

FAIRBANKS NORTH STAR BOROUGH  
AIR POLLUTION CONTROL COMMISSION

**MINUTES**  
**March 20, 2018**

A quasi-judicial hearing of the Fairbanks North Star Borough Air Pollution Control Commission was held in the Mona Lliisa 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 Christopher Quist

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

**B. MESSAGES**

Citizen's Comments – None

Disclosure & Statement of Conflict of Interest – None

**C. APPROVAL OF AGENDA**

Motion to approve the agenda made by Mr. Pollen and seconded by Ms. Cahill. Carried without objection.

**D. MINUTES**

Minutes from February 6, 2018, approved , carried without objection.

**E. QUASI-JUDICIAL HEARING**

Disclosure and statement of conflict: Mr. Pollen declared he had a business relationship with applicant 20 years ago. Chair ruled there is no conflict.

Disclosure and statement of ex- parte contact: Ms. Hook disclosed she received an email from Patrice Lee regarding the NOASH Variance, she indicated it would not sway her decision. Vice Chair Ms. Cahill ruled no conflict.

1. **NOASH Variance 2018-001:** A request by Mark Sanford, DBA Interior Investment Group LLC, for use approval of 3 non-borough listed solid fuel burning appliances in the North Pole area of the air quality control zone during air quality Stage 1 and Stage 2 burn restrictions, on the North Portion of Lot 10 Section 6 2S 2E and TL606 Section 6 T2S-R2E, (located at 2348 Richardson HWY, between Fairbanks and North Pole).

Interested parties:

Applicant – Mark Sanford

Applicant Witness – Ron Muri *Muri*

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

### OATH ADMINISTERED

#### Applicant Testimony

Mark Sanford, (NOASH variance applicant), gives testimony. Explains reasons why they should be able to use the non-borough listed coal boiler appliances during stage 1 and stage 2 burn restrictions. One of the main points Mr. Sanford points out is that the Borough had previously deemed these particular coal boilers to be approved Borough devices, then Borough regulations changed and the coal boilers are now no longer on the approved list. Answers questions from the commission. Answers questions from staff.

Applicant Witness: Ron *Muri* explains annual average emissions rate in grams per hour and in lb/MMBtu, in chart that the APCC has, explaining how he thinks the coal boiler in question meets the standards set by the Borough. Answers questions from commission pertaining to the coal boilers. Answers questions from staff.

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 2018-001. Nick answers questions from commissioners. Nick answers questions from applicant.

#### Interested Person Testimony

NONE

#### Applicant Rebuttal

NONE

**MOTION:** To approve the NOASH Variance 2018-001 for use of 3 non-borough listed appliances with 2 findings and 1 condition, by **Ms. Cahill** and seconded by **Mr. Severns**.

**MOTION:** To amend the Motion to **add a condition** to require mechanical modification to bring into compliance by 12/31/2018, by **Mr. Pollen** and seconded by **Mr. Duffy**.

**ROLL CALL (Motion to Amend Motion and add a condition):**

- (5) in Favor: Pollen, Cahill, Weltzin, Severns, Duffy
- (1) Opposed: Hook

**MOTION PASSED**

**MOTION:** To amend the amendment to add "work with Borough staff," by **Ms. Weltzin** and seconded by **Mr. Severns**.

**ROLL CALL (Motion to Amend Motion):**

- (6) in Favor: Pollen, Cahill, Weltzin, Severns, Duffy, Hook
- (0) Opposed:

**MOTION PASSED**

**MOTION:** To amend the second finding to add "testing indicates," by **Mr. Severns** and seconded by **Mr. Pollen**.

**ROLL CALL (Motion to Amend second finding):**

- (6) in Favor: Pollen, Cahill, Weltzin, Severns, Duffy, Hook
- (0) Opposed:

**MOTION PASSED**

**ROLL CALL (Main Motion):**

- (5) in Favor: Pollen, Cahill, Weltzin, Severns, Duffy
- (1) Opposed: Hook

**MOTION PASSED**

Conditions for Approval (if applicable)

1. Require the applicant works with Borough staff to propose mechanical modifications to existing systems to meet the Significant Impact Level (SIL) at property boundary by 12/31/18.

Findings of Fact for Approval

1. Applicant has invested significant financial resources in the solid fuel burning devices and replacing the devices is cost prohibitive.
2. The testing indicates that the solid fuel burning devices emit at levels lower than current emissions levels for a hydronic heater but due to a lack of current EPA testing procedures for these devices the EPA certification requirement cannot be met.

2. **NOASH Variance 2018-002:** A request by Mark Sanford, 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, on Lot 3 Sanford Estates 2006-184, (located at 2249 Keeney Road, North Pole).

Applicant Mark Sanford requests to withdraw NOASH Variance 2018-002.

**MOTION:** To accept Mr. Sanford's request to withdraw NOASH Variance 2018-002, by **Mr. Pollen** and seconded by **Ms. Cahill**.

**ROLL CALL (Main Motion):**

- (6) in Favor: Pollen, Cahill, Weltzin, Severns, Duffy, Hook  
(0) Opposed:

**MOTION PASSED**

**F. COMMISSIONER'S COMMENTS/COMMUNICATIONS**

Chairperson's Comments

Ms. Hook – Thanks everyone for facilitating our first quasi-judicial meeting, we have a solid process here that is defensible. Next meeting is April 17<sup>th</sup>. Borough staff is starting to schedule the Air Quality Conference for the end of September.

Commissioner's Comments

Mr. Duffy – Speaks that tonight's results should be communicated to the Assembly concerning SIP related ideas like ESP's, and how changing the stack height might impact private homes, flexibility.

Mr. Pollen – Being the first quasi-judicial hearing, thanks the applicant, thanks staff, the borough attorney, this was a learning curve for everyone and hopefully a good outcome.

Ms. Cahill – Thanks everyone for being thoughtful and considerate, these issues are not easy, and we are dealing with a major challenge here at the borough, and really appreciates the time and effort people put in to understand the issues.

Ms. Weltzin – Thanks everyone for everyone here tonight, and the efforts the applicant for trying to make sure their device is reasonable and within levels.

Mr. Severns – The more data we get on specific people not burning cleanly means so much more to me than people who were burning when they weren't supposed to.

**G. ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:45 p.m.

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

  
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Commissioner Hook, Chair, FNSB Air Pollution Control Commission

DATE: 4/17/10