

Introduction through AQIP updates (audio file 1)

<ftp://ftp.co.fairbanks.ak.us/Air%20Quality/PCCmtg013112/APCC%20mtg%201-31-12%20part%201.mp3>

Air Quality Update given by Glenn Miller covered the following issues:

Update on stove change-out program. (Did not mention approval of Titan 2.)

Public Comment summaries:

Gary Schultz – objected to Section 2, lines 55 & 56 approval language.

Mary Shields - objected to Section 2, lines 55 & 56 approval language.

Patrice Lee – objected to Section 2, lines 55 & 56 approval language.

Sylvia Schultz - objected to Section 2, lines 55 & 56 approval language.

Terese Kaptur – stated that there should be consequences for air pollution.

Christy Everett - objected to Section 2, lines 55 & 56 approval language.

Joan Franz - objected to Section 2, lines 55 & 56 approval language.

Nancy Kunz - objected to Section 2, lines 55 & 56 approval language.

Dana Faux

Suzan Amundson - objected to Section 2, lines 55 & 56 approval language.

Jason ?

Dave Throop

Air Pollution Control Commission Discussion:

Discussion of proposed ordinance 2012-09 (audio file 2)

<ftp://ftp.co.fairbanks.ak.us/Air%20Quality/PCCmtg013112/APCC%20mtg%201-31-12%20part%202.mp3>

Nadine Winters: I'm Nadine Winters and I'm on the assembly. And John Davies is a cosponsor of the ordinance. I'm going to start with what this ordinance does and I'll tell you why. It's probably equally important. It does two things, two really clear things. It basically sets an enforceable mechanism if there is a problem unhealthy smoke that exceeds 50% opacity 15 minutes an hour with the exception of the first 20 minutes at stove start up there is a fine structure. So if there is a complaint, there is a fine structure, and there is an enforceable mechanism to deal with solid fuel burning devices that exceed 50% opacity 15 minutes in an hour. I hate to use it as an example, because I don't want Woodriver to be the poster child for bad air, I'd like it to be the poster child for good math scores, but this ordinance is designed to be able to deal with that situation. The other thing that it does is on lines 55 and 57 [SIC], basically there is a process if you have an appliance if it doesn't have specific emission standards, but meets an equivalent standard, there is a mechanism to get that sort of appliance approved by the borough. It came up recently I believe that, I think it was a coal-fired coal burner, there was no EPA standard for it, so it was a long and tedious process. What this says is that if there is no standard for that, as long as it meets an equivalent standard, it can get approved on that method. That's what this ordinance does. It does those two things. If there is a problem, it creates an enforceable mechanism to deal with it, and also appliances getting approved. The why of it is probably equally as important. Mr. Duffy said that we have been dealing with this problem for quite a few years. As you all know there was a citizen's initiative that got passed that said basically you can't do anything. You will notice the effective date of this ordinance is October 29, 2012. That's when that citizen's initiative expires. When it is in

place, for two years, you can't do a law that conflicts with that citizen's initiative. My hope is, I think it's likely that the initiative might be on the ballot again this year. My hope is that if this ordinance passes, that we are going to have something reasonable on the books that will help protect the health of our citizens in case that initiative fails. Obviously an initiative trumps law. That is what my hope is, and that is basically why I did it. My view is, that this is kind of taking the middle road. We've had no regulation, we've had more regulation. To me this is providing a mechanism to protect citizens' health the best that we can under the circumstances. And it's an enforceable mechanism.

John Davies (not transcribed, because it did not deal with approval of devices)

APCC Discussion (Audio File 4)

<ftp://ftp.co.fairbanks.ak.us/Air%20Quality/PCCmtg013112/APCC%20mtg%201-31-12%20part%204.mp3>

Dr. Lawrence Duffy: The next item to discuss is recommendations to the Mayor. I'll open that up now for modification or accepting the order as it is.

Gwen Holdmann: We have an opportunity to ask the staff for clarification.

Dr. Lawrence Duffy: Yes

Mark Sherman: I've got a couple of questions. One of them is, one of the questions that came up was the correlation between PM 2.5 and 50% opacity as measured by Method 9. Now, I have to apologize to the audience. I am new to the Commission, I just got here. I'm willing to bet that 90% of the people here in this room know more about air pollution issues than I do. But I am willing to learn and this is an opportunity to learn. PM 2.5 and 50% opacity. I'm assuming that 50% opacity does correlate to, if it is above that you have increased PM 2.5 and if it's below that you have decreased PM 2.5. Is this correct?

Glenn Miller: There is no way to measure PM 2.5 with opacity. The assumption is the higher the opacity, the greater the emissions in totality. PM 2.5, carbon monoxide, everything else that is coming out of the stack is going to be elevated. But there isn't any way to say that if it's 50% opacity or 20% opacity you have x amount of PM 2.5 that's being emitted.

Dr. Lawrence Duffy: I should also comment that there has never been a relationship between opacity and health either. PM 2.5 has been correlated to health in big populations. Epidemiology study with opacity has not been correlated with health. That's why I pointed out this is a nuisance issue.

Mark Sherman: So in reality if there was a 20% opacity limit, it wouldn't necessarily address the PM 2.5 health effects.

Glenn Miller: Well, the assumption is the output will be less. How much less? OK.

Mark Sherman: Someone else mentioned during testimony, or actually it was by Staff, in the event you get multiple complaints from one person, it elevates itself to some different type of enforcement or action. That's not what the ordinance says.

Attorney Broker: That's what I was doing a bad job of explaining to the lady that asked. We have a whole section of ordinance; this is just adding a layer to it so it goes into an existing system. What the code currently says is no more than two citations under FNSB 104, which is where this is being put. For a continuing violation shall be issued to the same individual in a calendar year without full resolution of the violation. So, you don't get to issue more than two unless you are going to fully resolve the violation.

Continuing violations shall be forwarded to the Department of Law for consideration of other available remedies. Do we need to seek an injunction, for example, directing them to stop whatever they are doing that's causing the problem? So there's other remedies available other than writing another citation. So it could be referred to my office. When I was reading that I realized that I answered another question incorrectly. Because then it says, "Each day that a violation of an ordinance continues constitutes a separate violation." So it is by day. So you have a whole existing code enforcement program that this sort of inserts itself into.

Mark Sherman: This adds another violation.

Attorney Broker: Exactly. All these other provisions that you are asking questions about are already in existing code.

Mark Sherman: In the case of a car that's violating an emissions standard, they don't get to relicense it. If they get caught out on the road without a license they get it impounded and they go to jail. In this case you are escalating standards, seeking an injunction perhaps, for them to stop burning wood. If wood is the sole source of heat for their house, as you escalate the enforcement you could potentially run into some sticky issues.

Attorney Broker: Exactly. What you can't do is violate the law. So we have a law that says you can't ban, fine, or prohibit residents from the use of a device. So we couldn't get an order that essentially violated the law so you were banned from using a device. You might get an order directing you to stop burning wet wood. That would be consistent with the law.

Mayor Hopkins: There is also other parts of our code that say, currently there is an educational component that shall address issues of excessive smoke. That's an educational piece, where we go out and try to talk to an individual where there may be a complaint, so we're not walking out there, this issue where we're walking out there with a citation. There are many processes, and two of them are in our code, that say how we address excessive smoke, and what appear to be excessive emissions, we would go out and talk to the individual. And from that, the assembly just passed a grant, if someone is burning wet wood, we'll see if they are interested in exchanging it for dry wood. So there are many components of approaching excessive emissions. Here you see in this ordinance of course we're talking about writing a citation. There are many pieces before that about how we get to that stage. If this passes, we would have it back in code for visible emission violations.

Mark Sherman: I am absolutely in favor of voluntary compliance. And it is apparent that voluntary compliance is occurring. I would like to ask the Staff if indeed there is an education component that it starts with, I believe there were 142 violations that were outstanding. Have you had any success at reducing emissions with voluntary educational efforts with specific violators?

Glenn Miller: I would say that because we have limited ability to go out and really make contact with individuals right now, I couldn't accurately answer that question. There have been times where we have gone out to address complaints that we have received, problems in some cases have been taken care of, the smoke was eliminated, primarily those are complaints that we have where someone set something on fire illegally, more of an egregious violation that where there is too much smoke coming out of a stack. In those situations, yes, we have remedied the situation, we have taken care of the complaint. The ones that for instance near one of the schools, we frequently receive calls that we are being smoked

out, can you do something about it. We'll send somebody over, by the time they get there we can't find the offending unit. That occurs probably more than anything else. Where we actually go out there, respond to a complaint, and we really can't figure out where the smoke is coming from, we can't figure out what appliance the smoke is coming from, where the complaint originated from.

Dr. Lawrence Duffy: I have a question. I'm jumping back to line 55 again. To the testimony about the Omni Labs. Obviously that was a contract set forth for modeling. Has the statement for the data about a device that is being nominated based upon that line there. Is the information going to be self reported like in a brochure for the equipment? Or is the borough going to have the submitter do a test by an independent lab that is verified as appropriate, how is the criteria for the value of the emissions from that machine, has the borough thought about how it's going to set up the data it will go ahead and accept to show that it's within that criteria.

Response from Glenn Miller: Yeah, well, we just went through this process. The reason that we had some alternate language in the original ordinance and the existing code is in the event that someone comes up with an appliance or device that they feel is cleaner than what is available, whether it is a retrofit device or a new appliance, and they don't want to go through the US EPA process to get this appliance certified. It takes anywhere from \$25,000 to \$50,000 to certify a device with US EPA. So the borough put in an alternate mechanism so individuals that are small manufacturers maybe don't have the money to do that, if they submitted the device that had reasonable testing done on it and the emission levels appear to be equivalent to an equal appliance, then we would certify it. So it really depends on the circumstances. When we look at the appliance, look at the testing, we try to ensure that the tests were hot and cold, and the cycles, they were accomplished that would be similar to an equivalent appliance. An example would be this coal fired appliance. There is no standards for coal fired appliances because EPA exempts them, they are exempt from testing. So there is no standard for a coal fired appliance. So if someone submits an appliance that's coal fired, there isn't anything to compare it to because there are no official federal standards. So you have to utilize something that is equivalent, let's say a boiler or pellet stove that is similar in size and similar function, you would use those standards to try to figure out a reasonable standard for that appliance."

Dr. Lawrence Duffy: One last question, that would be the procedure. Would you immediately go ahead upon submission, the data comes in, or whatever you have prescribed to accept from the lab, that says its below the standards that you have picked, is there room before you certify it, that the public in the borough could be made aware that you were considering certifying that appliance and therefore challenge the data that was submitted.

Response from Glenn Miller: "Well, the language that currently exists in code allows for the staff to make those allowances if the standard is reasonable. So right now, no.

Dr. Lawrence Duffy: What I am concerned about is people who disagree with the staff on the other side of the issue.

Response from Glenn Miller: I guess it could be set up any way you like. The data that's normally submitted for testing of an appliance is highly technical data and it's, there's a lot of testing that goes into it. I think there needs to be a mechanism that is reasonable yet fairly timely. If you get each individual appliance, if it's tied up in a process that may take months or longer to certify an appliance, I

don't know if that is in the best interest for air quality. If you have an appliance or retrofit device, just recently I received a request from a manufacturer similar to ClearStak, they are trying to get their retrofit appliance certified with the borough. We'll work on that as soon as we can do that.

Gwen Holdmann: I have a question. You mentioned, Glenn, that you have limited ability right now to make contact with owners of devices that complaints have been made against. I wanted to confirm that that was because sometimes you would go and have a hard time actually identifying what the source is. Is that what you were referring to in terms of your limited ability to make contact with the owners?

Response from Glenn Miller: Well, we only have so many staff that can respond to complaints to begin with. When we go out and respond to complaints, we don't necessarily know the address of the location where the smoke is coming from, just where the complaint is made from. At that point we have to try to identify where the smoke may be coming from. By the time we get there, which may be 20, 30, 60 minutes later, that smoke may not be there anymore.

Gwen Holdmann: And so this ordinance actually doesn't in any way make it easier for you to make contact with.

Response from Glenn Miller: No, it doesn't make it any easier to make contact with an individual. It just gives us a mechanism to possibly deal with the offenders if they are repeat.

Gwen Holdmann: In public testimony we heard the comments that we should make sure that people are aware that they are perceived as a nuisance and give them an opportunity to change their behavior based on that, making sure that a warning is part of this. It sounds like that is already part of your protocol.

Response from Glenn Miller: It is. The code enforcement manual that specifies how code enforcement is approached emphasizes the warning process, the education process....

Gwen Holdmann: It seems that there are two categories of home owners. Those who aren't aware that they are creating a nuisance to their neighbors and might be willing to change their behavior whether or not they are actually issued a fine and then those who get a fine for \$250, and then what. Essentially that is the maximum fine, \$250, and then it would be referred to legal. Is there an expectation that there would be other action taken? What is standard for other kinds of similar scenarios? Where two fines are levied and then it is referred to legal, does anything happen at that point?

Attorney Broker: We've never gotten to that point.

Mark Sherman: As I understand this ordinance, what it does essentially besides the alternative evaluation process, is it establishes a standard for emissions from a solid fuel burning device. It then establishes a method to measure that standard, and then provides an escalating series of enforcement actions including fines that would take place if you don't meet that standard. But what I hear Gwen was talking about here was that if you eliminate section 5 completely, which is the mosquito bite sort of thing that happens if they don't meet the standard, is that really going to affect the ability, .. I see the real teeth in this is in Section 3 Paragraph 1 and 2, the fines are something that you may give the least egregious offenders and get their attention to do something about it, but if those aren't really going to work against the most egregious offenders, or the people who are persistent in violating the standard, is it really going to matter? Won't we just go to legal, and at that point, what do you do?

Nadine Winters: If I'm understanding you correctly, don't do the fines, or are questioning whether the fines are valid. I think that that whole point of this is that there has to be an escalation from contact education to fines because my guess is that you have some egregious offenders who aren't going to respond to the fines, but I am thinking that the average human is going to respond to the fine and change their behavior. And I would assume that it is the minority of them that goes to legal, so I think there does need to be that progression. Warning, education, fines, and if that doesn't take care of it, PFD, legal and a wrap. I think it's important that there's a progression. I would guess that the average person, or I would like to think that, maybe that's naive, but most people recognize that there is a standard, they are violating it, and most people would correct their behavior at that point rather than going all the way. But it needs to be a progression I think.

Mayor Hopkins: On what Ms. Winters just said, and I think you probably heard at the beginning of the discussion and overview on what this ordinance does. In June of 2010 there was an air quality plan in place that had these components in it. As we entered the next winter, all these issues about emission levels, opacity, and whatnot were removed, therefore we are moving into the period of State Implementation Plan, and what are the control measures that are enforceable. That's basically the question that I am being asked by DEC and EPA when we have our meetings. So assembly members Winters and Davies and I agree with all the pieces. We have to put something back in, and we think that, so the escalating piece in that as we heard, we put fines back in once you read opacity.

Dr. Lawrence Duffy: And the fines are not contrary to the citizens' initiative?

Mayor Hopkins: This effective date is October 29, the day after two years is up. We can't do anything until then.

Dr. Lawrence Duffy: And maybe I can direct us all, that we have had a couple issues. Our options here are to recommend it as is or to modify it. Most of the testimony has been on several issues. Maybe I could get the commissioners to discuss here whether they would like to leave line 55 and line 56 that talks about the alternative devices in there, modify its wording, or leave it as is. Is there any opinion on this that we have had testimony on?

Deborah Rinio: I have a question about that. Glenn, you had said that with the coal burning, because EPA does not have standards for coal, without this language added, my understanding is that if somebody wanted to get a coal burning device approved they would not be able to do so as it stands without that language added, because EPA does not have a standard for coal. Is that correct?"

Response from Glenn Miller: "Well, right now the current code prohibits the installation of coal appliances. So, because the EPA exempts the coal appliances, that really doesn't have anything to do with whether or not they are installed here. It's just a matter of what standard do you use to certify that particular appliance. Right now coal appliances are prohibited for installation. The ones that are currently out there can still continue to operate. For the most part, those appliances are pretty old technology, even though they may be fairly new stoves, they are old technology. There are some new appliances that are out there now, for example the one we just looked at, that appears to be very clean as far as PM 2.5 is concerned. If that appliance is approved, that means that those older appliances could be upgraded and replaced with this new appliance, which could mean less PM 2.5 for us.

Deborah Rinio: You were also talking about some retrofits. I'm just trying to understand how this would all work. If that language is added then retrofits or a new device that burns coal for example could be tested and if determined to meet a certain PM 2.5 standard it would be accepted. If you removed that, that takes coal burning off the table altogether since there is no EPA standard for that. Is that correct?

Response from Glenn Miller: "If you removed that, what that means is it limits what technology we can install on appliances, or appliances themselves, what can be installed in this community. That's what you are doing is really limiting what you can install."

Deborah Rinio: "So, what does it limit it to? You are talking about some retrofits. Would those be eliminated as well?"

Response from Glenn Miller: "An example would be what the gentleman was talking about, the Clearstak retrofit. There are a number of them that are on the market right now. They are still in the experimental stage. They appear to work very well. I haven't looked at the data for them yet as far as what's been happening here in Fairbanks. I have looked at the technology, I've talked to the manufacturer. I've actually seen it in operation. It appears to be a very good type of retrofit that can be added to appliances that would clean what is coming out of the stack and reduce PM 2.5. Without this language that appliance would have to be tested by the US EPA, they have to spend \$25,000 to \$50,000, they're not going to do that, chances are they aren't going to do that. Which means that limits the retrofits that we have available to us here."

Dr. Lawrence Duffy: Is everybody comfortable with the 50% limit that is in the ordinance, or the suggestion to lower it to 30% or 20%?

Gwen Holdmann: I would like to hear a little bit from Glenn about the Alaskan Exception to Method 9. I am sure you guys discussed that, I know you mentioned it, Nadine, when you initially gave us an overview. You mentioned that you left out the Alaskan Exception because it only referred to commercial sources.

Nadine Winters: response wasn't picked up by the microphone.

Gwen Holdmann: The exception is an assumption [that it was in there].

Dr. Lawrence Duffy: Maybe from a legal point of view adding it in, lawyers don't like to assume generally, if you are interested in that, we could add it in as a possible change. My last issue to bring to the discussion had to do with the fines. Originally, going way back, we were debating on the commission just having an education program, which appears, thank you borough staff, to be working well, at least from the last report I saw this month, it could be a year effect, but it could be that the education system is working well, that we have a voluntary system. Do we want to leave the fining system in this, or not add the fines? Are we comfortable with the fines in here? They are pretty small. But that depends on people's perspective. So those are the three issues I see based upon the testimony. I open it up to people who want to modify the motion, or we can accept it as written.

Mark Sherman: I think the escalating series of consequences is a good idea. Someone here mentioned earlier when kids act out there need to be some consequences. Rather than simply telling them they can't turn out for football this year they lose their television privileges first. I do see some challenges in once you get past the fine level, I think the borough is going to be faced with some challenges in what to

do next. Given the fact that you are establishing standards and how you measure that. Let's hope that the fines eliminate 90% of the problems. That's the best we can hope for. And I agree with Nadine completely. This hopefully is going to encourage the people who aren't aware of what kind of problems they are creating for the neighbors to pay attention. I do support that.

Kathleen Hook One of the most important things for the borough is for us to successfully complete the state implementation plan. And get that done at the end of this year. A key part of that is for it to be enforceable. I see that this provides that mechanism. The line 55, 56, I think it is important for us to have the technology to review it, to evaluate it. I think there is some great technology out there. I think a lot of times the problems we can have with these appliances is just the operators and how they are operating them rather than misusing the technology. So at least if we can have the technology along with our education program I think there is some real opportunity there. The 50% opacity is a very generous opacity. Industrial facilities often have no more than 20% and have to operate much less than that. So 50% is a very visible plume and to have the fines, again I come back to it is important to have that escalating enforceable mechanism, and the fines are a great tool. So I support this.

Deborah Rinio: I agree with most of everything that has been said just now. I think lines 55 and 56 need to be in there for the same reason that we need to have the ability to evaluate new technology. I am concerned about the 50% opacity. It is very generous, perhaps too generous. I think that is a good level for the nonattainment area. Having the problems that we have, we don't have a direct relationship, there isn't an equation that says so much opacity equals so much PM 2.5, but my understanding is there is a correlation, with higher opacity meaning higher PM 2.5 and higher other substances. It seems like having a standard closer to what Anchorage has, closer to what other places in the state have would be, and you are talking about it being a nuisance provision and not just PM 2.5 and I think it is a nuisance to have a 30% opacity from my neighbor. But I'm not going to hold us up on that. But that is a concern from me. The rest of it seems great, I agree with the necessity of the fines.

Gwen Holdmann: I'm still sort of uncomfortable with the potential unintended consequences of the 55 and 56 lines. That's the part that I'm still struggling with a little bit. I'm still not entirely clear, just having dealt a lot myself with emission standards and different kinds of testing protocols from all kinds of different labs, and also just, what I am trying to understand is, basically, with this language, could somebody have a wood burning appliance, and retrofit to a clean burning coal appliance. I think I heard you say yes, is that correct?

Response from Glenn Miller: If they submit an appliance that for example burns coal, and its tested, its determined that it's just as clean as a pellet stove or certified wood stove, then the mechanism here would be for the borough would have a mechanism to approve that.

Gwen Holdmann: So there is the potential to increase the amount of coal fired appliances in the borough, although they would be some of the newer devices that are cleaner burning.

Dr. Lawrence Duffy: I've got to clarify that a little bit. I'm confused now. I understand that it gives us a mechanism to eventually approve it. I understand the mechanism part. I thought that under the current ordinance now you could not bring in new coal-fired equipment. So, you really couldn't do it because it would be violating a part of the existing ordinance.

Response from Glenn Miller: "Well, unless it is in the approved list."

Gwen Holdmann: It does change that fact.

Mayor Hopkins: "But also, you are changing out a woodstove to burn coal, the program would be, in our voluntary change out program it would be, if you wanted to change out your stove and get some financial compensation you have to have a stove that doesn't even meet the standard. But you could stay outside of the voluntary program if it was an approved stove to install in the borough, yes."

Mark Sherman: "So I understand what you just said, that the borough is not going to fund your new coal stove if you are going to change it out."

Mayor Hopkins: "Our standards right now I believe don't have a voluntary program in there for coal."

Mark Sherman: "If you have a wood stove and you want to put a coal stove in its place, the borough is not going to help fund that."

Mayor Hopkins: "I don't have the code right in front of me, but actually to replace a non-compliant wood stove you can change it out in the voluntary change out program to coal if we have an approved device."

Gwen Holdmann: If it is an approved device, but right now there are no approved coal devices because they are exempted by EPA, but under this it would allow you to replace one.

Mayor Hopkins: a solid fuel burning device, not just woodstove, right.

Gwen Holdmann: "I just want to make sure that we are fully clear on that, and I want to make sure I was really clear that that was the consequence of this, because that's pretty important to understand, I think, in my opinion."

Dr. Lawrence Duffy: "I think we just have to be clear that the way EPA the way these regulations. They don't look at some of the testimony from a more holistic point of view of overall pollution. They go after a target, carbon monoxide, PM 2.5, mercury, this, that, lead, whatever. It's a construct that was made many years ago and the way they approach these as an individual pollutant rather than a more holistic point of view."

APCC Recommendations & Closing Comments (recording 5)

<ftp://ftp.co.fairbanks.ak.us/Air%20Quality/PCCmtg013112/APCC%20mtg%201-31-12%20part%205.mp3>

Dr. Lawrence Duffy: I'm kind of hearing a little of contention, so I'll put in a straw motion that we approve our recommendation to the mayor that we approve the ordinance as written.

Mark Sherman: I'll second that.

Dr. Lawrence Duffy: Any discussion? No? Then maybe I'll call for the vote on it. We used to just go aye and nay, but now that we have to name ourselves, we can just go ahead and vote. We are allowed to abstain, aren't we?

Attorney Broker: No, you are not allowed to abstain. You can declare a conflict. Then if you have one, you are not allowed to vote. But otherwise our laws require you to vote.

Gwen Holdmann: I don't feel comfortable, so I vote no.

Mark Sherman: Yes

Kathleen Hook: Yes

Larry Duffy: Yes

Deborah Rinio: Nay

Dr. Lawrence Duffy: So the vote was 3 to 2, I think that is a legal majority. So the motion passes.

Mayor Hopkins: There are 7 on the commission. If there are 7 you need 4.

Dr. Lawrence Duffy: It's not just majority of the quorum that's present?

Mayor Hopkins: No, you need 4.

Gwen Holdmann: Can we reopen the discussion?

Dr. Lawrence Duffy: Let's let her check the rules, then we'll reopen the discussion. Obviously if it fails, we will reopen the discussion.

Attorney Broker: Majority of the commission constitutes a quorum, and 4 affirmative votes shall be necessary to carry a question.

Dr. Lawrence Duffy: So the motion fails.

Mark Sherman: I move to reconsider.

Dr. Lawrence Duffy: We're open to discussion again.

Gwen Holdmann: My position on this is that, I feel that the sponsors, I think as a whole this is a really good ordinance and I would like to support it. I think that the sponsors mentioned at the beginning that this was really to address the nuisance issue rather than really necessarily the PM 2.5. issue, which is really the most basic part of what we are trying to address in this community. This is one step that we can make, on step in that direction. To me, I am concerned that the possible implications of adding lines 55 and 56 really are going back to addressing PM 2.5 in this community. And I feel like that should be addressed separately from the nuisance question. And I don't feel comfortable making a recommendation on that without fully understanding all the implications.

Dr. Lawrence Duffy: I'll give myself the floor. So what you are kind of saying is you would be more comfortable if that line wasn't in there. And we can have another motion and go ahead and vote on that without that line being in there. Of course when it goes up to the borough assembly, or the mayor can change it, or whatnot, then they can add it back in, or do what they want. Essentially, we'll have more discussion, but you could make a motion to go ahead and delete that and we can vote on that. Other comments?

Deborah Rinio: I have the same concern.

Attorney Broker: Can I interrupt for a moment, before you start entertaining other motions you need to vote to reconsider if that is what you want to do. You have a motion to reconsider, but you never agreed to reconsider.

Dr. Lawrence Duffy: All those in favor of reconsidering. [All voices say Aye.] So it's unanimous.

Kathleen Hook: Can I, being new on the commission, I don't understand the form. If we vote to approve this without the line 55 and 56, what is that, I don't understand what would happen.

Dr. Lawrence Duffy: As I understand it, what we would do is, we are the Mayor's advisory group. So he's gotten testimony here tonight, he's getting our opinions here tonight on this particular ordinance, which he would bring forward to the borough assembly, and our stuff is obviously public record, and stuff like that. Is that correct?

Mayor Hopkins: Well there are three sponsors here, and the three sponsors would have to take into consideration what the recommendation is from the Pollution Control Commission, and move from there. We would of course thank you for your work and then consider what the three sponsors would do as it comes to the assembly next.

Mark Sherman: So you aren't necessarily bound by our recommendation, it's just a recommendation.

Mayor Hopkins: Correct.

Mark Sherman: Nadine, may I ask a question. What was your intent with that line?

Nadine Winters: To fix a problem that exists. To me, I understand what my cosponsor says, this isn't about attainment, this is about nuisance. To me they are so intertwined and interwoven, to me they're not a separate issue. We wouldn't have to deal with attainment if there wasn't a health issue. And this is going to help health and this is going to help attainment. To me they are, they are not that separate. The reason that is in there is because two things. I guess there is the negative view that there might be more coal appliances. But having a coal appliance meet the same standards that we consider appropriate for other solid fuel burning devices to me is not a problem. To me that is not a PM 2.5 problem. We're fixing a situation where there possibly could be good technology, good things out there that might help us with attainment, might help us with PM 2.5, might help us with health. So my reason for doing it is that it's not a coal issue, it's not a ClearStak issue, it's a, you are setting your are making them meet a standard, even if it's a coal burning device it's going to meet the standard that other solid fuel burning devices meet, so to me, that is no harm no foul. And it fixes a technical situation where we might possibly do ourselves plenty of good. I don't have the thing about coal. I don't even have an opinion about it frankly, except that, but the thing of it is that if we are going to meet the standard, if the coal burning device is meeting the standard that everyone else is meeting, I find that not to be problematic. So that's why I put that in there. That's probably a bit longer than what you needed. You have the background too.

Dr. Lawrence Duffy: The Mayor first.

Mayor Hopkins: I'll let Mr. Miller go first. Then I'll make a comment.

Glenn Miller: I just wanted to share something with you. Since we've been engaged in this issue with PM 2.5 and EPA, the last couple of years I have talked with EPA and the manufacturers about the technology that's available to us. The stoves that we have available to us now, even though they are new stoves, we're still working under technology that was implemented and required in 1988. So we are talking about technology that, even though it is brand new, if you want to go down and buy a stove today, it is 25 year old technology. I have been engaged with EPA about upgrading that technology, requiring better technology, I've talked to the manufacturers, I've gone to the expos that occur every year for the manufacturers for new equipment, I've had meetings with the manufacturers about upgrading the technology, using new technology, using catalysts that's incorporated with the stoves, O2 sensors, air systems, basically computer systems like we use on our cars today so we control the

combustion process in the stove. They all tell me the same thing. We're not interested in Fairbanks Alaska, we're interested in the bottom line. So we're not going to spend all kinds of money on R & D to help Fairbanks, Alaska. So, they're not going to spend the kind of money that really is require to upgrade the technology, go through the process with the US EPA to get their stove certified, so we are really relying on these small manufacturers, like ClearStak. ClearStak isn't a, they're not a huge operation. There are other operations that are smaller that have looked at our problem here in Fairbanks, and say, "you know, I have something here that will help you guys." And they would like to use their technology up here. And I think that would help. Unless we have a process that we can go through locally that we can certify these things without going through the big EPA process and them spending all kinds of money, which they aren't going to do, we are really tying our hands. So there is technology out there we can be using. This language allows us to properly test it in a reasonable manner that is still inexpensive to the manufacturer and allows us to use this thing. Nadine was talking about trying to solve a problem. That's one of the issues that we've encountered here. Is, people are not going to spend all kinds of money having their equipment tested with US EPA just to help little old Fairbanks, Alaska.

Mark Sherman: I'm shocked.

Mayor Hopkins: The kind of comments in between Ms. Winters and Mr. Miller, we do have stoves out there that are well below the standards for PM 2.5 and also add in the human element as to how they are burned. Coal, this particular issue that we are discussing here had comment and some commissioners are concerned about the door we are opening. But what we are trying to do is get these older stoves replaced, and coal is one of the issues. There is an opportunity to have a, so far what we have found it appears, a better burning coal stove. That is what [lines] 55 and 56 would allow us to be able to, if we had this language in here. We could look at these devices, and we can actually improve the air quality. That's what we are trying to do. That goes in to health and all the other content that the commissioners know about and you well understand. So, that's the importance of it. Are we opening a door? Well, we still have in my mind we have people who are very sharp that are under contract with the borough and DEC look at some of the measurements that we receive in a stack of paper about a particular appliance. And we do a kind of round robin in a way, it's not really a round robin, but so I think this is a necessary mechanism.

Dr. Lawrence Duffy: But I think the testimony we had tonight, and I am sure everybody's here aware of it, is that the other EPA air criteria is lead, so you might be facing a coal problem down the way. And there is no way predicting what people go, because if we get our gas line all our problems are solved in that respect. So anyway, I understand what you are saying. Again, you want to have room to go ahead and put it in. But I think we want to move this ordinance forward back to the assembly and to the Mayor with our opinion on it. Let's continue our discussion and see if there's another motion.

Kathleen Hook: Just one more comment. This is not a judgment on solid fuel on whether coal or wood or wet wood or natural gas. This is about enforcement action and meeting our state implementation plan. And technology really does make a difference. We solved our carbon monoxide issue in this town because the technology changed and cars changed. The fuel didn't change, and we had more cars on the road. But the technology in those vehicles changed. It's a great example of how by using the science we are reducing the emissions. It's better to have clean burning coal appliances than dirty coal appliances or dirty wood appliances. It's better. You have less emissions. I don't know the correlation between lead

and mercury and PM 2.5 but I can tell you that if you have more particulates going out the stack you got more metals going out the stack. They adhere. So if we are reducing PM 2.5 we are reducing those metals. I don't know what percentage, but it is some percentage.

Deborah Rinio: I completely agree with that. I am still concerned that coal is, you are opening the door, coal has, there are other things in it besides the PM 2.5. We are talking about rating an appliance based on one criterion. Of course that is what we are here to do. Even though I have reservations about, I mean we are talking about our air quality as a whole, but we are also talking about one particular measure. So, with that reservation, I would like to entertain a motion to recommend the ordinance as written.

Mark Sherman: Second.

Dr. Lawrence Duffy: OK. Further discussion.

Gwen Holdmann: I would be interested in amending that motion to accept the ordinance as written, but also asking that, before it is considered by the Mayor and full assembly to ask the staff to fully understand all of the implications for the language in lines 55 and 56, what those implications might be.

Dr. Lawrence Duffy: Just to clarify, you would like the staff to make a position paper on the implications of those lines for the borough assembly.

Gwen Holdmann: I think that, I fully support the spirit of the bill sponsors that were trying to look at these new devices that are coming up. I've looked at some of the retrofit devices in quite a bit of detail and I understand the challenges of getting EPA certification for those. We don't want to be putting ourselves in a tough position. But at the same time I feel that it's important to fully understand what all the implications might be for this kind of language because it does, I suspect there are things that we aren't even considering here today. It would just be good to be sure the full assembly

Dr. Lawrence Duffy: I tend to agree with that just because the fact that you'll be discussing that so this line will come up again.

Gwen Holdmann: I don't feel that we fully understood this and we've kind of gotten to some agreement on that. We all agree that the ordinance is good as written, but I think that some additional information or research might be worthwhile. To make sure the assembly is well informed when that conversation comes up there. Does that make sense? So that would be my amendment.

Dr. Lawrence Duffy: So that can be kind of intent, I'll write a little note down at the bottom. So are we ready to vote again?

Deborah Rinio: Aye

Larry Duffy: Aye

Kathleen Hook: Aye

Mark Sherman: Aye

Gwen Holdmann: Aye as amended.

Dr. Lawrence Duffy: This time passes. I would like to thank you.