

Ordinance No.920

AN ORDINANCE AMENDING SECTION 7 OF ORDINANCE 914 AND ADOPTING NEW STANDARDS FOR THE OAKRIDGE AIR POLLUTION CONTROL PROGRAM

WHEREAS, The health, safety and welfare of the citizens of the City of Oakridge are adversely affected by the degradation of air quality and violations of federal ambient air quality standards, as measured by the Lane Regional Air Protection Agency (LRAPA), occur periodically in the City of Oakridge; and

WHEREAS, Wood and other solid fuel combustion for space heating produces particulate matter and other emissions which are physically harmful and aesthetically unpleasant, and which contribute to the degradation of air quality and the violation of federal ambient air quality standards; and

WHEREAS, The periodic restriction of the use of solid fuel burning devices will improve air quality and LRAPA has the expertise to determine when such air quality is at such a level that such restriction is necessary to preserve the health, safety and welfare of the citizens of the City of Oakridge; and

WHEREAS, The Federal Government has recently lowered the thresholds under which conditions are defined; and

WHEREAS, The City of Oakridge wishes to develop the following rules and regulations in an effort to comply with LRAPA regulations and to protect its citizens from harmful air particulates.

NOW, THEREFORE THE CITY OF OAKRIDGE ORDAINS AS FOLLOWS:

Section One. Definitions.

For the purpose of this section the following definitions apply:

- (1) "City Administrator" means City Administrator or designee, including, if the City Administrator so designates, LRAPA.
- (2) "EPA method" means 40 CFR Part 60, Subpart AAA, Sections 60.531, 60.534 and 60.535.
- (3) "Fireplace" means a solid fuel burning device with an air/fuel ratio of greater than thirty which is a permanent structural feature of a building. A fireplace is made up of a concealed masonry or metal flue, and a masonry or metal firebox enclosed in decorative masonry or other building materials. (Cannot operate on Red or Yellow Advisory days effective 10-01-2017 if attainment is not met).

- (4) "Green Advisory" means a 24 hour period beginning at 4:00 p.m. when PM 10 levels are forecast by LRAPA to be less than 100 micrograms per cubic meter and PM 2.5 levels are forecast to be less than 20 micrograms per cubic meter.
- (5) "LRAPA" means Lane Regional Air Protection Agency, a regional air quality control authority established under the provisions of, and with authority and powers derived from, Oregon Revised Statutes 468A.100 et seq.
- (6) "Opacity" means the degree to which an emission reduces transmission of light or obscures the view of an object in the background.
- (7) "Oregon method" means Oregon Department of Environmental Quality "Standard Method for Measuring the Emissions and Efficiencies of Woodstoves", Sections 1 through 8 and O.A.R. Chapter 340. Division 21 Sections 100, 130, 140, 145, 160, 161, 163, 164, 165.
- (8) "Pellet stove" means an enclosed solid fuel burning device designed and operated to burn manufactured solid fuel and having an air-to-fuel ratio greater than 35-to1 as determined by the federal test method described in 40 CFR Part 60.534.
- (9) "Person" means any individual, partnership, corporation, association, governmental subdivision or public or private organization of any charter.
- (10) "Person in Charge of Property" means an agent, occupant, lessee, tenant, contract purchase, or other person having possession or control of property.
- (11) "PM 2.5" means solid or liquid particulate matter (excluding uncombined water) with an aerodynamic diameter less than or equal to 2.5 micrometers.
- (12) "PM 10" means solid or liquid particulate matter (excluding uncombined water) with an aerodynamic diameter less than or equal to 10 micrometers.
- (13) "Red Advisory" means a 24 hour period beginning at 4:00 p.m. when PM 10 levels are forecast by LRAPA to be greater than or equal to 125 micrograms per cubic meter, or when PM 2.5 levels are forecast by LRAPA to be greater than or equal to 25 micrograms per cubic meter, within the Oakridge Area General Plan Urban Growth Boundary.(22 Micrograms effective 10-01-2017 if attainment not met).
- (14) "Seasoned wood" means wood of any species that has been sufficiently dried so as to contain twenty percent or less moisture by weight.
- (15) "Sole source of heat" means one or more solid fuel burning devices that:
 - (a) Constitutes the only source of heat in a private residence for purpose of space heating, or

- (b) Constitutes the main source of heat in a private residence where the residence is equipped with a heating system that is only minimally sufficient to keep the plumbing from freezing.
- (16) "Solid fuel burning device" means any device designed or operated to burn solid fuel for the heating of the interior of a building, including, but not limited to, solid fuel burning stove, fireplaces or wood stoves of any nature, combinations fuel furnaces or boilers used for space heating which can burn solid fuel, and solid fuel burning cooking stoves. "Solid fuel burning device" does not include natural gas fired artificial fireplaces.
- (17) "Visible Emissions" means the reduction in transmission of light or the obscuring of the view of an object in the background caused by the air pollutants emitted by the heating device. This does not include the visual distortion caused by the heated air emitted by the heating device.
- (18) "Yellow Advisory" means a 24 hour period beginning at 4:00 p.m. when PM 10 levels are forecast by LRAPA to be greater than or equal to 100 micrograms per cubic meter but less than 125 micrograms per cubic meter, or when PM 2.5 levels are forecast to be greater than or equal to 20 micrograms per cubic meter but less than 25 micrograms per cubic meter.
- (19) Wood heating advisory season can commence as early as October 1 and end as late as May 31st, as set by the City of Oakridge City Council and LRAPA Board.

Section Two. Solid Fuel Burning Devices – Prohibitions.

- (1) No person in charge of property during a Red Advisory shall operate or allow to be operated a solid fuel burning device which emits visible emissions into the air outside of the building housing the device, unless the person has been granted an exemption to use the device by the City Administrator.
- (2) Within the City, no person in charge of property shall at any time allow to be initiated or maintained in a solid fuel burning device the burning of any fuel other than seasoned wood; prohibited materials include plastics, wire insulation, petroleum by-products, petroleum-treated materials, rubber products, animal remains or animal or vegetable matter resulting from the handling, preparation, cooking or service of food, wood with a moisture content greater than twenty percent moisture by weight, or any other material which normally emits dense smoke, noxious odors, or hazardous air contaminants.
- (3) No person in charge of property shall operate or allow to be operated a solid-fuel

burning device which discharges emissions that are of an opacity greater than 20%. This provision does not apply to the emissions during the building of a new fire, for a period or periods aggregating no more than ten minutes in any 4-hour period.

Section Three. Solid Fuel Burning Devices Upon Sale of the Property.

- (1) After June 30, 2003, all un-certified solid fuel burning devices contained on Property to be sold or rented must be removed from the property or rendered permanently inoperable unless otherwise exempted by this ordinance or the person in charge of the property is granted an exemption by the City Administrator.
- (2) The following solid fuel burning devices may remain on a property to be sold:
 - (a) Woodstoves if the emissions do not exceed:
 - (i) 6.0 grams per hour weighted average when tested in conformance with the Oregon Method; or
 - (ii) 5.5 grams per hour weighted average when tested in conformance with the EPA method.
 - (b) Commercially manufactured pellet stoves that have not been tested, but were installed prior to June 30, 2003.
 - (c) Fireplaces operated in accordance with Section Two of this ordinance.
 - (d) Wood-fired, forced-air combustion furnaces that primarily heat living space, through indirect heat transfer using forced-air duct work or pressurized water systems.
- (3) Within the City, it is unlawful for any person to complete, or allow the completion of the sale, transfer or conveyance of any real property unless a Certificate of Compliance is filed with the City Recorder's Office.
- (4) Once a certificate of Compliance has been filed for a property, another certificate is not needed if the number and type of stoves on the real property matches what is on file at the City. The City shall list properties with Certificates of Compliance on the internet. A copy of the list must be available at the City for inspection.
- (5) The Certificate of Compliance must state that either:
 - (a) there are no solid fuel burning devices on the property; or
 - (b) any solid fuel burning devices on the property meet the requirements of this section.

- (6) The Certificate of Compliance must be in a format specified by the City and must be signed by the seller (s), and, if any sold fuel burning devices will remain on the property, a certified City inspector.
- (7) The Certificate of Compliance does not constitute a warranty or guarantee by the City or its agents that the Solid Fuel Burning Device on the property meets any other standards of operation, efficiency or safety, except the emission standards contained in this Ordinance.

Section Four. Solid Fuel Burning Devices Prohibited.

After December 31, 2008, a person or persons may not install or use any solid fuel burning device in any structure within the City except for certified wood stoves, certified pellet stoves with emissions that do not exceed 1.0 gram per hour, weighted average when tested in conformance with the EPA Method, or a fireplace which is not a sole source of heat, operated in accordance with Section Two of this Ordinance.

Section Five. Solid Fuel Burning Devices – Exemptions.

Notwithstanding the prohibitions set forth in this Ordinance, a person in charge of property may retain in their home or operate a solid fuel burning device during a Green, Yellow or Red Advisory, if that person has previously obtained one of the following exemptions from the City Administrator:

- (a) Sole source of heat exemption. Persons in charge of property who signs a sworn statement that their solid fuel burning device is the sole source of heat for their residence are eligible for a sole source of heat exemption. The City may inspect to verify this fact, and to insure that the solid fuel burning device is certified, in its discretion. This exemption shall expire on July 1 of each year and must be renewed annually thereafter.
- (b) Economic need exemption. Persons in charge of property who demonstrate an economic need to burn solid fuel for space-heating purposes by qualifying for energy assistance according to economic guidelines established by the U.S. Office of Management and Budget under the low income energy assistance program, as administered in Oakridge by the CDC, are eligible for an economic need permit. The City may insure that the solid fuel burning device is certified at its discretion. This exemption shall expire on July 1 of each year and must be renewed annually thereafter.

Section Six. Enforcement.

- (a) In addition to, and not in lieu of any other enforcement mechanism authorized by the Oakridge City Code, upon a determination that a person has violated this Ordinance, the City Administrator or his/her designee may impose upon the violator and any other person in charge of the property, an administrative penalty not greater than \$500.00.
- (b) Each day's violation of a provision of this Ordinance constitutes a separate offense punishable by the penalty set forth above.
- (c) The City Administrator or his/her designee is also hereby authorized to designate LRAPA to enforce and administer the provisions of this code, including LRAPA's use of administrative and hearing procedures adopted by LRAPA in its duly promulgated regulations.

Section Seven. Contingency Measures

Reserved.

Note: Oakridge does not meet federal health-based standards for fine particulate (PM_{2.5}) and was designated a non-attainment area by the Environmental Protection Agency (EPA) on October 8, 2009. An attainment plan was developed for Oakridge in 2012 containing contingency measures that would be implemented if Oakridge did not meet the PM_{2.5} standard by the EPA Clean Air Act 2014 deadline. Oakridge did not meet the PM 2.5 standard by the EPA Clean Air Act 2014 deadline and the contingency measures in the 2012 plan are incorporated into earlier sections of this ordinance.

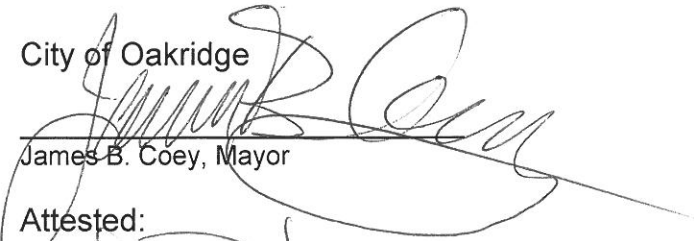
A supplemental plan with additional strategies and contingency measures was developed during 2016. If the EPA makes a finding that the Oakridge nonattainment area failed to attain the 2006 24-hour PM 2.5 standard by the applicable attainment date, the following requirements will automatically go into effect for the October 1st, 2017 Wood Heating Season.

- (1) The Red Advisory criteria in Section One (13) is reduced to forecasted PM 2.5 levels of 22 Micrograms per cubic meter; and
- (2) Fireplace use Section One (3) is prohibited during both Yellow Advisory and Red Advisory periods.

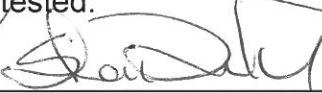
The reading of this ordinance is by title only approved on the 20th day of October, 2016.

Approved and signed by the Mayor on the 20th day of October, 2016.

City of Oakridge


James B. Coey, Mayor

Attested:


Susan LaDuke, City Recorder

Ayes: 6
Nays: 0