

FAIRBANKS NORTH STAR BOROUGH
AIR POLLUTION CONTROL COMMISSION

MINUTES
April 17, 2018

A quasi-judicial hearing of the Fairbanks North Star Borough Air Pollution Control Commission was held in the Mona Lisa Drexler Assembly Chambers, Juanita Helms Administration Center, 907 Terminal Street, Fairbanks, Alaska. The meeting was called to order at 6:00 p.m. by Kathleen Hook, Chair.

A. ROLL CALL

MEMBERS PRESENT: Larry Duffy, Maegan Weltzin, Catherine Cahill, Michael Pollen, Kent Severns, Kathleen Hook

MEMBERS ABSENT (note if excused): Thomas Douglas, excused,

Ex-Officio member: Assemblymember Christopher Quist, absent.

OTHERS PRESENT: Air Quality Staff: Glenn Miller, Nick Czarnecki, Todd Thompson. Borough Legal: Noah Klein

B. MESSAGES

Citizen's Comments on items not on the agenda, limited to 3 minutes:

Mike Prax – resident of the Borough, speaks to finding ways of helping clean up the air quality in North Pole, getting more information out. Speaks to “regulatory flexibility act,” which explains that regulations don't impose a significant burden on small businesses, homes and small communities.

Jeanne Olson – resident of the Borough, speaks to the process of quasi-judicial hearings and who is considered an interests person when it comes to air quality matters.

Olson continued – Speaks on the issue of backsliding, relating to relaxing of air quality regulations, talks about issue of ESP units and backsliding.

Jimmie Fox – resident of the Borough, speaks on energy rating of homes.

C. APPROVAL OF AGENDA

Motion to approve the agenda, carried without objection.

D. **MINUTES**

Minutes from March 20, 2018, motion to approve minutes. Correction to spelling of Ron Muir's last name, spelled wrong in 2 places. Noted, minutes approved with amended name spelling correction, carried without objection.

E. **QUASI-JUDICIAL HEARING**

Disclosure and statement of conflict: Commissioner Hook declared she had an ex-parte communication that has led to a potential bias, and requested a ruling from the Vice-Chair Commissioner Cahill. Vice-Chair Commissioner Cahill ruled a conflict of interest due to ex-parte communication, with no objection from the commission, and directed Commissioner Hook to excuse herself from the quasi-judicial hearing procedures. Commissioner Hook left the dias, and Commissioner Cahill assumed Chair.

1. **NOASH Variance 2018-003:** A request by Ray Collins for use approval of 1 non-borough listed solid fuel burning appliance in the Fairbanks area of the air quality control zone during air quality Stage 1 and Stage 2 burn restrictions, located at 3170 College Road, Fairbanks.

Interested parties:

-Applicant – Ray Collins

-Air Quality Staff – Nick Czarnecki, Todd Thompson, Glenn Miller

OATH ADMINISTERED

Air Quality Staff Report: Nick Czarnecki, Air Quality Manager, presented the staff report. Based on the staff analysis, the Department of Transportation, Air Quality Division, recommended denial of NOASH Variance 2018-003. Mr. Czarnecki answers questions from commissioners. Mr. Czarnecki answers questions from applicant.

Applicant Testimony: Mr. Collins, (NOASH variance applicant), gives testimony. Explains how rising oil prices pushed him to change from expensive oil to coal which is much less expensive and has more stable prices. Explains how he passes the savings of using coal on to his tenants. Explains that oil fired heat produces 100 times the pollution as coal. Stated that the old oil boiler was removed when they added the coal boiler, and that coal is the sole source of heat. Mr. Collins provides a maintenance log for the coal boiler. The coal boiler is auger fed.

Mr. Collins answers questions from the commissioners.

Mr. Collins answers questions from air quality staff.

Interested Person Testimony

John Buehler, (determined to be an interested person), resident of Fairbanks, lives in applicant's apartment building heated by the coal boiler, testified as to his personal

financial situation, and that he supports the coal boiler, as it helps keep rent prices low.

Mr. Buehler answers question from commission.

Frances Collins, (determined to be an interested person), resident of Fairbanks, wife of applicant, testified to there is a gap in coal fired EPA certified heating appliances for medium sized apartment complexes such as theirs, and the coal boilers they found fit the BTU size they needed.

Mrs. Collins answers question from AQ staff.

Joan Franz, (determined not to be an interested person).

Applicant Rebuttal

NONE

MOTION: To deny the NOASH Variance 2018-003 for use of 1 non-borough listed appliance, by **Mr. Pollen** and seconded by **Ms. Weltzin**.

MOTION to amend: To amend the Motion, to **add findings:** There is not substantial evidence to grant the variance because PM2.5 emissions from this device cause and/or contribute to a nuisance and/or health hazard, due to small lot size, proximity to neighbors, and the number of complaints that have been filed., by **Mr. Pollen** and seconded by **Mr. Duffy**.

ROLL CALL (Motion to Amend Motion and add findings):

(5) in Favor: Severns, Duffy, Pollen, Weltzin, Cahill

(0) Opposed: none

MOTION to amend PASSED

ROLL CALL (Main Motion):

(5) in Favor: Pollen, Duffy, Weltzin, Severns, Cahill

(0) Opposed: None

MOTION PASSED

Findings of Fact for Denial

1. Small lot size
2. Proximity to neighbors
3. Number of complaints that have been filed.

2. **NOASH Variance 2018-004:** A request by Ray Collins on behalf of Frosty's Apartments, LLC, for use approval of 1 non-borough listed solid fuel burning appliance in the North Pole area of the air quality control zone during air quality Stage 1 and Stage 2 burn restrictions, at 307 W Fifth Ave, North Pole.

Interested parties:

-Applicant – Ray Collins

-Air Quality Staff – Nick Czarnecki, Todd Thompson, Glenn Miller

OATH ADMINISTERED

Applicant Testimony: Mr. Collins, (NOASH variance applicant), gives testimony. Explains how rising oil prices pushed him to change from expensive oil to coal which is much less expensive and has more stable prices. Explains how he passes the savings of using coal on to his tenants. Explains that oil fired heat produces 100 times the pollution as coal. Stated that the old oil boiler was removed when they added the coal boiler, and that coal is the sole source of heat. Mr. Collins provides a maintenance log for the coal boiler. The coal boiler is auger fed.

-Mr. Collins answers questions from the commissioners.

-Mr. Collins answers questions from air quality staff.

Air Quality Staff Report: Nick Czarnecki, Air Quality Manager, presented the staff report. Based on the staff analysis, the Department of Transportation, Air Quality Division, recommended denial of NOASH Variance 2018-004.

-Mr. Czarnecki answers questions from commissioners.

-Mr. Czarnecki answers questions from applicant.

Interested Person Testimony:

Xylona Darane, (determined to be an interested person), resident of the borough, lives in applicant's apartment building heated by the coal boiler, in support of passing the variance, concerned that if the variance is not allowed, the rent will go up and would force her to be homeless and undue hardships.

Ms. Darane answers questions from air quality staff.

Ms. Darane answers questions from applicant.

Patrice Lee, (determined not to be an interested person).

Applicant rebuttal: NONE

MOTION: To deny the NOASH Variance 2018-004 for use of 1 non-borough listed appliance, by **Ms. Weltzin** and seconded by **Mr. Duffy**.

MOTION to amend: Add to main motion- "due to small lot size, and proximity to neighbors, particularly sensitive receptors." By **Mr. Pollen** and seconded by **Mr. Duffy**.

ROLL CALL (Motion to amend main motion):

(5) in Favor: Pollen, Duffy, Weltzin, Severns, Cahill

(0) Opposed:

MOTION to amend PASSED

ROLL CALL (Main Motion):

(4) in Favor: Pollen, Duffy, Weltzin, Cahill

(1) Opposed: Severns

MOTION PASSED

Findings of Fact for Denial

4. Small lot size
5. Proximity to neighbors, particularly sensitive receptors

(Commissioner Hook resumes Chair)

3. COMMISSIONER'S COMMENTS/COMMUNICATIONS

Chairperson's Comments

Ms. Hook – It was a tough night, appreciates everyone's effort, the staff, Mr. Collins, interested parties, thank you. The next meeting is August 21st, look for the Borough Clear the Air Conference at end of September.

Commissioner's Comments

Mr. Duffy – There has to be, at the Assembly level, a better understating of writing ordinances and providing definitions that are clear so the public can understand what is going on here. It seems like we can only make decision on a couple of criteria.

Mr. Pollen – Thanks the applicant for the two very thoughtful applications that they made, and that he took no pleasure on the decisions that were made tonight, it was tough on everyone.

Ms. Cahill – None

Ms. Weltzin – None

Mr. Severns – None

4. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:06 p.m.

With my signature, I certify the accuracy and completeness of the minutes above.



Commissioner Hook, Chair, FNSB Air Pollution Control Commission

DATE: 8/22/18