

**SUBJECT:** A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH AUTHORIZING THE BOROUGH MANAGER TO ENTER INTO AN UPDATED MEMORANDUM OF UNDERSTANDING WITH THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR AIR QUALITY COORDINATION.

**AGENDA OF:** January 16, 2018

**ASSEMBLY ACTION:**

*Defeated with Assembly member  
Seykes in support. 1-16-18*

**MANAGER RECOMMENDATION:** Present to Assembly for Consideration.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:** \_\_\_\_\_

Route To:	Department/Individual	Initials	Remarks
	Originator	BB	
	Planning and Land Use Director	EP	
	Borough Attorney	AS	
	Borough Clerk	<i>[Signature]</i>	1/8/18 <i>[Signature]</i>

**ATTACHMENT (S):** Resolution Serial No. 18-004 (2 pp)  
Proposed Memorandum of Understanding (5 pp)  
Current Memorandum of Understanding (3 pp)  
Fiscal Note ☐ Yes ☒ No

**SUMMARY STATEMENT:** The Matanuska-Susitna Borough (Borough) has had an air quality program in collaboration with the Alaska Department of Environmental Conservation since 1998 to protect public health, safety and the environment. As part of the program, DEC maintains air quality monitoring stations in Palmer and the Butte that measure wind-born dust (PM 10) and particulates associated with wood smoke (PM 2.5).

In 2006, the Borough entered into a Memorandum of Understanding (MOU) with DEC to develop a cooperative process for conducting air monitoring and issuing air quality advisories in the Mat-Su Valley. Under this MOU, the Borough issues air quality advisories to the

public in response to heightened air pollution levels as measured by the DEC monitoring stations.

Starting in 2014, air quality in the Butte has exceeded national standards for PM 2.5 primarily as a result of wood burning during cold, still air days. The EPA has warned that the Borough is not complying with federal law and if air quality continues to exceed the federal standards the entire Borough is at risk of being designated a non-attainment area and will face mandatory federal regulations imposed by EPA through DEC. Communities that are declared non-attainment areas are required to take steps through planning, regulations, and enforcement to reduce air pollution levels and may have federal highway funding reduced.

The 2006 MOU does not grant broad powers to the Borough to create or manage local air quality programs. The Borough's power to enact air quality legislation is specifically limited to the provisions set forth in the MOU between the Borough and DEC.

In the updated Memorandum of Understanding, the Borough agrees to continue to provide forecasts of air quality for PM 2.5 and PM 10 with daily updates during periods of poor air quality. The Borough will initiate efforts to reduce PM 2.5 air quality levels to maintain healthy standards through reasonable, cost-effective strategies. Outdoor open burning ordinances or requirements may be implemented. The Borough will take the lead in developing local control programs and conducting public outreach activities.

DEC will continue to operate and maintain the monitoring stations and assist the Borough with air quality advisories. DEC will continue to be responsible for issuing approvals of open burning of materials from Fire Service training, land clearing operations of 40 acres or more and petroleum based materials. DEC will assist the Borough with public outreach activities and provide technical assistance related to state and federal requirements.

#### **COMPLIANCE WITH BOROUGH COMPREHENSIVE PLAN**

The Borough's Comprehensive Development Plan, 2005 Update, identifies the goal (T2) to Protect and enhance the Borough's natural resources including watersheds, groundwater supplies and air quality and policy T2-1 states: Identify and implement techniques and incentives that improve air quality, reduce non-point water pollution, and improve fuel efficiency.

#### **RECOMMENDATION OF ADMINISTRATION:**

Staff respectfully recommends the Assembly authorize the Borough Manager to enter into the updated Memorandum of Understanding with the Alaska Department of Environmental Conservation for air pollution control.



**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
AND  
MATANUSKA-SUSITNA BOROUGH  
FOR  
AIR QUALITY COORDINATION**

I. Purpose

The purpose of this memorandum of understanding (MOU) is to clarify the joint responsibilities between the Alaska Department of Environmental Conservation (DEC) and the Matanuska-Susitna Borough (Borough) for air quality control and monitoring within the Borough with an emphasis on fine particulate matter (PM<sub>2.5</sub>) and coarse particulate matter (PM<sub>10</sub>). Both parties recognize that clear lines of responsibilities must be established and maintained to maximize the efficient utilization of available resources and to protect the public's health and safety to the greatest extent possible. Therefore, the two parties agree to enter into this MOU.

II. Ambient Air Monitoring/Air Quality Forecasting/Air Quality Alerts and Advisories

DEC will maintain and operate the network coarse particulate (PM<sub>10</sub>) and fine particulate (PM<sub>2.5</sub>) ambient air monitors to describe existing air quality conditions within the Borough. The Borough will issue PM<sub>2.5</sub> and PM<sub>10</sub> air quality alerts and advisories through the State Air Quality Advisory website and mailing list as well as through the Borough process. DEC will provide technical and back-up support for air quality advisories related to the ambient air monitoring network.

Close communication and cooperation between the agencies is necessary to share information on ambient air conditions to determine the need for issuing an air quality advisory, or declaring an air episode due to anthropogenic or natural events.

DEC will:

- operate and maintain the PM<sub>10</sub> and PM<sub>2.5</sub> ambient air and meteorological monitoring network as required in accordance with state and federal regulations, guidelines, and the yearly DEC/EPA Air Program work plan;

- conduct special air monitoring studies of criteria pollutants to identify/better define air quality problem areas, as necessary and as funding and staffing allow;

- send to the Borough copies of correspondence and applicable materials associated with air quality monitoring work performed by DEC within the Borough and air monitoring information received from EPA or other sources which may be of interest to the Borough;

notify the Borough as to reporting requirements, due dates, etc.;

conduct an annual monitoring network assessment and develop recommendations for any changes which may be necessary in coordination with the Borough and EPA;

coordinate with and assist the Borough on air quality alerts, advisories and forecasts, provide access to the State's Air Advisory web site for posting advisories, and assist the distribution of information to the public and interested parties;

provide training to Borough staff on the State's Air Advisory System and other forecasting tools;

provide and maintain a data acquisition system including a website for near real time data access and a database for data storage, review and submission of required monitoring data to EPA; and

issue, air quality alerts and advisories in back up capacity, if needed

The Borough will:

issue PM<sub>2.5</sub> and PM<sub>10</sub> forecasts to address air quality concerns. A daily forecast will be provided during periods of poor air quality. The forecast will be posted on the Borough's and State's web page and the Borough's phone system, including holiday and weekend projections made the previous workday, when appropriate; and

issue, as needed, air quality alerts and advisories for both PM<sub>10</sub> and PM<sub>2.5</sub> throughout the year.

### III. Air Quality Planning and Implementation

The Borough will initiate efforts to maintain the national ambient air quality standard (NAAQS) for fine particulate matter (PM<sub>2.5</sub>). This will include the study and possible implementation of reasonable, cost-effective strategies designed to reduce ambient air pollutant concentrations which will allow the Borough to maintain the PM<sub>2.5</sub> standard.

DEC will:

provide technical and administrative assistance to the Borough;

work with the Borough to develop additional programs that will:

- aid the Borough in maintaining the health based standard for PM<sub>2.5</sub> in the Butte area, subject to available funding; and
- assist the Borough in its dealings with EPA, particularly in the

development of additional strategies to reduce ambient air pollutant levels in the Butte area.

Assist and coordinate with the Borough on public outreach and education activities; and

Notify and consult with the Borough regarding any proposed state programs or regulations that could impact a local control program or activities within the Borough.

The Borough will:

increase its efforts to maintain the national ambient air quality standard for PM<sub>2.5</sub>;

implement reasonable and cost effective strategies that assist in mitigating PM<sub>2.5</sub> air pollution to include voluntary or incentive programs related to solid fuel burning devices;

assist DEC in any studies of PM<sub>2.5</sub> concentrations, and the resultant impact of PM<sub>2.5</sub> on the prospects for maintaining the PM<sub>2.5</sub> standards in the Borough, including potential use of new and innovative programs;

take the lead in collaboratively developing with DEC a PM<sub>2.5</sub> attainment plan should the area be unable to maintain the health based air quality PM<sub>2.5</sub> standard; and

Conduct public outreach and education for air quality health effects and other impacts and ways to mitigate air pollution.

#### IV. Open Burning

DEC will be responsible for issuing approvals for open burning of materials from Fire Service training, land clearing operations of 40 acres or greater per year, prescribed burning operations of 40 acres or greater per year, and for the open burning of petroleum-based materials or other materials that give off black smoke.

DEC will:

provide the Borough with copies of all open burning approvals issued by DEC for sites within the Borough; and

advise applicants to contact the Borough regarding any Borough Codes pertaining to open burning.

The Borough will:

advise DEC if the Borough re-establishes any open burning ordinances and permit procedures;

at its discretion establish open burning ordinances as efforts towards maintaining attainment of the PM2.5 standard, especially in the Butte area; and

include open burning prohibitions in its air quality advisories if determined to be appropriate to the air pollution event.

V. Complaint Response

DEC and the Borough will collaborate in the response, investigation, compliance assistance and enforcement stemming from public complaints regarding air pollution within the Borough.

VI. Notice/Project Contacts

For purposes of this agreement each agency will identify a project manager who will have overall responsibility for management of the agreement. The project managers may designate and identify in writing to the other agency, other staff with responsibility for implementing specific activities under this agreement.

For purposes of this agreement DEC's project manager is,  
Director, Division of Air Quality

For purposes of this agreement, the Borough's project manager is,  
Planning Director, Matanuska-Susitna Borough

All project work plans and approvals shall be submitted through the project managers designated in this section.

Parties agree to notify each other in writing of changes in project manager or activity managers within 10 days of change.

VII. It is mutually agreed:

1. that the Borough and DEC shall maintain staff to carry out the activities necessary to administer the air quality programs outlined in this agreement;
2. that amendments to this agreement may be proposed by either party and shall become effective upon approval of both parties.
3. that this MOU has no financial consideration at this point in time. If future



services are needed by either party requiring funding, an amendment to this MOU will be issued.

4. Nothing in this agreement shall be construed as obligating the Borough or DEC to expend any funds in excess of appropriations authorized by this MOU (none requested or authorized at this time).
5. Nothing in this agreement shall be construed as obligating the expenditure of any funds not authorized by the Matanuska-Susitna Borough Assembly.

VIII. Execution/Modification and Duration of Agreement

This agreement will be in effect upon signature by both parties until amended or revoked. The agreement may be terminated upon 30 days' written notice by either party.

Alaska Department of  
Environmental Conservation

Matanuska-Susitna Borough

By: \_\_\_\_\_  
Larry Hartig  
Commissioner

By: \_\_\_\_\_  
John Moosey  
Borough Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Nikolay Barkov  
DEC Finance Officer

Date: \_\_\_\_\_

**MAT-SU BOROUGH**  
**AND**  
**ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**MEMORANDUM OF UNDERSTANDING**  
**FOR**  
**AIR MONITORING IN THE MAT-SU VALLEY**

This memorandum of understanding (MOU) is made and entered into between the Alaska Department of Environmental Conservation, hereinafter referred to as DEC, and the Matanuska-Susitna Borough, hereinafter referred to as the Mat-Su Borough.

**PURPOSE AND OBJECTIVE**

This MOU was developed for the purpose and objective of developing a cooperative process for conducting air monitoring in the Mat-Su Valley to support an assessment of particulate matter due to natural and anthropogenic sources. This MOU identifies each party's responsibilities for ensuring that mutually agreeable and representative sites are chosen, equipment is installed in a timely manner, and power and phone access is available for monitoring equipment.

**RECITALS**

WHEREAS, the DEC believes it is in the best interest of the State of Alaska to form a cooperative partnership with the Mat-Su Borough to assess environmental concerns identified by all parties; and

WHEREAS, the DEC possesses expertise in air monitoring and desires to build capacity for conducting environmental assessments in Alaskan communities; and

WHEREAS, the DEC possesses air monitoring equipment which it is willing to site in Alaskan communities; and

WHEREAS, the DEC wishes to help the Mat-Su Valley governments determine which air pollutants are impacting the health of their residents; and

WHEREAS, the Mat-Su Borough desires to protect the Air Quality of Mat-Su Borough residents and visitors;

Now, therefore, in consideration of benefits to be derived by each party, it is hereby agreed as follows:



## GENERAL AGREEMENT

### I. PARTIES/PURPOSE:

The Mat-Su Borough, 350 East Dahlia Avenue, Palmer, Alaska, 99645, enters into an agreement with the State of Alaska, Department of Environmental Conservation, Division of Air Quality, 555 Cordova Street, Anchorage, Alaska 99501 ("DEC").

### II. GENERAL OBLIGATIONS OF THE PARTIES:

Under this agreement the Mat-Su Borough will through its Environmental Program:

- Assist the DEC in identifying potential air monitoring sites;
- Assist the DEC in surmounting logistical concerns in monitoring site selection where possible (e.g. land use permission, power and phone connectivity);
- Take an active role in communicating the real-time, online availability of air monitoring results and health effects to local residents.

Under this agreement the Department of Environmental Conservation will:

- Supply all air monitoring instrumentation, parts, supplies, and manpower for monitoring projects in Mat-Su Valley. DEC will be responsible for utility costs (power/phone) associated with the monitoring sites.
- Serve as "technical experts" in the area of ambient air monitoring and provide information, if requested, on air monitoring sampling methods and protocols specific to this project.
- Assist the Mat-Su Borough in communicating the real-time online availability of air monitoring results and health effects to local residents.

### III. EFFECTIVE/TERMINATION DATE:

This MOU will become effective upon signature of both parties and remain in effect until the termination of this project. Either party, with a 30-day-advance written notice, may terminate this agreement.

### IV. MISCELLANEOUS PROVISIONS:

1. Nothing in this agreement shall be construed as obligating the Mat-Su Borough or DEC to expend any funds in excess of appropriations authorized by this MOU (none requested or authorized at this time).
2. Modifications to this agreement may be made only in writing and signed by both Parties.

Project Officers

Mat-Su Borough  
Sev Jones  
Chief of Planning  
350 East Dahlia Avenue  
Palmer, Alaska 99645  
(907) 7459856  
Sjones@matsugov.us

Alaska Department of Environmental Conservation  
Heidi Strader  
Environmental Project Specialist  
555 Cordova St  
Anchorage, AK 99501  
907 269-7676  
heidi\_strader@dec.state.ak.us

IN WITNESS WHEREOF, each party hereto has caused this MOA to be executed by an authorized official on the day and year set forth opposite his/her signature.

Alaska Department of Environmental Conservation:

Date: 6/20/06

  
Thomas W. Chapple  
Director, Division of Air Quality

Date: 6/19/06

  
Gerry Guay  
Program Manager, Monitoring & Quality Assurance

Mat-Su Borough:

Date: 5-12-06

  
John Duffy  
Matanuska-Susitna Borough Manager

Action:

**MATANUSKA-SUSITNA BOROUGH  
RESOLUTION SERIAL NO. 18-004**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AUTHORIZING THE BOROUGH MANAGER TO ENTER INTO AN UPDATED MEMORANDUM OF UNDERSTANDING WITH THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR AIR QUALITY COORDINATION.

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WHEREAS, Alaska statute 29.35.055 allows the Borough to establish a local air quality control program with DEC approval through an MOU; and

WHEREAS, the Matanuska-Susitna Borough and the Alaska Department of Environmental Conservation have been collaborating to monitor air quality in the Borough since 1998; and

WHEREAS, the Borough and DEC have had a Memorandum of Understanding in place since 2006 for Air Monitoring in the Mat-Su Valley; and

WHEREAS, the Butte air quality monitor has recorded increasing concentrations of PM<sub>2.5</sub> at or above the national standards since 2014 and, as a result, the Matanuska-Susitna Borough is at risk of being designated as a nonattainment area by the EPA; and

WHEREAS, PM<sub>2.5</sub> is fine particulate matter that is a product of combustion, primarily caused by burning fuels and exposure to PM<sub>2.5</sub> has been linked to variety of health problems including: increased respiratory symptoms, such as irritation of the airways, coughing,

or difficulty breathing; aggravated asthma; development of chronic bronchitis; irregular heartbeat; non-fatal heart attacks; and premature death in people with heart or lung disease; and

WHEREAS, the Borough's Comprehensive Plan identifies the goal to Protect and enhance the Borough's natural resources including watershed, groundwater supplies and air quality; and

WHEREAS, the updated Memorandum of Understanding clarifies the responsibilities of the Borough and DEC in operating the air quality program and addressing current and future air pollution issues.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Assembly hereby authorized the Borough Manager to enter into a Memorandum of Understanding with the Alaska Department of Environmental Conservation for air quality coordination.

ADOPTED by the Matanuska-Susitna Borough Assembly this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
VERN HALTER, Borough Mayor

ATTEST:

\_\_\_\_\_  
LONNIE R. McKECHNIE, CMC, Borough Clerk  
  
(SEAL)