic Development  
Appropriation: Community and Regional Affairs  
Allocation: Community and Regional Affairs  
OMB Component Number: 2879

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014 Appropriation Requested	Included in Governor's FY2014 Request	Out-Year Cost Estimates					
			FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None								
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time								
Part-time								
Temporary								

<b>Change in Revenues</b>								
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Not applicable, initial version.

Prepared By:	Scott Ruby, Director	Phone:	(907)269-4569
Division	Community and Regional Affairs	Date:	03/15/2013 10:30 AM
Approved By:	JoEllen Hanrahan, Director	Date:	03/16/13
	Administrative Services Division		

**FISCAL NOTE ANALYSIS**

**STATE OF ALASKA  
2013 LEGISLATIVE SESSION**

**BILL NO. HB 163** \_\_\_\_\_

**Analysis**

This bill would limit the ability of second or third class boroughs, or second class cities from prohibiting the burning of solid fuel unless authorized by the governor in case of an emergency. It would limit all municipalities from adopting a particulate air contamination emission standard for solid fuel burning devices other than the standard adopted by regulation by the state.

The bill would also prohibit a person from selling, offering to sell, or knowingly advertise to sell a solid fuel burning device that exceeds the emission standard set by the Department of Environmental Conservation.

There are no anticipated fiscal impacts to the Division of Community and Regional Affairs from this bill.

# Fiscal Note

State of Alaska  
2013 Legislative Session

Bill Version: HB 163  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB163-DEC-AQ-03-16-13  
Title: REGULATION OF SOLID FUEL BURNING  
DEVICES  
Sponsor: T.WILSON  
Requester: House Community & Regional Affairs Committee

Department: Department of Environmental Conservation  
Appropriation: Environmental Health  
Allocation: Air Quality  
OMB Component Number: 2061

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2014 Request	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>OPERATING EXPENDITURES</b>	<b>FY 2014</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
Personal Services	***	***	***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	***	***	***	***	***	***	***

**Fund Source (Operating Only)**

None							
<b>Total</b>	***	***	***	***	***	***	***

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes  
If yes, by what date are the regulations to be adopted, amended or repealed? 01/01/14

**Why this fiscal note differs from previous version:**

Not applicable, initial version.

Prepared By:	Alice Edwards, Director	Phone:	(907)465-5109
Division	Air Quality	Date:	03/16/2013 11:42 AM
Approved By:	Lynn Kent, Deputy Commissioner	Date:	03/16/13
	Department of Environmental Conservation		

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

BILL NO. HB 163

### Analysis

**Analysis/Assumptions:** This legislation requires the development and implementation of regulations for particulate matter emission standards for solid-fuel burning equipment. It requires the department to establish regulations setting the emission standard using the most recent Environmental Protection Agency test methods (where available), make written findings to support the standard, and establish procedures to determine compliance and approve the sale of new solid fuel burning devices. The legislation requires that after January 1, 2014, solid fuel burning devices sold in Alaska must meet the department's regulations. The regulation must be adopted expeditiously in FY2014 to allow for continued sale of products within the state.

The legislation is written broadly encompassing all devices that burn "solid fuel". It is not limited to residential or commercial space heating devices. As a result, the legislation applies to a broad array of devices some of which do not have standard EPA test methods as part of current federal certification programs. This would include devices that burn coal, larger biomass boilers, coal-fired industrial units, incinerators of various sizes, charcoal grills, wood-fired camp stoves, and burn barrels. As DEC is required to set the emission standard and EPA certification test methods are not readily available for devices that burn coal or other solid fuels, it appears that a significant effort would be needed to research available test methods or develop new test methods for various types of equipment and fuels to establish reliable, reproducible test procedures for use in certifying equipment compliance with the emission standard.

An indeterminate fiscal note is provided because DEC is unsure of the intent of the legislature regarding the scope of this legislation's applicability to the broad array of solid-fuel burning equipment within the state. Should additional clarification be made, DEC can analyze the fiscal impacts and provide that information to the legislature. A General Fund source would be needed to establish this regulatory program.