



# LAWS OF ALASKA

1978

Source

SCS CSHB 190

Chapter No.

63

## AN ACT

Relating to municipal air pollution control programs; and providing for an effective date.

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

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

(a) If a municipality or district authorized to establish or participate in an air pollution control program under sec. 210(a) or (d) of this chapter fails to establish a program within the time specified, or if the department has reason to believe that an air pollution control program in force under that section is inadequate to prevent and control air pollution in the jurisdiction to which the program applies, or that the program is being administered in a manner inconsistent with the requirements of this chapter, the department shall, within 45 days after giving written notice setting out its reasons, conduct a hearing on the matter.

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 AS 46.03.220(b) is repealed and re-enacted to read:

(b) If, after the hearing, the department determines that any of the deficiencies enumerated in (a) of this section exist, it shall provide the municipality or district a written statement setting out the nature of the deficiencies and describing the necessary action to be taken. The determination of the department shall be provided to the municipality or district within 45 days of the hearing, and the municipality or district shall have a reasonable period of time to initiate corrective action.

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

(c) If the municipality or the district set up under

Chapter 63

sec. 210(a) or (d) of this chapter remedies the deficiencies described in the statement provided by the department under (b) of this section, the department shall immediately approve the program. If the municipality or district partially remedies the deficiencies described in the statement provided by the department, the department shall grant partial approval of the program to the extent of correction or remedy of the deficiencies. If the municipality or the district fails to take the necessary corrective action within 180 days after receipt of the statement provided by the department under (b) of this section, the department shall administer in the municipality or district all of the regulatory provisions of this chapter. The department shall, during the 180 days specified, work actively with the municipality or district, furnishing financial, technical and manpower resources to assist in correcting any of the deficiencies identified in the statement provided by the department under (b) of this section.

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

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

(h) If action by the department is unlawfully withheld or unreasonably withheld under this section, the superior court may compel the department to initiate action.

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

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

(1) the contaminant source for which a permit may be required is located within a municipality or district having an air pollution control program approved by the department under sec. 210(a) - (d) of this chapter;

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

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

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

\* Sec. 7. The department shall review applications for approval of an air pollution control program submitted by a municipality or district and pending on the effective date of this Act. It shall, within 45 days of the effective date of this Act, provide written notice to the municipality or district of the deficiencies in the application submitted. The provisions of AS 46.03.220 are applicable to review of applications sub-

mitted and subject to review by the department under this section.

\* Sec. 8. This Act takes effect immediately in accordance with AS 01.10.070(c).