

Process to implement more stringent air quality regulations

Alaska Statute (AS 46.14.010 – 46.14.015) outlines procedures that the Alaska Department of Environmental Conservation (ADEC) must follow before they can adopt emission regulations that are more stringent than the federal standard. Under this procedure ADEC must prepare a justification that (1) demonstrates the need for more stringent emission standards to protect human health and welfare; and (2) shows that such an emission regulation is technically and economically feasible.

Alaska Statute AS 46.14.400 (f) contains a similar emission stringency justification requirement for local air quality programs like the one administered by the Municipality of Anchorage, Department of Health and Human Services. MOA DHHS must prepare a written justification that there is a reasonable basis for the more stringent requirements. And MOA DHHS must follow a review and approval procedure that is substantially similar to that outlined in AS 46.14.010 – 46.14.015.

Muni Codes subject to AS 46.14.400 f approval process:

AMC 15.30.070 – A visible emissions standard with 20% Opacity limit for wood and other solid fuel heating appliances. This ordinance would make it unlawful for the emissions from these sources to exceed 20% opacity for a period aggregating more than six minutes in any hour except during the first 20 minutes after initial firing of the unit unless the appliance serves as the only available source of heat.

AMC 15.30.140 – Requirements for installation and use of wood-fired boilers within MOA:

- OWB must be EPA Phase-2 certified
- 50' setback from property line
- 100' separation from nearest neighboring structure
- OWB stack must be higher than all roof peaks within 150'
- 20% smoke opacity limit except during the first 20 minutes after firing.

Approval process:

- A.) Peer review of more stringent local emissions regulations and justification in accordance with AS 46.14.010 c and AS 46.14.400 f.
[March 2014]
- B.) 30-day public review of proposed regulations, justifications and peer review reports per AS 46.14.015 c.
[June 2014]
- C.) Public hearing to review proposed MOA regulations, justification, and peer review reports as per AS 46.14.010 a.
[August 2014]
- D.) MOA response to public testimony.
Revise the justification document and/or regulation as necessary.
[September 2014]
- E.) DHHS Director approves review documents and regulation and submits to ADEC for affirmation per AS 46.14.400 f.
[October 2014]