

Submitted by: Chair of the Assembly at the  
Request of the Acting Mayor

Prepared by: Department of Health and  
Human Services

For reading: June 23, 2009

CLERK'S OFFICE

**AMENDED AND APPROVED ANCHORAGE, ALASKA**

Date: 6-23-09 AO No. 2009-41(S)

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS  
2 15.35.040 AND 15.35.050, AND ADDING A NEW SECTION TO REGULATE  
3 THE SALE AND INSTALLATION OF WOOD-FIRED BOILERS.

4  
5 THE ANCHORAGE ASSEMBLY ORDAINS:

6  
7 **Section 1.** Anchorage Municipal Code section 15.35.040 is amended to read as  
8 follows (*the remainder of the section is not affected and therefore not set out*):  
9

10 **15.35.040 Stationary source emissions - General definitions.**

11  
12 Unless the context clearly indicates otherwise, the following terms used in  
13 this regulation shall be defined as follows:  
14

15 \*\*\* \*\*\* \*\*\*

16  
17 Clean wood means wood with no paint, stains, or other types of coatings,  
18 and wood with no preservative treatment(s) including, but not limited to,  
19 copper chromium arsenate, creosote, or pentachlorophenol.

20  
21 Habitable structure means a structure suitable for human habitation  
22 including, but not limited to, single or multi-family residences,  
23 schools, churches and buildings for commercial purpose. A habitable  
24 structure includes porches, gazebos, and other attached  
25 improvements.

26  
27 \*\*\* \*\*\* \*\*\*

28  
29 Outdoor Wood-fired boiler or outdoor wood-fired hydronic heater means  
30 a fuel burning device [designed to]:

31  
32 1. Designed to burn primarily wood, wood pellets or other solid fuels  
33 [corn]; and

34  
35 2. Designed to heat spaces or water by the distribution through pipes

1 of a fluid heated in the device, typically water or a mixture of water  
2 and anti-freeze; and

- 3  
4 **3. Specified by the manufacturer for outdoor installation or in**  
5 **structures not normally inhabited by humans including sheds**  
6 **and garages.**

7  
8 ~~[Examples of common uses of wood-fired boilers include, but~~  
9 ~~are not limited to space heating and heating of domestic hot~~  
10 ~~water, and heating water for swimming pools, hot tubs or~~  
11 ~~whirlpool baths.]~~

- 12  
13 **4. Wood-fired boilers that are specifically designed to burn wood**  
14 **pellet fuel with metered air and fuel feed and controlled**  
15 **combustion engineering and burns only pellets from untreated**  
16 **natural wood are exempt from this ordinance.**

17  
18 (AO No. 78-141; AO No. 79-80(AM); AO No. 80-2; AO No. 80-70)

19  
20 **Section 2.** Anchorage Municipal Code section 15.35.050 is amended to read as  
21 follows *(the remainder of the section is not affected and therefore not set out):*

22  
23 **15.35.050 Stationary source emissions - Visible emission**  
24 **standards.**

- 25  
26 A. No person shall cause, permit or allow the emission of any air  
27 contaminant, excluding portions of emissions containing condensed  
28 uncombined water vapor from any stationary source including air  
29 curtain incinerators to reduce visibility through the exhaust effluent  
30 by:

- 31  
32 1. Greater than twenty percent for a period or periods  
33 aggregating more than three minutes in any one hour, except  
34 as provided in subsection 2 of this subsection; or  
35  
36 2. Twenty percent or greater for municipal wastewater treatment  
37 plant sludge incinerators; or  
38  
39 3. Greater than twenty percent for a period or periods  
40 aggregating more than six minutes in any hour for wood-fired  
41 boilers, except during the first 20 minutes after the initial firing  
42 of the unit.  
43

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(AO No. 78-141; AO No. 79-80(AM); AO No. 80-2; AO No. 80-70; AO No. 93-131, § 8, 10-26-93)

**Section 3.** Anchorage Municipal Code chapter 15.35 is amended by adding a new section for wood-fired boilers to read as follows:

**15.35.105      Stationary source emissions - wood-fired boilers.**

- A. Unless otherwise prohibited by law, within the boundaries of the municipality no person shall cause, suffer, permit or allow the operation of a wood-fired boiler except when fired by:
  1. Clean wood, or
  2. Wood pellets made from clean wood; or
  3. Corn; or
  4. Home heating oil and natural gas as a starter fuel or substitute fuel in dual-fired wood boilers.
- B. Within the boundaries of the municipality the burning of wood that has been treated, painted, or treated with preservatives or other coatings is prohibited.
- C. Within the boundaries of the municipality the burning of used oil, waste petroleum products and home heating oil not meeting applicable limits for sulfur content is prohibited.
- D. Within the boundaries of the municipality, no person shall install or allow the installation of a wood-fired boiler subject to the requirements of this section unless:
  1. The wood-fired boiler is located more than 50 [~~100~~] feet from an adjacent property line and 100 [~~150~~] feet from any habitable structure that it is not serving at the time of installation, unless that property or habitable structure is under common ownership; and
  2. The wood-fired boiler has an attached permanent stack extending higher than the peak of the roof of the structure(s)

being served by the wood-fired boiler, and higher than the peak of the roof of any other habitable structure located within 150 [300] feet of the wood-fired boiler; and

3. The wood-fired boiler is certified to meet the U.S. Environmental Protection Agency voluntary phase 2 emissions level for wood-fired boilers through testing by an accredited independent laboratory showing it emits no more than 0.32 pounds of particulate matter per million BTUs of heat output; and
4. The wood-fired boiler complies with all applicable laws, including but not limited to local ordinances, and its operation does not create a public nuisance; and
5. Scaled drawings, prepared by a registered professional engineer or registered professional land surveyor, are submitted and approved by the air pollution control officer showing the wood-fired boiler will meet the separation requirements to adjacent property lines and habitable structures established in this subsection and that the stack of the boiler will be higher than the roof peak of any habitable structure within 150 [300] feet.
6. Installation, modification and repair of a wood-fired boiler shall comply with the provisions of the Anchorage Building Code, Title 23 of the Anchorage Municipal Code.

~~[E. Within the boundaries of the municipality, no person shall sell or offer for retail sale or lease a wood-fired boiler subject to the requirements of this section unless prior to any sales or lease agreement, the seller or dealer provides the prospective buyer or lessee with written notice prepared by or approved by the air pollution control officer stating:~~

- ~~1. Only clean wood may be burned in a wood-fired boiler; and~~
- ~~2. The installation of the wood-fired boiler is subject to the property line setback and stack height requirements provided in section A above; and~~
- ~~3. Prior to installation, written drawings showing all the requirements will be satisfied must be submitted and approved by the air pollution control officer; and~~

4. ~~Includes an advisory statement noting a wood-fired boiler meeting the distance and stack height requirements in section A may not be appropriate in some areas due to terrain or meteorological conditions that render the operation of a wood-fired boiler a public nuisance or health hazard.~~

F. ~~The written notice specified in section E shall be signed and dated by the prospective buyer or lessee to indicate receipt of the notification requirements of this section.~~

G. ~~Prior to making delivery of a wood-fired boiler into the possession of any buyer or lessee, the seller or dealer shall mail or otherwise provide a copy of the signed notice specified above to the air pollution control officer. The notice shall contain:~~

1. ~~The name, address and telephone number of both the seller or dealer and the buyer or lessee; and~~

2. ~~The make and model of the wood-fired boiler, plus documentation showing the boiler is certified to meet the U.S. Environmental Protection Agency voluntary phase 2 emissions level.]~~

**Section 4.** This ordinance shall be effective beginning on July 1, 2009.

PASSED AND APPROVED by the Anchorage Assembly this 25<sup>th</sup> day of June, 2009.

Debbie Ossianu  
Chair

ATTEST:

Salma S. Guesb  
Municipal Clerk

**Content ID:** 007874**Type:** Ordinance - AO

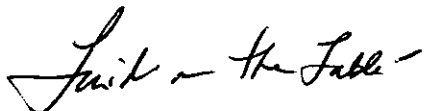
AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS

**Title:** 15.35.040 AND 15.35.050, AND ADDING A NEW SECTION TO REGULATE THE SALE AND INSTALLATION OF WOOD-FIRED BOILERS**Author:** pinkleyda**Initiating Dept:** HHS

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS

**Description:** 15.35.040 AND 15.35.050, AND ADDING A NEW SECTION TO REGULATE THE SALE AND INSTALLATION OF WOOD-FIRED BOILERS**Date Prepared:** 6/17/09 1:44 PM**Director Name:** Diane Ingle**Assembly Meeting Date:** 6/23/09**Public Hearing Date:** 6/23/09

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
Clerk_Admin_SubWorkflow	6/23/09 10:02 AM	Exit	Joy Maglaqui	Public	007874
MuniMgrCoord_SubWorkflow	6/23/09 10:02 AM	Approve	Joy Maglaqui	Public	007874
MuniManager_SubWorkflow	6/23/09 10:02 AM	Approve	Joy Maglaqui	Public	007874
Legal_SubWorkflow	6/22/09 4:37 PM	Approve	Rhonda Westover	Public	007874
Finance_SubWorkflow	6/22/09 10:48 AM	Approve	Dan Moore	Public	007874
OMB_SubWorkflow	6/22/09 9:14 AM	Approve	Bruce Holmes	Public	007874
HHS_SubWorkflow	6/18/09 8:23 AM	Approve	Jayson S. Smart	Public	007874
AllOrdinanceWorkflow	6/17/09 1:46 PM	Checkin	Dallene Pinkley	Public	007874



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