

## **May 14<sup>th</sup>, 2014 - Public Hearing on More Stringent Air Emissions Standards Proposed for Inclusion in Anchorage Municipal Code**

### AMATS Air Quality Advisory Committee Members in Attendance:

Jedediah Smith	Public Transit Advisory Board, AAQAC Chair
Jim Brown	Environmental Prof. Representative
Kimberly Morgan	BP, Health & Safety
Marge Stoneking	American Lung Association
Neil Thalaker	Citizen Representative

### Anchorage Health and Human Services Commission Members in Attendance:

John Laux	HHSC Chair
Ron Hale	Hospital Administrator
Dan Kiley	DDS
Rob Morris	AK Child & Family, CAO
Matthew Thomas	PHN/SOA

### Public and Staff in Attendance:

Laurie Orel	Citizen
Kathy Anderson	Citizen
Steve Morris	MOA/DHHS
Anne Schlapia	MOA/DHHS
Chris Salerno	MOA/DHHS
Matt Stichick	MOA/DHHS
Tony Barrett	MOA/DHHS
Ali Hamade	SOA/HHS
Stacey Cooper	SOA/HHS

### Citizens providing public testimony

Laurie Orel
Kathy Anderson

The meeting began with introductions at 5:32 pm.

### Justification for Proposes More Stringent Ordinances

**Steve Morris** presented the Department of Health and Human Services (DHHS) justification for two proposed ordinance revisions that are more stringent than state regulations:

1. ) A 20% smoke opacity limit applicable to emission from fireplaces woodstoves, wood boilers and other solid fuel heating devices; and 2.) A requirement that any outdoor wood boiler installed in the municipality after July 2009 be an EPA Phase-2 qualified model (a certification for low particulate emissions).

Steve also summarized the findings of three independent reviewers, who working under contract to the Alaska Department of Environmental Conservation, reviewed staff's justification to evaluate the proposed ordinances for their technical and economic feasibility, and for the unique aspects of meteorology and pollution exposure that may warrant the adoption of more stringent air quality standards in Anchorage Municipal Code. Staff addressed questions following the presentation.

**Ron Hale** asked if all pre-existing outdoor wood boilers (OWBs) would be "grandfathered". Steve Morris said that all OWBs purchased prior to July 2009 would be excepted from the EPA Phase-2 model requirement.

**Marge Stoneking** asked how EPA's proposed emission standards for woodstoves, furnaces and boilers compare to the standards proposed by the Municipality of Anchorage

(MOA). **Matt Stichick** explained that EPA is proposing a particulate mass emissions standard for each category of appliance (e.g. 4.5 g/hr for woodstoves) while the MOA proposed standard is based on the opacity of smoke (percentage of light blocked at the point of emission from the stack). DHHS is proposing an opacity limit of 20% for all solid-fuel heating appliances.

**Dan Kiley** noted that Washington State and the San Francisco Bay Area allow the 20% opacity limit to be exceeded by up to 6 *consecutive* minutes while the proposed changes to municipal code allow an *aggregate* of no more than six minutes in any hour. Dr. Kiley asked why DHHS was proposing an aggregate rather than consecutive limit. Steve explained that the aggregate measure is consistent with existing MOA regulation of other stationary air pollution sources. Steve explained that according to the EPA method, opacity measurements are recorded at 15 second intervals, and that enforcement would be more difficult with a consecutive minute measure because any interval below 20% would require restarting the count to observe six consecutive minutes of excursion.

**Marge Stoneking** asked why we were grandfathering outdoor wood boilers purchased before 2009 if non-qualified units had a higher potential to generate smoke and complaints. Steve explained that owners of such units made a considerable investment and were in compliance with MOA regulation at the time. He also noted that such units would still be subject to the proposed new 20% opacity limit.

**Jim Brown** noted that the peer review report by DIRIGO mentioned that EPA considers fireplaces to be decorative appliances rather than heating devices and does not currently regulate their emissions. Jim asked how we support our position. Steve answered that we believe they are commonly used locally for heating and that we believe the opacity standard should apply to them as well.

**John Laux** asked if there was guidance or precedent to clarify the process for obtaining state approval for DHHS' proposed more stringent ordinances. Steve said that he knew of no prior example or case law and that we were following statute changes which occurred in the early 1990s (AS 46.14.010-015 & 46.14.400).

**Ali Hamade** asked if Anchorage residents would need to test their wood burning appliances to ensure compliance with the proposed 20% opacity limit. Matt answered that they would not, but they should burn only clean, dry wood to assure that they would not cause excessive smoke. Matt noted that enforcement of the municipal clean air ordinance was complaint-driven and that the opacity limits would provide a useful tool to address citizen complaints about excessive smoke.

**John Laux** asked if it would be problematic for DHHS to increase the warm-up exception period for the proposed opacity limit from 20 minutes to 30 or 45 minutes. Steve answered that it would lengthen the duration that enforcement personnel would need to observe excessive smoke on the assumption that the appliance could have been started or re-stoked just prior to arrival of our code enforcement personnel. 20 minutes should be adequate warm up time for wood stoves and fireplaces and for boilers that had been in operation proceeding refueling.

**Marge Stoneking** asked if there would be fines associated with violations of the 20% opacity limit. Steve confirmed that progressive fines would apply to citations resulting from the ordinance (e.g. \$75 for a first offense, \$100 for a second offense and \$150 for subsequent offenses).

## **Public testimony regarding proposed more stringent air emission standards**

Chair Laux asked if any citizens in attendance would like to comment on either of the proposed emissions standards. Two of those in attendance testified.

**Laurie Oreli** stated that she is asthmatic and that she has professional background in Epidemiology with a focus on asthma and upper respiratory infections. Ms. Oreli believes that the proposed ordinances will provide health benefits for those with chronic respiratory and heart disorders and for youth, which improves their school attendance, and this has economic benefits beyond reducing health care costs. Ms Oreli supports the proposed ordinances and expressed thanks for the opportunity to comment and share her concerns.

**Kathy Anderson** is an adjunct faculty member at UAA and APU and is trained in public health. She said that she has been swayed by number of published health studies that identify health effects which result from the exposure to PM<sub>2.5</sub> pollution and she is personally aware of how some can be impacted by smoke to the point of being unable to breathe. Kathy is in favor of personal rights, but she also wants to keep vulnerable populations safe. Kathy supports the proposed ordinances.

## **Next steps required to adopt revisions to Anchorage Clean Air Ordinance**

**Steve Morris** explained that before the proposed more stringent ordinances can be included in Anchorage Municipal Code, they must first be approved by the DHHS Director and then sent to the ADEC Commissioner for affirmation as required by Alaska Statute. If the Commissioner affirms the justification for the more stringent emission limits, the stringency justification document, the peer review reports, the public review comments, and the minutes, testimony and recommendations from this public hearing will be made available to the Anchorage Assembly for their review. DHHS will submit the proposed new emission limits along with broader revisions to the Clean Air Ordinances (these proposed revisions are not subject to stringency review) to the Assembly for adoption. There will be another opportunity for public hearing on the broader ordinance changes before they can be approved by the Assembly.

Following Steve's description of next steps for seeking approval of the proposed more stringent ordinances **Dan Kiley** commented that dust rather than wood smoke is the greater air quality problem in Anchorage, and that comparing air quality conditions in Anchorage to those in Fairbanks is a stretch. Dr. Kiley asserted that a smoke opacity limit of 20% for an aggregate of six minutes in an hour is too onerous and that the limit should be 6 consecutive minutes.

**Steve Morris** commented that in some parts of town, such as the Airport Heights neighborhood where DHHS maintains an air monitoring station, wintertime concentrations of PM<sub>2.5</sub> do sometimes reach levels that exceed EPA's 24-hr air quality standard for PM<sub>2.5</sub>. He noted that a DHHS study at the Airport Heights station showed that wood burning was responsible for 60% of the PM<sub>2.5</sub> pollution in that neighborhood over the course of the study (Dec 2009 – March 2010). Steve agreed that PM<sub>10</sub> (dust) is a prominent pollution problem in Anchorage, but upheld that PM<sub>2.5</sub> pollution is also a valid health concern with localized, but potentially significant impacts.

**Stacey Cooper** shared her experience that while exposure to excessive smoke in Anchorage is typically a localized problem, it can be quite impactful to neighbors who live next to someone who burns wet wood or improper materials, especially when those affected have health conditions that make them more vulnerable to smoke pollution.

**Marge Stoneking** remarked that PM<sub>2.5</sub> is more dangerous than PM<sub>10</sub> because it gets past the body's natural defenses for filtering particles. She noted that the proposed ordinances would help prevent a wood smoke problem similar to the one in Fairbanks.

**Jim Brown** asked how opacity relates to concentrations of PM<sub>2.5</sub>. Steve said that there is a proportional relationship between opacity of a plume and the amount or mass of PM<sub>2.5</sub> present in a plume of smoke, but that opacity of a plume alone is not enough information for one to estimate resultant concentrations of PM<sub>2.5</sub> in the surrounding area.

**John Laux** asked if the revised version of Title 21 (building and community development ordinances) prohibited the installation of fireplaces in new construction. Steve said that he did not believe so, but is not certain.

#### Motion to recommend more stringent ordinances for inclusion in Anchorage Municipal Code

**Marge Stoneking** made a motion to recommend that DHHS move forward with request for approval and inclusion of these more stringent emissions standards as proposed (**2<sup>nd</sup> by Jim Brown**). The motion carried with four HHS Commission members in favor and one opposed. All five AMATS Air Quality Advisory Committee members present supported the motion.

#### Other Intended Updates to the Anchorage Air Quality Ordinances

**Steve Morris** provided a synopsis of other proposed broader revisions to the Anchorage Clean Air Ordinance. These include (1) removing reference to the South Central Clean Air Authority (which last met in 1992 and which the Anchorage Assembly sunsetted in 2011); (2) the authority to review appeals of the revised Title 15.30 of Anchorage Municipal Code (AMC) would be transferred to the Anchorage Administrative Hearing Officer; (3) to avoid duplication of effort, the revised code would eliminate the requirement for permitting of any facilities that are already permitted by ADEC; (4) DHHS would delete current stationary source registration requirements; (5) the revisions would remove a provision allowing the DHHS director to issue variances to the Anchorage Clean Air Ordinance, and (6) the air pollution concentration thresholds triggering air pollution advisories, alerts, warnings and emergencies would be revised to reflect changes in EPA air pollution standards. DHHS does not intend to make immediate changes to the open burn ordinances because the Anchorage Fire Department enforces some provisions of that section and updates need to be coordinated between both departments.

#### Motion to adjourn

**Jim Brown** made a motion to adjourn the hearing at 6:35 pm (**2<sup>nd</sup> by Ron Hale**). The motion to adjourn passed unanimously.