

1 **WORKING DOC – INTERNAL USE ONLY with 2/12/15 Amendments**

2 **PROPOSED SUBSTITUTE**

3 By: John Davies
4 Kathryn Dodge
5 Janice Golub
6 Introduced: January 15, 2015

7 FAIRBANKS NORTH STAR BOROUGH

8
9 ORDINANCE NO 2015 - 01

10 AN ORDINANCE AMENDING CHAPTER 8.21 OF THE FNSB CODE OF
11 ORDINANCES

12 REGARDING THE PM_{2.5} AIR QUALITY CONTROL PROGRAM, AMENDING 2.48.120
13 REGARDING THE AIR POLLUTION CONTROL COMMISSION'S DUTIES, AND
14 AMENDING 1.04.050 REGARDING THE FINE SCHEDULE TO ADD VIOLATIONS OF
15 THE PM_{2.5} AIR QUALITY CONTROL PROGRAM
16 |

17
18 WHEREAS, EPA, on December 22, 2008, declared part of the Fairbanks
19 North Star Borough a non-attainment area for fine particulate pollution (PM_{2.5}); and

20
21 WHEREAS, in the winter, PM_{2.5} concentrations in the non-attainment area
22 routinely exceed the allowable limit, thereby violating the federal health-based
23 standards; and

24
25 WHEREAS, an excessive level of PM_{2.5} impacts the health and well-being
26 of borough residents; and

27
28 WHEREAS, air quality issues could impact large scale economic
29 development, including military expansion; and

30
31 WHEREAS, studies have identified wood burning as a significant
32 contributor of PM_{2.5}, particularly wood with high moisture content; and
33

AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
Text to be *added* is **bold & underlined**
Text to be *deleted* is **[BRACKETED, BOLD & CAPITALIZED]**

34 WHEREAS, the combined effort of an educational program concerning the
35 importance of burning only dry wood and an increase in the availability of dry wood
36 could significantly reduce Borough PM_{2.5} levels; and

37
38 WHEREAS, PM_{2.5} emissions from solid fuel burning appliances can be
39 significantly reduced through the selection and proper use of modern, EPA rated
40 models designed to meet more stringent emissions standards and by operating in
41 accordance with “best practices”, including selection of appropriate fuel sources; and

42
43 WHEREAS, voluntary, incentive-based programs coupled with
44 comprehensive education programs have been employed in other communities to help
45 reduce PM_{2.5} emissions; and

46
47 WHEREAS, voluntary measures may enable the Borough to model
48 attainment, however, it is likely that they would take more than five years to reach this
49 goal and they would not address local neighborhood problems arising from one or two
50 significant polluters, neither of which is acceptable; and

51
52 WHEREAS, the State of Alaska, through a Memorandum of Agreement
53 with the Borough, has authorized the Fairbanks North Star Borough to establish and
54 administer an area-wide local PM_{2.5} air quality control program that will operate in lieu of
55 and consistent with the State’s air quality program; and

56
57 WHEREAS the State of Alaska Department of Environmental
58 Conservation has issued draft regulations intended to be part of the State
59 Implementation Plan (SIP) as required by the EPA; those regulations provide some new
60 restrictions on the sale of solid fuel burning appliances and firewood, and authorize the
61 borough to take on additional regulatory responsibility related to the SIP; and

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62 WHEREAS, at the recent "Town Hall" on the PM_{2.5} problem, more than 50
63 citizens provided testimony indicating that our air quality was not acceptable and that
64 they expected the Assembly to act to put into place programs that will improve the air
65 quality in the borough.

66
67 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks
68 North Star Borough:

69
70 Section 1. This ordinance is of a general and permanent nature and shall
71 be codified.

72
73 Section 2. The following definitions in FNSBC 8.21.010 Definitions are
74 amended or added as follows:

75 "Advisory" means a notice issued by the FNSB Air Quality division when the
76 division determines, using available data, that a PM_{2.5} concentration of 25 ug/m³ has,
77 or will likely occur.

78 "Air Quality Control Zone" means the area of the Borough currently
79 contained in the EPA designated nonattainment area, which uses the
80 nonattainment area southern, western and eastern boundaries as modified by
81 their respective intersection with the following northern boundary described as;
82 beginning at the Tanana River on the southwest corner of the EPA designated
83 nonattainment area continuing east then north at the intersection of Rosie Creek
84 and Chena Pump Road then east along the length of Chena Pump Road until the
85 intersection with Chena Ridge Road following Chena Ridge Road back to Chena
86 Pump Road and continuing north on the Parks Highway to Sheep Creek Road,
87 then Sheep Creek Road to Miller Hill Road, then north on Miller Hill Road to east
88 on Yankovich Road to north on Dalton Trail to the crest of the Farmer's Loop
89 Ridge, then follow the geographic crest of Farmer's Loop Ridge to its intersection
90 with the New Steese Highway, then south on the New Steese Highway to its

Comment [AB1]: Hutchison amendment

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91 intersection with Chena Hot Springs Road, and Chena Hot Springs Road to the
92 eastern boundary of the EPA designated nonattainment area.

Comment [AB2]: Sattley amendment, as amended

93 “Alert” means a notice issued by the FNSB air quality division when the *division*
94 determines, using available data, that a PM_{2.5} violation of the 35 [MICROGRAMS PER
95 CUBIC METER] ug/m³ has, or will likely occur.

96 “Clean wood” means natural wood that has not been painted, varnished, or
97 coated with a similar material, has not been treated with preservatives, and does not
98 contain resins or glues as in plywood or other composite wood products.

99 “Construction and demolition debris” means a conglomeration of materials from
100 construction, repair, remodeling or demolition of buildings and structures containing any
101 prohibited fuels.

102 “*Episode*” means when conditions reach **or are predicted to reach advisory or**
103 **alert status [PURSUANT TO THE TIERED RESPONSE LEVELS].**

104 “*Forecast*” means a description of the current dispersion conditions described as
105 good, fair, or poor and including the expected PM_{2.5} concentrations expressed in
106 micrograms per cubic meter.

107 “Neighborhood Background level” means the current average PM_{2.5} level
108 measured in a neighborhood.

109 “Opacity” means the reduction in transmitted light through a column of smoke as
110 measured by an observer certified in using EPA Reference Method 9 as defined by
111 federal law.

112
113 Section 3. Section 8.21.020 **Borough listed appliances** shall be
114 amended as follows:

115 A[N] solid fuel burning appliance shall be listed by the borough if:

116 A. The solid fuel burning appliance is certified by the U.S. Environmental Protection
117 Agency as meeting the federal emissions [LIMIT STANDARD APPROPRIATE FOR
118 THAT *APPLIANCE* OR IN THE CASE OF *HYDRONIC HEATERS* IS AT LEAST
119 PHASE II QUALIFIED] rate of 2.5 grams of PM_{2.5} per hour or less **or for hydronic**

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120 **heaters, meets Phase II qualifications and has an annual average emission level**
121 **rating equal to or less than 0.10lbs/million BTU.** For purposes of this section,
122 “certified” means that the *solid fuel burning appliance* meets emission performance
123 standards when tested by an accredited independent laboratory and labeled according
124 to procedures specified by the EPA in 40 CFR 60 Subpart AAA; or
125 B. The *solid fuel burning appliance* is tested by an accredited independent
126 laboratory, or other qualified person or entity approved by the borough, establishing that
127 it meets the EPA emissions [LIMIT STANDARD APPROPRIATE FOR THAT
128 APPLIANCE OR AN EMISSIONS LIMIT STANDARD EQUIVALENT TO THAT OF A
129 LISTED APPLIANCE IN A SIMILAR CATEGORY] rate of 2.5 grams of PM_{2.5} per hour or
130 less or for hydronic heaters the appliance has an annual average emission level
131 rating equal to or less than 0.10lbs/million BTU.

132
133 Section 4. Section 8.21.025 **Prohibited acts** shall be amended as
134 follows:

135 [THE BOROUGH SHALL NOT, IN ANY WAY, REGULATE, PROHIBIT,
136 CURTAIL, NOR ISSUE FINES OR FEES ASSOCIATED WITH THE SALE,
137 DISTRIBUTION, OR OPERATION OF HEATING APPLIANCES OR ANY TYPE OF
138 COMBUSTIBLE FUEL.]

139 A. Installation of certain solid fuel burning appliances in the Air Quality Control
140 Zone [NON-ATTAINMENT AREA]. Within the Air Quality Control Zone [NON-
141 ATTAINMENT AREA], no person shall install or allow the installation of a solid fuel
142 burning appliance unless it is listed by the Borough as qualifying under this chapter and
143 the installation complies with all other requirements imposed in this chapter. It is a
144 separate violation to fail to remove a solid fuel burning appliance installed in violation of
145 this chapter.

146 B. All persons owning and selling their property within the Air Quality Control
147 Zone [NON-ATTAINMENT AREA] with an unlisted installed solid fuel burning
148 appliance that will not be removed before sale must, if the solid fuel burning

Comment [AB3]: Sattley conceptual amendment

Comment [AB4]: Sattley conceptual amendment

Comment [AB5]: Sattley conceptual amendment

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149 appliance was not listed by the Borough as qualifying at the time of installation,
150 provide a written disclosure to the buyer and to the Division prior to closing. [NO
151 PERSON SHALL SELL PROPERTY WITHIN THE NONATTAINMENT AREA WHICH
152 HAS A SOLID FUEL BURNING APPLIANCE INSTALLED ON THE PROPERTY
153 UNLESS THE SOLID FUEL BURNING APPLIANCE IS, OR WAS AT THE TIME OF
154 INSTALLATION, LISTED BY THE BOROUGH AS QUALIFYING UNDER THIS
155 CHAPTER AND THE INSTALLATION COMPLIES OR COMPLIED AT THE TIME OF
156 INSTALLATION WITH ALL OTHER REQUIREMENTS IMPOSED IN THIS CHAPTER.
157 PRIOR TO ANY CLOSING, ALL UNLISTED SOLID FUEL BURNING APPLIANCES
158 MUST BE PHYSICALLY REMOVED FROM THE PREMISES.]

Comment [AB6]: Dodge amendment, as amended.

159 C. Visible Emissions Standard in the Air Quality Control Zone [NON-
160 ATTAINMENT AREA].

Comment [AB7]: Sattley conceptual amendment

161 1. Standard. No person shall cause, permit, or allow the emission from a
162 solid fuel combustion burning appliance in the Air Quality Control Zone [NON-
163 ATTAINMENT AREA] to create opacity greater than 30 percent for a period or periods
164 aggregating more than 10 minutes in any hour except during the first 20 minutes after
165 the initial firing of a cold unit when the opacity limit shall be less than 50 percent.

Comment [AB8]: Sattley conceptual amendment

166 2. Procedures and Enforcement. Methods and procedures specified by the
167 EPA in 40 CFR 60 Appendix A reference method 9 (Visual determination of the Opacity
168 of Emissions From Stationary Sources) shall be used to determine compliance with this
169 section. Smoke visible from a chimney, flue or exhaust duct in excess of the opacity
170 standard for a period in excess of 30 minutes shall constitute prima facie evidence of
171 unlawful operation of an applicable solid fuel combustion appliance.

Comment [AB9]: Hutchison amendment

172 D. PM_{2.5} Emissions Crossing Property Lines. No person shall cause or permit
173 emissions from a solid fuel burning appliance to impact the resident(s) of a neighboring
174 property through the creation of an emissions plume that:

- 175 1. crosses a property line
176 2. is observable using EPA method 22 (40 CFR 60 Appendix A), and

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177 3. is 25ug/m³ greater than the surrounding neighborhood background PM_{2.5}
178 level using methods defined by the Borough Division of Air Quality.

179 E. Borough-Wide Installation Requirements for Hydronic Heaters.

180 1. Setback. Unless permitted by a variance, installing an approved pellet
181 burning device, or replacing an existing hydronic heater with a listed appliance,
182 no person shall install or allow the installation of a hydronic heater located less than:

183 a. 330 feet from the closest property line[.], or

184 b. 660 feet from a school, clinic, hospital, or senior housing unit.

185 2. Any hydronic heater installed in violation of this section shall be
186 immediately remedied or made inoperable and removed as soon as practicable;
187 however, in no case shall the time of removal be longer than [30] 180 days after notice
188 from the Division of a violation.

189 F. Prohibited Fuels.

190 No person shall burn in the Borough any fuel, except coal in an appliance
191 designed to use coal, which is not listed in the manufacturer's owner's manual as
192 an acceptable fuel for that device or any of the following items in a solid fuel burning
193 appliance:

194 1. Any wood that does not meet the definition of clean wood and [AFTER
195 FEBRUARY 1, 2015,] has more than 20% moisture content.

196 2. Garbage,

197 3. Tires,

198 4. Materials containing plastic or rubber,

199 5. Waste petroleum products,

200 6. Paints and paint thinners,

201 7. Chemicals,

202 8. Glossy or colored papers,

203 9. Construction and demolition debris,

204 10. Plywood,

205 11. Particleboard,

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206 12. Saltwater driftwood.

207 13. Manure.

208 14. Animal carcasses.

209 15. Asphalt products.

210 16. Flooring products.

211 G. Sales or Leasing of Solid Fuel Burning Appliances.

212 1. No person shall sell or lease a solid fuel burning appliance or barrel stove
213 kit in the borough that does not meet the emissions limits established in 8.21.020 A.
214 unless the buyer signs an affidavit, on a form prescribed by the Borough, that the
215 appliance will not be installed or used in the **Air Quality Control Zone [NON-**
216 **ATTAINMENT AREA]**. **This section does not apply to appliances or stoves that**
217 **transfer pursuant to a sale of property.**

Comment [AB10]: Sattley conceptual amendment

Comment [AB11]: Dodge amendment

218 2. No person shall commercially sell or offer for sale or lease a solid fuel
219 burning appliance in the borough unless the commercial seller or dealer provides the
220 prospective buyer or lessee, prior to any sales or lease agreement, with a written notice,
221 prepared or approved by the Division, that includes, but is not limited to, the following:

222 a. The fuel restrictions imposed in this chapter;

223 b. Proper installation, property location, operation, and maintenance
224 of the appliance;

225 c. An advisory statement noting that operation of solid fuel burning
226 appliances may not be appropriate in some areas due to terrain, meteorological
227 conditions, or other relevant conditions that render the operation of the appliance a
228 public nuisance or health hazard even though it is otherwise legally installed and
229 operated, and

230 3. The written notice required in this section shall be signed and dated by the
231 prospective buyer or lessee prior to purchase or lease to indicate receipt of the
232 notification requirements of this section.

233 4. The commercial dealer or seller shall mail or otherwise provide a copy of
234 the notice, any required affidavit, to the Division within thirty days of the sale. All

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235 commercial dealers or sellers shall also include with the notice documentation showing
236 whether the appliance sold or leased meets the Borough's emissions standard.

237 H. Nuisance. No person shall cause or allow emissions of a solid fuel or waste oil
238 burning appliance that are injurious to human life or to property or that unreasonably
239 interfere with the comfortable enjoyment of life or property. No person shall operate a
240 solid fuel or waste oil burning appliance in a manner so as to create a public or private
241 nuisance. A violation of a provision of this chapter is hereby declared to be a nuisance.

242 I. Other laws. Nothing in this section precludes other local jurisdictions from having
243 more restrictive codes.

244
245 Section 5. Section 8.21.040, **Forecasting exceedances and voluntary**
246 **restrictions in the non-attainment area during an alert**, shall be amended as follows:

247 **8.21.040 Forecasting exceedances and [VOLUNTARY] restrictions in the Air**
248 **Quality Control Zone [NON-ATTAINMENT AREA] during an alert**

249 A. During the winter months of October through March, the Borough shall issue a
250 daily $PM_{2.5}$ forecast [at] by 4:30 p.m. [MONDAY THROUGH FRIDAY]. When the $PM_{2.5}$
251 concentration reaches the onset level for an episode and is expected to remain at that
252 level for 12 hours or more, an alert or advisory will be declared. **An alert or advisory**
253 **may apply to the Air Quality Control Zone [NON-ATTAINMENT AREA] as a whole,**
254 **or to one or more sub-areas designated by the division.** Once an alert or advisory is
255 declared, $PM_{2.5}$ control measures set forth in this section shall be implemented and
256 continued until the alert or advisory is cancelled. There are three levels of episodes:
257 Stage 1, 2 and 3. **The obligations imposed in this sub-section do not require,**
258 **absent specific funding for that purpose, any actions to be taken outside of the**
259 **borough's normal business days and hours of operation.**

260 B. The Division will notify local media to ensure the declared alert or advisory is
261 broadcast. **The Division shall also use social media and methods of direct**
262 **communication such as text messages as feasible.** Information within the
263 notification will contain the $PM_{2.5}$ forecast, Stage level for areas, and actions required to

Comment [AB12]: Sattley conceptual amendment

Comment [AB13]: Sattley conceptual amendment

Comment [AB14]: Davies amendment

Comment [AB15]: Davies (Mayor's) amendment

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264 reduce sources of PM_{2.5}. **The obligations imposed in this sub-section do not**
265 **require, absent specific funding for that purpose, any actions to be taken outside**
266 **of the borough's normal business days and hours of operation.**

Comment [AB16]: Davies (Mayor's) amendment

267 C. Stage 1: Voluntary Restrictions in the **Air Quality Control Zone [NON-**
268 **ATTAINMENT AREA]** During an [ALERT] Advisory.

Comment [AB17]: Sattley conceptual amendment

269 1. A Stage 1 air advisory is **implemented when concentrations exceed or**
270 **are forecasted to exceed [TRIGGERED AT] 25ug/m³.**

271 2. Residents shall be requested to voluntarily stop operation of solid fuel
272 **[BURNING APPLIANCES], pellet [STOVES], and waste oil burning appliances, [AND]**
273 **as well as masonry heaters and all outdoor burning that includes recreational fires**
274 **such as bonfires, campfires and the use of fire pits, non-permitted incinerators**
275 **and burn barrels** in the **Air Quality Control Zone [NON-ATTAINMENT AREA]**.

Comment [AB18]: Sattley conceptual amendment

276 [2. THE DIVISION WILL NOTIFY LOCAL MEDIA TO ENSURE THE
277 DECLARED ALERT IS BROADCAST. INFORMATION WITHIN THE NOTIFICATION
278 WILL CONTAIN THE PM FORECAST AND PROCEDURES TO REDUCE SOURCES
279 OF PM.]

280 D. Stage 2: Required Restrictions in the **Air Quality Control Zone [NON-**
281 **ATTAINMENT AREA]** During an Alert

Comment [AB19]: Sattley conceptual amendment

282 1. A Stage 2 air alert is **implemented when concentrations exceed or are**
283 **forecasted to exceed [TRIGGERED AT] 35ug/m³.**

284 **[2. A STAGE 2 AIR ALERT MAY BE IN THE AIR QUALITY CONTROL**
285 **ZONE [NON-ATTAINMENT AREA] AS A WHOLE OR IN SPECIFIED**
286 **NEIGHBORHOODS.]**

Comment [AB20]: Sattley conceptual amendment

Comment [AB21]: Davies amendment

287 **2 [3]. Burning is permitted in all borough listed appliances. No fuel source may**
288 **be added to the combustions chamber or firebox of any [OTHER] non-listed solid**
289 **fuel burning appliance or waste oil burning appliance. No waste oil may be added to a**
290 **waste oil burning appliance.** Residents should rely instead on their home's alternate,
291 **cleaner source of heat (such as a gas or fuel oil fired furnace[,] or boiler or electric**
292 **baseboard heaters) until the Stage 2 air alert is cancelled.**

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293 **3 [4]. If a building owner [HOMEOWNER] or other person with a property or**
294 **managerial interest in the building** has an approved “No Other Adequate Source of
295 Heat” designation, the **building owner [HOMEOWNER]** is exempted from complying
296 with the Stage 2 air alert restrictions **for that building.**

Comment [AB22]: Roberts amendment

297 **4 [5]. Outdoor burning is prohibited. This includes recreational fires such as**
298 **bonfires, campfires and the use of fire pits, non-permitted incinerators and burn**
299 **barrels.**

300 **5 [6]. These restrictions shall not apply during a power failure.**

301 E. Stage 3: Required Restrictions in the **Air Quality Control Zone [NON-**
302 **ATTAINMENT AREA]** During an Alert.

Comment [AB23]: Sattley conceptual amendment

303 1. **A Stage 3 air alert is implemented when concentrations exceed or are**
304 **forecasted to exceed [TRIGGERED AT] 75ug/m³.**

305 **[2. A STAGE 3 AIR ALERT MAY BE IN THE AIR QUALITY CONTROL**
306 **ZONE [NON-ATTAINMENT AREA] AS A WHOLE OR IN SPECIFIED**
307 **NEIGHBORHOODS]**

Comment [AB24]: Sattley conceptual amendment

Comment [AB25]: Davies amendment

308 **2 [3]. No fuel source may be added to the combustions chamber or firebox**
309 **of any solid fuel burning appliances, masonry heaters, pellet fuel burning appliances,**
310 **cook stoves, fireplaces, or waste oil burning appliances. No waste oil may be added**
311 **to a waste oil burning appliance. Residents should rely instead on their home’s**
312 **alternate, cleaner source of heat (such as a furnace, boiler or electric baseboard**
313 **heaters) the Stage 3 air alert is cancelled.**

314 **3 [4]. If a building owner [HOMEOWNER] or other person with a property or**
315 **managerial interest in the building has [A PREVIOUSLY] an approved “No Other**
316 **Adequate Source of Heat” designation the building owner [HOMEOWNER] is**
317 **exempted from complying with the Stage 3 air alert restrictions for that building.**

Comment [AB26]: Roberts amendment

318 **4 [5]. Outdoor burning is prohibited. This includes recreational fires such as**
319 **bonfires, campfires and the use of fire pits, non-permitted incinerators and burn**
320 **barrels.**

321 **5 [6]. These restrictions shall not apply during a power failure.**

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323 Section 6. FNSB 2.48.120 **Powers and duties** of the Air Pollution Control
324 Commission are amended to add the following section:

325 H. After a public hearing, the commission shall determine whether a person may
326 receive a variance from the installation requirements of FNSB 8.21.020 E allowing them
327 to install a hydronic heater. In determining whether to grant the variance, the
328 commission shall consider the proposed location of the appliance, impact on
329 surrounding neighborhood, emission levels of the appliance, terrain, meteorological
330 conditions, and other relevant conditions that may render the operation of the appliance
331 at that location a nuisance or a health hazard.

332
333 Section 7. A new section, Section 8.21.043, **No other adequate source**
334 **of heat determination**, shall be added as follows:

335 A. A [HOME] building-owner or other person with a property or managerial
336 interest in the building may obtain a “No Other Adequate Source of Heat”
337 determination from the Division if:

338 1. The [HOME] building-owner(s) or other person with a property or
339 managerial interest in the building [MUST] applies[Y] with the Division on a form
340 developed by the Division.

341 2. The [HOME] building-owner(s) or other person with a property or
342 managerial interest in the building [MUST] files an affidavit with the application that
343 the subject structure [IS A RESIDENCE] must be heated and the structure has no
344 adequate heating source without using a solid fuel burning appliance or that economic
345 hardships require the applicant’s use of a solid fuel burning appliance.

346 B. There shall be no fee for applying for or obtaining a determination.

347 C. It shall be a violation to submit a false affidavit for a “no other adequate source of
348 heat” determination.

Comment [AB27]: Roberts amendment

Comment [AB28]: Roberts amendment

Comment [AB29]: Roberts amendment

Comment [AB30]: Roberts amendment

Comment [AB31]: Roberts amendment

Comment [AB32]: Davies amendment

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349 D. If the “no other adequate source of heat” appliance does not meet the standards
 350 set in this chapter, the Division shall provide the applicant with information concerning
 351 the borough’s voluntary removal, replacement and repair program.

352 E. Applications denied by the division may be appealed to the Air Pollution Control
 353 Commission.

354
 355 Section 8. FNSB 1.04.050 **Fine schedule** is amended to add the
 356 following:

<u>Code Section</u>	<u>Offense</u>	<u>Penalty/Fine</u>	<u>Mandatory Warning Required</u>
8.21.025(A)	Installation of an unlisted appliance	\$500.00	No
8.21.025(A)	Failure to remove an unlisted appliance	\$500.00	Yes
8.21.025(B)	Failure to disclose [REMOVE] an unlisted appliance before sale	\$500.00 \$1000.00	No
8.21.025(C)	Violation of visible emissions standard 1 st offense	\$100.00	Yes
8.21.025(C)	Violation of visible emissions standard 2 nd offense	\$500.00	No
8.21.025(D)	Emissions crossing property lines 1 st offense	\$500.00	Yes
8.21.025(D)	Emissions crossing property lines 2 nd offense	\$1000.00	No
8.21.025(E)	Illegal installation of hydronic heaters	\$500.00	No
8.21.025(E)	Failure to remove hydronic heaters	\$500.00	No
8.21.025(F)	Use of prohibited fuels--1 st offense	\$100.00	Yes
8.21.025(F)	Use of prohibited fuels--2 nd offense	\$500.00	No

Comment [AB33]: Davies amendment
 Comment [AB34]: Davies amendment

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8.21.025(G)	<u>Violation of commercial sale requirements</u>	<u>\$500.00</u>	<u>No</u>
8.21.040(D)	<u>Violation of a stage 2 air [ADVISORY] alert restriction</u>	<u>\$500.00</u>	<u>Yes</u>
8.21.040(D)	<u>Violation of a stage 3 air [ADVISORY] alert restriction</u>	<u>\$1000.00</u>	<u>Yes</u>
8.21.043	<u>Filing a false affidavit</u>	<u>\$500.00</u>	<u>No</u>

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Section 9. Effective Date. Except for FNSBC 8.21.025 G (Commercial Sales) which shall be effective 30 days after adoption, **and FNSBC 8.21.025 B (sale of property) which shall be effective on May 1st, 2015.** this ordinance shall be effective at 5:00 pm on the first Borough business day following its adoption and shall have only prospective application, meaning no provision shall apply to any act, including installation or purchase of a solid fuel appliance completed prior to the effective date.

PASSED AND APPROVED THIS ____ DAY OF _____, 2015.

Karl Kassel
Presiding Officer

ATTEST:

APPROVED:

Nanci Ashford-Bingham, MMC
Borough Municipal Clerk

A. René Broker
Borough Attorney

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