

APPENDIX O

Evaluation of Available Control Measures for
Residential Wood Combustion Devices

The Environmental Protection Agency (EPA) has required an evaluation of various residential wood combustion devices (RWCDs) control measures for purposes of controlling ambient PM₁₀ concentrations. The Texas Air Control Board's (TACB's) evaluation of each measure, in the context of possible implementation in El Paso, is as follows:

1. Establish an episodic curtailment program.

This measure has been proposed in revisions to §111.111 in TACB Regulation I. Also see Attachment 1, comprising a relevant ordinance from the City of El Paso.

2. Establish a public information program.

The TACB recognizes the importance of informing and educating the public about topics regarding RWCDs and wood smoke, and will be working with the City of El Paso to establish a series of pamphlets and other educational materials to be made available to the public. However, since this is an administrative program, it is not appropriate for the TACB to write rules to implement this control measure.

3. Encourage improved performance of RWCDs by observing opacity to determine deficiencies in stove operation and maintenance.

Because PM_{10} emissions from RWCDs are de minimis, this is not considered a necessary or reasonable control measure. The TACB staff believes that proper implementation of a public information system which includes information on proper sizing and operation of RWCDs would better fit the needs of the El Paso area at this time.

4. Encourage improved performance of RWCDs by ensuring proper wood moisture content through voluntary dryness certification programs and/or free or inexpensive wood moisture content checks for burners.

Because PM_{10} emissions from RWCDs are de minimis, this is not considered a necessary or reasonable control measure at this time. The TACB staff believes that proper implementation of a public information program which includes information on proper seasoning of wood and the environmental effects of burning green or wet wood would better fit the needs of the El Paso area.

5. Encourage improved performance of RWCDs by evaluating and encouraging the accelerated changeover of existing devices to New Source Performance Standards or other new technology stoves by such approaches as subsidized stove purchases, tax credits, or other incentives.

While the TACB will encourage the City of El Paso to study and possibly pursue these control measures, it can not incorporate these control measures into the State Implementation Plan. The TACB does not have the legislative authority to impose taxes or require communities within the state to impose such taxes. Therefore, it is also not possible for the TACB to offer tax credits, subsidies, or other monetary incentives.

6. Provide inducements leading to reductions in stove and fireplace population (or use) by slowing the growth of wood burning devices in new housing units by taxes, installation permit fees, or other disincentives.

As previously discussed, the TACB can not implement any control measure regarding taxes due to lack of legislative authority. Furthermore, because of manpower requirements, and because attainment of the PM_{10} National Ambient Air Quality Standard

based on the modeling of United States emissions alone has been demonstrated for El Paso, it is not economically reasonable for the TACB to operate a permitting program for new RWCDs.

7. Provide inducements leading to reductions in stove and fireplace population (or use) through tax credits or other incentives.

While the TACB will encourage the City of El Paso to study and possibly pursue these control measures, it can not incorporate these control measures into the SIP. Since the TACB does not have the legislative authority to impose taxes or require communities within the state to impose such taxes, it is also not possible for the TACB to offer tax credits.

8. Provide inducements leading to reductions in stove and fireplace population (or use) by discouraging the resale of used stoves through taxes, fees, or other disincentives.

As previously discussed, the TACB can not implement any control measure regarding taxes because of the lack of legislative authority. Because of the difficulties associated with enforcing fees on resale of nonregistered RWCDs, and the small number of RWCDs in El Paso, it is not administratively practicable to implement the fee system mentioned in this control measure.

9. Provide inducements leading to reductions in stove and fireplace population (or use) by discouraging the availability of free or very inexpensive firewood by increasing cutting fees or limiting the cutting seasons.

Most wood burned in the El Paso area comes from forested areas in New Mexico located approximately 100 miles from El Paso. Since the TACB does not have any jurisdiction in this area, it is not possible to implement these measures in the SIP.

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AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY) BY ADDING CHAPTER 9.38 (WOODBURNING) THE PENALTY AS BEING SET FORTH IN 9.38.060 OF THE CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 9.38.010 Definitions

I.

A. Burn Down - that period of time, not to exceed three (3) hours, after declaring a no-burn period required for the cessation of combustion within any solid fuel heating device by withholding face or modifying the air-to-fuel ratio.

B. Sole Source - one or more solid fuel heating devices which constitute the only source of heat in a building for the purpose of space heating. No solid fuel heating device(s) shall be the sole source of heat if the building is equipped with a permanently installed furnace or heating system designed to heat the building that is connected or unconnected to its energy source, utilizing oil, natural gas, electricity, or propane.

C. Solid Fuel Heating Device - any fireplace, wood heater, wood stove, wood fired boiler, coal fired furnace, coal stove, or similar device burning any solid fuel used for aesthetic, cooking (excluding commercial cooking), or heating purposes inside a building.

D. Person - any individual, household, firm, partnership, corporation, society, association, and legal entity, and every officer, agent or employee thereof.

Section 9.38.020 No-Burn Periods

Following a burn down period, no person shall operate a solid fuel heating device within the City of El Paso during a no-burn period unless an exemption has been obtained. No-burn periods

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shall be declared by the City-County Health District upon review of available meteorological data and a determination that expected atmospheric conditions will not reasonably disperse wood smoke.

Section 9.38.030 Notice Required

Notice of no-burn periods shall be sufficient if published in a newspaper of general circulation within the City of El Paso, or if presented orally at least three (3) times during a six (6) hour period by at least two (2) radio or television stations operating within the City of El Paso, or if presented to the general public in the form of a recorded telephone message, the telephone number for which is published in the telephone directory or newspaper of general circulation within the City of El Paso.

Section 9.38.040 Exemptions

A. Exemptions may be granted by the Director of the City-County Health District if it is determined that a solid fuel heating device is the sole source of heat for the building in which it is situated. A temporary sole source exemption may be granted in the event of failure of the oil, natural gas, electricity, or propane heating system. An exemption may be granted for economic or health reasons. Also, an exemption shall be granted if the solid fuel heating device has been emission certified or exempted by the United States Environmental Protection Agency, provided, however, that there will be no visible emissions following a start-up period not to exceed thirty minutes and pellet fueled wood heaters shall not be subject to the provisions of this ordinance. Any person seeking an exemption shall do so by filing a written

petition with the Director of the City-County Health District.

Petitions shall:

1. State the applicant's name and mailing address, and
2. State the address from which the exemption is sought, and
3. State the period of time for which the exemption is sought, and
4. State the reasons for seeking the exemption.

B. Following receipt of the exemption request, the Director of the City-County Health District shall either grant the exemption, grant the exemption subject to conditions, or deny the exemption. Any action taken by the Director of the City-County Health District shall be by written order.

C. A person seeking an exemption may appeal the decision of the director of the City-County Health District to the El Paso City-County Board of Health. The Board of Health shall consider the exemption at the next regularly scheduled business meeting. The decision of the Board of Health shall be final.

Section 9.38.050 Rebuttable Presumption

It shall be a rebuttable presumption that the owner or tenant of a building, dwelling, or dwelling unit has authorized the operation of the solid fuel heating device.

Section 9.38.060 Violation Penalty

Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor punishable by a fine not to

exceed two thousand dollars. Each day's violation shall constitute a separate offense. In addition to any penalties provided for herein, this Chapter shall also be enforceable by injunction.

PASSED AND APPROVED this 11th day of December, 1990.

Attest:

Carole Hunter

City Clerk

John
Mayor

Approved as to form:

John Hartwell

Assistant City Attorney

Approved as to content:

Lawrence N. Wilkey MD
Director, City-County Health District

Approved by the Board of Health
Date: October 17, 1990

JH6:WOODBURN.ORD
Public Hearing 12/11/90
(ds)