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Dept. of Environmental Conservation  
Air Quality Section

Presented by: The Manager  
Introduced: 12/16/91  
Drafted by: J.R.C./S.B.G.

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 91-52

AN ORDINANCE AMENDING THE WOODSMOKE CONTROL CODE TO LOWER THE PARTICULATE COUNT THRESHOLD FOR DECLARING AIR ALERTS, TO AUTHORIZE THE MANAGER TO DECLARE AN AIR ALERT ACCORDING TO CERTAIN QUALITATIVE CRITERIA, TO PROVIDE FOR THE EXPIRATION OF ALL EXISTING CLASS I PERMITS ON JULY 1, 1997, TO TERMINATE THE MANAGER'S AUTHORITY TO ISSUE NEW CLASS I PERMITS, AND TO PROHIBIT THE BURNING IN WOODSTOVES OF SUBSTANCES OTHER THAN PAPER, CARDBOARD AND UNTREATED WOOD.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

\* Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the city and borough code.

\* Section 2. Amendment of Section. CBJ 36.40.030(a) is amended to read:

(a) "Solid fuel-fired heating device" or "device" means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes solid fuel-fired stoves, fireplaces, solid fuel-fired cooking stoves and combination fuel furnaces or boilers which burn solid fuel, but does not include stoves, fireplaces, furnaces, or boilers designed and used exclusively for the combustion of wood pellets having a maximum length of one inch in any dimension.

\* Section 3. Amendment of Section. CBJ 36.40.040 is amended to read:

36.40.040 AIR POLLUTION ALERTS AND EMERGENCIES. (a) For the purposes of this section, the manager shall declare an air pollution alert to be in effect whenever the ambient concentration of particulate matter 10 micrometers and less in diameter (Pm-10) within the air pollution zone equals or exceeds 75 micrograms per cubic meter (ug/m3) averaged over a twenty-four hour period and will remain at or above 75 ug/m3 if an alert is not called. The manager may call an alert whenever available scientific and meteorological data indicate that the ambient concentration of Pm-10 within a smoke hazard

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area can reasonably be expected to equal or exceed 75 ug/m<sup>3</sup> averaged over a twenty-four hour period. When, in the opinion of the manager, meteorological and scientific data indicate that the type of particulate measured is not hazardous, the limit may be adjusted. The manager may call an alert upon a finding that smoke conditions are, or are likely to become, a danger to health or generally objectionable to persons in a smoke hazard area.

(b) Within a smoke hazard area, no person may operate a solid fuel fired heating device during an air pollution alert declared by the manager pursuant to Section 36.40.040(a) unless a Class I permit was issued for that device at that location pursuant to Section 36.40.050 on or before February 5, 1992.

(c) Within a smoke hazard area, no person owning, operating, or in control of a solid fuel fired heating device for which a Class I permit has been issued shall cause, allow, or discharge for a period or periods in excess of twenty minutes in any four hour period, visible emissions which reduce visibility through the exhaust plume by 10 percent or greater from such device during an air pollution alert declared by the manager pursuant to Section 36.40.040(a).

(d) In the event that the manager declares an alert and the average Pm-10 concentrations nevertheless appear likely to continue to exceed 75 ug/m<sup>3</sup>, the manager may declare an air emergency during which the use of all solid fuel fired heating devices is prohibited, including those for which a Class I permit has been issued.

(e) Notice of an air pollution alert or an air pollution emergency is adequate if published in a newspaper of general circulation within the city and borough, or if given orally at least three times during a six hour period by at least two radio stations operating within the city and borough, or if made available to the general public in the form of a recorded telephone message the telephone number for which is published in the telephone directory or newspaper of general circulation within the city and borough. The prohibition shall be effective from the earlier of the time stated in the notice, six p.m. of the day the notice is published in a newspaper, the time the last required announcement of the notice is given by radio, or two hours after the time the recorded message is first made available by telephone.

(f) Notwithstanding the provisions of subsections (b) and (d) of this section, solid fuel fired heating devices may be used at any location during a loss of electrical power service to that location. Use of the device may commence no sooner than two hours after the loss of electrical service and shall be terminated as soon as practicable after reestablishment of service.

\* Section 4. Amendment of Section. CBJ 36.40.050 is amended to read:

36.40.050 EXPIRATION AND RELOCATION OF CLASS I PERMITS.

(a) No class I permit may be issued for a solid fuel fired heating device after February 5, 1992.

(b) Class I permits issued on or before February 5, 1992, shall expire no later than July 1, 1997. They shall not be transferable from place to place without reapplication. When the permitted device is repermited the manager may require information to determine if the relocated woodstove remains capable of meeting emission requirements. The manager may require evidence that any non-durable parts have been recently replaced. The holder of a class I permit shall allow an inspection of the device before the device is repermited. Class I permits are eligible for renewal as long as the woodstove continues to meet the emission standard in effect at the time the permit was originally issued, but no renewal shall be valid past July 1, 1997.

\* Section 5. Amendment of Section. CBJ 36.40.080 is amended to read:

36.40.080 SOLID FUEL COMBUSTION AND SMOKE EMISSION STANDARDS. (a) No person shall use a solid fuel-fired heating device for the combustion of any material other than paper, cardboard, or untreated wood.

(b) No person may operate a solid fuel-fired heating device in such a manner that visible emissions reduce visibility through the exhaust effluent by fifty percent or greater for more than fifteen minutes in any one hour as determined by a test conducted in substantial compliance with the regulations applicable to the visual determination of stationary source emission opacity promulgated at 40 CFR 60, Appendix A, by the United States Environmental Protection Agency; provided, and notwithstanding any contrary provisions in the regulation, opacity observation shall be made at the point of greatest opacity in any portion of the emissions

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plume without regard to the presence or absence of condensed water vapor. The provisions of section 36.40.040 shall apply to the operation of class I devices during air pollution alerts.

\* Section 6. Effective Date. This ordinance shall be effective thirty days after its adoption.

Adopted this 6th day of January, 1992.

  
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Mayor

Attest:

  
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Clerk