



Agenda No:	1.1
Mtg Date:	July 8/10

Regional Board Report

TO: Regional Board

FROM: Governance and Services Committee

DATE: July 8, 2010

SUBJECT: RDCO Smoke Control Bylaw (Outdoor Wood Boilers)

Recommendation

THAT staff be directed to review the RDCO Smoke Control Bylaw regarding Outdoor Wood Boilers;

AND FURTHER THAT staff be directed to determine whether the Regional Board can prohibit the issuance of permits for the installation of outdoor wood boilers until such time a review of the RDCO Smoke Control Regulation Bylaw No. 733 (consolidated) is complete.



Agenda No: 3.1

Mtg Date: July 8/10

Governance & Services Committee Report

TO: Regional Governance and Services Committee

FROM: Jerry Dombowsky, Regional Programs Manager

DATE: July 8, 2010

SUBJECT: Discussion and Recommendation regarding Outdoor Wood Boilers

REPORT PREPARED BY NICOLE MARZINZIK, staff liaison to the Okanagan Similkameen Airshed Coalition

RECOMMENDATION:

THAT the Governance and Services Committee recommends to the Regional District of Central Okanagan (RDCO) Board that a review of the RDCO Smoke Control Bylaw be initiated;

AND FURTHER THAT the RDCO Board consider prohibiting the issuance of permits for the installation of outdoor wood boilers (OWB) until such time a review of the RDCO Smoke Control Regulation Bylaw No. 773 (consolidated), 1998 is complete.

PURPOSE:

At the June 23, 2010 meeting of the Okanagan Airshed Coalition (Coalition) a copy of a letter addressed to the RDCO's Chief Administrative Officer from Interior Health's Air Quality Specialist was received for information (Attachment A). The RDCO Chief Bylaw Officer and Chief Building Inspector were on hand to speak to the letter.

Members of the Coalition discussed the letter and heard arguments from Interior Health and the Ministry of Environment (~~Attachment B~~) on the intent of the bylaw and the importance of regulating the installation of OWBs. Information on the mechanics and operating deficiencies of OWBs (~~Attachment C~~), and upcoming regulatory changes to the provincial Solid Fuel Burning Domestic Appliance Regulation and the Open Burning Smoke Control Regulation were also discussed.

Coalition members feel it is important Regional Districts remain proactive to ensure citizens of the Okanagan Valley have healthy air to breathe, that they lead by example to protect air quality and that attempts are made to harmonize regional air quality initiatives with the objectives of other agencies and levels of government. Therefore the Coalition recommends the RDCO Board consider prohibiting the issuance of permits for the installation of OWBs until such time a review of the RDCO Smoke Control Regulation Bylaw is complete and that the bylaw review take into account anticipated changes to provincial regulations.

BACKGROUND:

Currently Section 4.3 of the RDCO Smoke Control Regulation Bylaw is as follows:

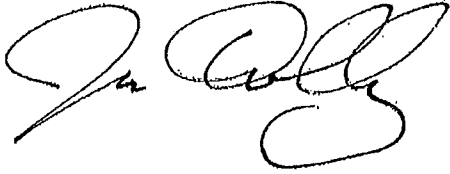
No person shall install, or allow to be installed, either indoors or outdoors, a solid-fuel burning appliance, furnace or boiler which is used for the space heating of a building, the heating of water or other such purpose unless it meets the emissions standards of CAN/CSA-B415.1 standard "Performance Testing of Solid-Fuel-Burning Heating Appliances" published by the Canadian Standards Association as amended from time to time or the emissions standards of the "New Source Performance Standards, Title 40, Part 60, Sub-part AAA of the Code of Federal Regulations (USA) (7-1-92 Edition), published by the United States Environmental Protection Agency" as amended from time to time.

It is the position of Interior Health and the Ministry of Environment that Section 4.3 of the bylaw is adequately written to prevent the installation of wood boilers not meeting the emission standards of the CSA B415.1 or EPA wood stove emission standards - in other words that an OWB cannot be installed unless it emits 7.5 grams of particulate matter per hour or less. This was the intent, as clarified by former members of the Air Quality Committee and Air Quality Technical Committee present at the aforementioned meeting. Additionally, the RDCO Chief Bylaw Enforcement Officer reviewed the bylaw in 2005 and deemed it enforceable.

Notwithstanding the differing interpretations of the bylaw, a review is considered timely given current regulatory reviews of the provincial Solid Fuel Burning Domestic Appliance Regulation (SFB DAR) and the Open Burning Smoke Control Regulation. In particular the SFB DAR is the main provincial legislation governing emissions from domestic wood heating, primarily by controlling the manufacture and sale of new wood heating appliances. The province's Intentions Paper suggests widening the scope of the regulation to include a CSA B415.2 emission standard specific to outdoor central heating appliances. The province also proposes setback distances for compliant and non-compliant appliances between the effective date of the regulation and the coming into force of the emissions provisions. They estimate this transition clause will be necessary for 12-18 months. However these changes only control the manufacture and sale of new appliances; they do not address the installation of non-compliant wood appliances nor do they prevent the purchase of non-compliant wood appliances from outside the province or from the after-sale market. Therefore there is still a strong need for municipalities to introduce bylaws regulating the use and installation of OWBs now so as to proactively control their use, rather than when the magnitude of the problem is large and more difficult to address and/or until such time provincial legislation is enacted. Additionally, bylaws that reflect best available technologies, and/or that encourage the development of more choices of best available technologies, provide residents with the greatest levels of protection of their health and air quality.

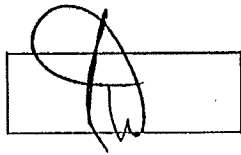
The RDCO will also need to review the Smoke Control Bylaw to reflect a proposed new BC emission standard for wood stoves and other appliances. This is needed because the proposed BC standard for wood stoves will be more stringent than the CSA B415.1 emission standard. Other considerations for the bylaw review may also include refining the definition of acceptable wood fuels and adding setback requirements to harmonize regional initiatives with the provincial regulations.

Submitted by:



Jerry Dombowsky
Regional Programs Manager
Attach.

Approved for Inclusion



Ron Westlake
Director, Regional Services

JD/NM



Interior Health

May 7, 2010

File: Air Quality, Wood Boilers

Mr. Harold Reay
Chief Administrative Officer
Regional District of Central Okanagan
1450 KLO Road
Kelowna, BC V1W 3Z4

Dear Mr. Reay:

Re: Section 4.3 Bylaw No. 773, Wood Boilers


It has come to our attention that a permit to install a wood boiler was recently issued for a rural residential dwelling. This is of great concern considering that Regional District Smoke Control Regulation Bylaw No. 773, 1998 has been held as a model bylaw to prevent the installation of smoke belching wood boilers.

Industry is working to improve wood boiler emissions around CSA and EPA criteria, and future amendments to the Solid Fuel Burning Domestic Appliance Regulation are expected. However, none of this progress prevents the interim precedence of further RDCO installations.

The Ministry of Environment view Section 4.3 as adequately written to prevent the installation of wood boilers not meeting CSA B415.1 or EPA wood stove emissions. The present wording of Section 4.3 substantiates adherence to this original intent and we strongly recommend that no further installation permits be granted for units not meeting CSA B415.1 or EPA wood stove emissions standards.

This direction would be proactive and grant time for Bylaw review in light of future industry, CSA, EPA or regulatory changes.

Sincerely,



Greg Bayliss, B.Sc., C.P.H.I.(C),
Air Quality Specialist

cc. Dr. Paul Hasselback, Medical Health Officer
Ralph Adams, MOE Meteorologist
Nicole Marzinik, Regional Air Quality Program Coordinator
Ray Paterson, RDCO, Chief Building Inspector
Ronda Wilkins, RDCO, for distribution to Okanagan Similkameen Airshed Coalition

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