

ALASKA STATUTES

TITLE 45 TRADE AND COMMERCE.

Chapter 45.45. TRADE PRACTICES.

Sec. 45.45.400 PROHIBITED TRANSFER OF USED CARS.

(a) A person engaged in the business of selling used motor vehicles may not transfer or assign the owner's title or interest in the used vehicle to a person who resides in an area subject to a state-approved emission inspection program established under AS 46.14.400 or 46.14.510 and who intends to use the vehicle in that area, unless the vehicle has a certificate of compliance or noncompliance as required under the air pollution control requirements applicable in that area.

~~(b) This section does not apply to a motor vehicle that when manufactured did not have a pollution control system.~~

State effective: 6/25/93; EPA effective: 1/19/99

Title 46 WATER, AIR, ENERGY, AND ENVIRONMENTAL CONSERVATION.

Chapter 46.14. AIR QUALITY CONTROL.

Sec. 46.14.550. RESPONSIBILITIES OF OWNER AND OPERATOR; AGENT FOR SERVICE.

Notwithstanding use of the conjunctive or disjunctive in a provision of this chapter, before issuance of a permit under this chapter both the owner and operator of a stationary source are responsible for compliance with this chapter and regulations adopted under this chapter. If the owner and operator of the stationary source are separate persons, only one person is required to discharge a specific responsibility. After issuance of a permit under this chapter, only the permittee is responsible for permitted operations. The permittee shall have a designated agent for service of process in the state.

State effective: 1/4/13; EPA effective: 10/20/14

Sec. 46.14.560. UNAVOIDABLE MALFUNCTIONS AND EMERGENCIES.

Excess emissions caused by an unavoidable emergency, malfunction, or nonroutine repairs of a source including pollution control equipment or process equipment constitute an affirmative defense, when asserted under regulations adopted under AS 46.14.140, to an action brought for noncompliance with a technology-based emission standard. This section does not limit the department's power to enjoin the emission or require corrective action. This provision is in addition to any emergency or upset provision contained in an applicable requirement.

State effective: 6/25/93; EPA effective: 1/19/99

Sec. 46.14.990. DEFINITIONS.

In this chapter,

- (1) "air pollutant" has the meaning given in 42 U.S.C. 7602 (Clean Air Act, sec. 302);
- (2) "ambient air" has the meaning given in 40 C.F.R. 50.1;
- (3) "ambient air quality standard" means a standard, other than an emission standard, adopted under AS 46.14.010, 46.14.140, 46.14.400(f), or 42 U.S.C. 7409 (Clean Air Act, sec. 109);
- (4) "building, structure, facility, or installation" has the meaning given in 40 C.F.R. 51.166(b) except that it includes a vessel
 - (A) that is anchored or otherwise permanently or temporarily stationed within a locale;
 - (B) upon which a stationary source or stationary sources are located; not including stationary sources engaged in propulsion of the vessel; and
 - (C) that is used for an industrial process, excluding a tank vessel in the trade of transporting cargo; in this subparagraph, "industrial process" means the extraction of raw material or the physical or chemical transformation of raw material in either composition or character;
- (5) "commissioner" means the commissioner of environmental conservation;
- (6) "construction" has the meaning given in 40 C.F.R. 51.166(b);
- (7) "construction permit" means a permit under AS 46.14.130(a), including all relevant exhibits, addendums, transmittal letters, compliance schedules, administrative orders, emergency orders, and court orders;
- (8) "department" means the Department of Environmental Conservation;
- (9) "emission" means a release of one or more air pollutants to the atmosphere;
- (10) "emission limitation" and "emission standard" have the meanings given in 40 C.F.R. 51.100;
- (11) "emissions unit" has the meaning given in 40 C.F.R. 51.166(b)(7) or 40 C.F.R. 70.2, depending on the context in which the term is used;
- (12) "federal administrator" means the administrator of the United States Environmental Protection Agency;
- (13) {Repealed, See. 82 ch 41 SLA 2009}.

(14) "hazardous air pollutant" means a pollutant listed in or under 42 U.S.C. 7412(b) (Clean Air Act, sec. 112(b));

(15) "local air quality control program" means a program authorized under AS 46.14.400 to implement some or all of the provisions of this chapter;

(16) "major modification" means a change that meets the definition of "major modification" under either 40 C.F.R. 51.165 or 40 C.F.R. 51.166;

(17) "major stationary source" means a stationary source or physical change that meets the definition of "major stationary source" under either 40 C.F.R. 51.165 or 40 C.F.R. 51.166;

(18) "operating permit" means a permit under AS 46.14.130(b), including all relevant exhibits, addendums, transmittal letters, compliance schedules, administrative orders, emergency orders, and court orders;

(19) "operator" means a person or persons who direct, control, or supervise a stationary source or emissions unit that has the potential to emit an air pollutant to the atmosphere;

(20) "owner" means a person or persons with a proprietary or possessory interest in a stationary source or emissions unit that has the potential to emit an air pollutant to the atmosphere;

(21) "person" has the meaning given in AS 01.10.060 and also includes an agency of the United States, a municipality, the University of Alaska, the Alaska Railroad Corporation, and other departments, agencies, instrumentalities, units, and corporate authorities of the state;

(22) "potential to emit" has the meaning given in 40 C.F.R. 51.166(b);

(23) "regulated air pollutant" means an air pollutant subject to regulation under 42 U.S.C. 7401—7671q (Clean Air Act);

(24) "small business facility" means a stationary source that

(A) is owned or operated by a person who employs 100 or fewer individuals;

(B) is a small business concern as defined in 15 U.S.C. 632; and

(C) emits less than 100 TPY of regulated air pollutants;

(25) "stack" has the meaning given in 40 C.F.R. 51.100;

(26) "stationary source" has the meaning given in 40 C.F.R. 51.166(b) or 40 C.F.R. 70.2, depending on the context in which the term is used;

(27) "tank vessel" means a waterborne vessel, ship, or barge, whether or not self-propelled, that is constructed or converted to carry cargo; "tank vessel" includes a tanker, tank ship, or combination carrier, but does not include a vessel that is loading or unloading

- (A) cargo in sealed drums, barrels, or other packages; or
- (B) petroleum or petroleum products solely as fuel for use on that vessel;

(28) "TPY" means tons per year.

State effective: 1/4/13; EPA effective: 10/20/14