

Butte Air Proposal Background and Fact Checking

by Jim Sykes

Ordinance 19-032 Butte Air District to avoid exceeding healthy air levels and EPA enforcement

Scheduled for Public Hearing on March 5, 2019

Click this link <http://tinyurl.com/y3w4zmoq> then choose the ordinance, the resolution and the info memorandum

Current Situation: The Butte area, in recent years, has trended towards the outer limits of allowable levels of small particles (called PM 2.5) that are mainly caused by smoke from burning green wood, slash, and trash on cold still air inversion days in winter. If a couple more bad violation days had happened at the end of 2017 the federal EPA could have classified Mat-Su Borough into “non-attainment,” which is an enforcement action that usually lasts about 20 years and can cause onerous regulations and taxpayer expense. So far the Borough hasn’t been so classified, but has been dangerously close to it. The limit is 35 micrograms per cubic meter of PM2.5 (mostly smoke) particles.

Table 2 Butte PM2.5 data 2012-2015. Note: 2015 and 2016 DV are within 1 from NAAQS (DEC). Highlighted cells are emphasized as DVs that were only considered in-compliance with the standard due to rounding.

| Year | Number of Exceedances (days) | 98 th Percentile (µg/m ³) | Design Value (DV)* (µg/m ³) | Standard (µg/m ³) |
|------|------------------------------|--|---|-------------------------------|
| 2012 | 4 | 33.4 | 33.7 | 35 |
| 2013 | 3 | 27.9 | 30.5 | 35 |
| 2014 | 8 | 38.1 | 33.1 | 35 |
| 2015 | 8 | 37.9 | 34.6 | 35 |
| 2016 | 2 | 29.2 | 35.1* | 35 |
| 2017 | 4 | 26.2** | 31.1** | 35 |

*DV<35.5 µg/m³ round down to 35 and are in compliance

** Preliminary Data

One easy no-cost way to keep from exceeding EPA limits is to ask residents of the Butte area not to burn **outside** during cold air inversion days, like summer burn bans for fire safety. It creates healthier air and reduces the risk that EPA classify the Butte, and possibly other parts of the Borough, for enforcement. The Butte air problems are not severe and some simple measures are most likely to avoid enforcement actions:

- Delaying **outside** burning of slash, trash and burn barrels during cold still air inversion days
- Borough continuing to produce healthy air advisories and creating air quality alerts through existing radio, TV and social media. Voluntary email notifications may be developed.
- Designating a Butte Air District to apply local solutions that promote healthy air levels that help avoid the possibility of being classified into federal EPA “non-attainment.”
- Ensuring people's right to heat their homes *without* regulating wood stoves
- Encouraging ways to burn drier wood more efficiently which also saves people money.
- Providing additional education and information to schools and general public.

Additional Facts:

- Federal EPA and state DEC are mainly focused on monitoring and enforcing laws, while the Borough is mainly focused on education and prevention—inviting local problem solving to help maintain healthy air levels that reduce the risk of enforcement by federal EPA and state DEC.
- These simple education and prevention measures, provide the Borough a seat at the table to advocate for local citizens against unneeded enforcement by federal EPA and state DEC.
- Designating a unique Butte Air District focuses on a local solution for a local problem that helps keep the 100,000 ***non-Butte*** residents of the Borough from being roped into possible air quality enforcement by federal EPA or state DEC.
- No additional personnel or additional budget is needed to carry out the proposal activities

While warm weather and active air patterns have helped keep the number of violations low during 2018 we can't predict future weather conditions.

More people are moving to Butte and larger new subdivisions are slated to be cleared and developed. We cannot predict what effects additional slash clearing and new homes will have on the area's air.

Prevention measures reduce the risks of federal and state air quality violations and create healthier air which is especially important to those who have asthma, COPD and other respiratory problems.

In case air quality violations exceed limits enough for the Borough to be classified into “non-attainment” it's too late to get out. The classification starts a 20-year process that starts with the EPA deciding how large of an area needs enforcement and what needs improvement. It could be just the Butte or a larger chunk of the Borough, as happened in both Juneau and Fairbanks.

After “non-attainment” classification federal enforcement can compel the local municipality (Mat-Su Borough) to spend taxpayer dollars if necessary to reduce healthy air violations by following a program design that DEC writes and EPA approves and monitors for about 20 years.

The point of the current proposal is to keep from going into the “non-attainment” enforcement program and avoid the heavy hand of the federal EPA and state DEC. The prevention measures are important to put put in place ***before*** there is a possibility to be classified into “non-attainment.” No big government.

While the EPA laws are carried out by both EPA and DEC, the Borough retains it's independence and is not required to expend any funds. The Mat-Su Borough is not required to carry out any EPA or DEC responsibilities. Mat-Su is currently “in-attainment” and not subject to any enforcement action.

An ounce of local prevention beats a ton of federal EPA cure!

Fact Checking some of the misinformation mostly on social Media

Assertions are taken from actual quotes on social media and in print

Assertion: Air Quality is the State DEC's responsibility and not the Borough's.

FACT: Fundamentally we all have a stake in having healthy air. The federal EPA and state DEC do monitoring and enforcement, *but not prevention*. The Borough's involvement is one prevention through of education, awareness and finding local solutions to keep healthy air violations low. And that helps prevent possible enforcement action by the state and feds.

Assertion: The problem of “Non-attainment” [bad standing with the EPA] can only be reached if we are monitored.

FACT: We already are monitored and have been since 1998. Since both the Butte and Palmer air monitors are required by EPA, their operations are expected to continue for the foreseeable future--whether the Borough does prevention activities or not. If prevention activities are successful in keeping healthy air violations low we won't need to worry being monitored.

Assertion: We have no state or federal law requiring the Borough to work with the DEC or EPA in Air Quality monitoring.

FACT: Only the DEC does monitoring under EPA Clean Air Rules. The Borough does not participate in monitoring. The Borough works with state DEC to alert the public when healthy air standards are violated for blowing dust (PM10) and for small particles of combustion (mostly tiny smoke particles) also known as PM2.5. Because the Borough does not have health or clean air responsibilities, alerts and education activities require a memorandum of understanding with DEC, which simply spells out the voluntary activities the Borough and DEC will do. The Borough is not required to spend money.

Assertion: The Borough is [sic getting involved with DEC] doing so at its own risk and to the detriment of its residents.

FACT: There is no risk or detriment to Borough residents. The proposal 1) helps avoid future air violations with a prevention program that includes information, education and it delays outside burning during cold still air inversion days, and 2) provides a backstop where the Borough can advocate for local residents because it has a seat at the EPA/DEC table. The MOU simply states what activities DEC and the Borough will do, as is required for a Second Class Borough by state law. The Borough remains independent of both EPA and DEC and can advocate for it's citizens. If the Borough is classified into “non-attainment” the EPA and DEC will decide what happens whether the Borough does the proposed activities or not. We need to avoid “non-attainment.”

Assertion: Enables the borough to regulate how private individuals heat their homes.

FACT: Untrue. The proposal guarantees the right for people to heat their homes including with wood stoves. Regulating wood stoves has never been contemplated by the Borough and the proposal does not regulate how private individuals heat their own homes in any way.

Assertion: Negatively impact household budgets and struggling Mat-Su economy.

FACT: Untrue. The small ask that people delay outside burning on a handful of winter cold still air inversion days in Butte simply keeps additional smoke from being added to already bad air. There is no negative effect to household budgets or economy. It's no different than summer burn bans that keep sparks and flames from causing fire safety problems. More efficient burning of dry wood saves people money because less wood is needed.

Assertion: Junk science used by EPA

FACT: The Clean Air Act is a national law, that includes Mat-Su, and it is federally enforced. The science is well accepted. Like any law that establishes a limit, it becomes enforceable. If the drunk driving limit is 0.8 and someone doesn't think they are drunk at 0.9, they will most likely lose in court because the scientific argument is trumped by the law specifying the lower limit. In order to make changes to the standards it involves Congress and the EPA. The Borough does not dictate either science or law to the EPA.

Assertion: Would also allow the borough to increase the number of public employees...Additional regulations, fines, and unnecessary staffing through misuse of tax money.

FACT: Not true. The very limited activities in the proposal to alert the public about Butte air will be done with current staff and budget. There will hopefully never be a need for any enforcement, but if there is the existing staff will handle it. The main goal is for the public to be aware of the need to delay outside burning. No unnecessary staff will be hired. This proposal will cause no misuse of tax money. It has a zero fiscal note.

Assertion: The "air quality authority" would be given to the Borough Planning Department through the MOU with the DEC. Planning Department will be usurping regulatory authority without voter approval.

FACT: Not True. The Borough Planning Department already has done dust air alerts (PM10) for the past 20 years and smoke (PM 2.5) alerts since 2008 with the current MOU, which is required by state law. Neither Assembly nor voter approval is required for Borough handling of PM 2.5 alerts. There is no regulatory authority being usurped.

Assertion: Part of the legislation would establish a zoning district in the Butte, using the Planning Department's new cookie-cutter template. This would be done without input from the Butte community council.

FACT: Untrue. The Air District is unique to Butte as is the Dog Mushing District out in KGB. There is no template or likely replication of this anywhere. Butte Community Council and South Knik River Community Council were regularly updated. Input and ideas always welcome. A large community meeting was held on January 22, 2019 at the Butte Elementary School where people met and asked questions directly with DEC, the Borough and Alaska Lung Association.

Assertion: Even though this method is allowed in code, it takes what little notification that currently exists away from the public. It wouldn't take much to zone the next location in the name of "Air Quality" when the work in the Butte has been established.

FACT: Not true. No other areas of the Borough are affected by the PM 2.5 air monitoring except Palmer, which has no violations. This assertion is simply absurd.