



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved COMMISSION ON THE ENVIRONMENT

Monday, December 15, 2008

4:45 PM

210 Martin Luther King, Jr. Blvd.
Room 108, City-County Building.
Meets Third Monday of Every Month

CALL TO ORDER / ROLL CALL

Present: 6 -

Bill Sonzogni; Lori O. Grant; Larry Palm; Michael W. Rewey; Jonathan H. Standridge and Keith W. Pierce

Excused: 2 -

Roger T. Bannerman and Reginald N. Weide

APPROVAL OF MINUTES

A motion was made by Sonzogni, seconded by Pierce, to Approve the Minutes of the November 17 meeting. The motion passed by voice vote/other.

PUBLIC COMMENT

Commissioner Rewey recused himself from deliberations to make a public comment regarding the over-use of salt on the steps and sidewalk in front of the City County Building. Kirsti Sorsa, Public Health, noted that she had asked Health staff to take pictures of the excess salt and that they would follow up with it.

DISCUSSION ITEMS

1. [11080](#) SUBSTITUTE - Creating new Section 7.55 to prohibit outdoor wood boilers, amending Sec. 1.08(4) to include citation authority for Director of Public Health and amending, and amending Sec. 1.08(3) of the Madison General Ordinances to establish a bail deposit for a violation.

A motion was made by Rewey, seconded by Palm, to RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER .

1. Strike all text in proposed MGO 7.55 (1) after the words "solid fuel" so that it reads as follows: "Definition: "Outdoor wood boiler" as used in this section means any self-contained stove designed for the combustion of solid fuel."

2. Add 7.55(3)g: "If there are buildings within 500 feet of the outdoor wood boiler, the chimney shall extend five (5) feet above the height of all such buildings."

The motion passed by voice vote/other.

DISCUSSION

Commissioner Rewey made a motion to approve the Substitute Ordinance/Second by Alder Palm. Discussion followed.

Linda Karr, 4205 Elinor St, spoke in favor of a ban on outdoor wood boilers and also in support of a more stringent revision to the Ordinance as recommended by Sherrie Gruder of the Sustainable Design and Energy Committee. Linda also mentioned examples of other ordinances that have a "buy-back" policy in place for removal of existing outdoor wood boilers. She has experienced health problems from her neighbor's outdoor wood boiler and recorded that it has been in continuous use since mid-October. She handed out a statement to all Commissioners.

Commissioner Rewey made a motion to amend proposed MGO 7.55(3), adding "outdoor wood boilers shall have a chimney at least 2 feet above same and adjacent properties' rooflines." The Motion was seconded by Alder Palm. Following discussion on what constitutes a "taking", the motion passed unanimously.

Commissioners discussed whether a "buy-back" program would work in Madison. John Hausbeck, Public Health, said that while it may be a good idea, there are currently no funds to support such a program.

Commissioner Pierce made a motion to amend proposed MGO 7.55(1) by deleting "underground"; motion was seconded by Alder Palm. Motion passed unanimously.

Alder Palm discussed the document that Sherrie Gruder drafted for consideration by the Sustainable Design and Energy Committee regarding amendments to the proposed MGO 7.55.

Alder Palm made a motion to strike all text in proposed MGO 7.55(1) after the words "solid fuel"; motion was seconded by Commissioner Sonzogni; motion passed unanimously. Commissioners noted that this motion supersedes the previous motion.

Alder Palm made a motion to amend proposed MGO 7.55(2) to read as follows: "No person shall install, use, or maintain any outdoor wood boiler within the City of Madison unless it is a high efficiency EPA orange tag wood boiler system or pellet system in an automated fuel delivery system, and meets both EPA and State emissions standards". Motion was seconded by Commissioner Grant. Discussion followed.

Alder Palm noted that he was concerned about including verbiage about standards if technology eventually surpasses it. Commissioner Rewey was concerned about PM (particulate matter) levels and Dane County inevitably becoming a non-attainment area. Commissioner Pierce agreed and noted that he did not like the idea of a tag system. The motion failed to pass.

Alder Palm made a motion to amend MGO 7.55(3) to include "newspaper, corrugated cardboard, paperboard, waste paper or any paper or plastic

product in accordance with the Madison recycling ordinance and WI Recycling Law." Motion was seconded by Commissioner Grant. Discussion followed.

Commissioner Rewey cautioned that including language regarding banning items from outdoor wood boilers that are recyclable may lead to confusion which would result in certain plastic containers (or other items) that are not recyclable being used in outdoor wood boilers. Commissioners agreed that there already was a list in place within MGO 7.55(3) for items banned from being used in outdoor wood boilers, and that adding the language about recyclables may be confusing. Alder Palm rescinded his motion.

Commissioners discussed the height of chimneys and the distance of outdoor wood boilers from nearby buildings.

Alder Palm made a motion to redact the first amendment made by the Commission and instead create 7.55(3)g. which states "If there are buildings within 500 feet of the outdoor wood boiler, the chimney shall extend five (5) feet above the height of all such buildings." Motion was seconded by Commissioner Rewey; motion passed unanimously.

2. [13007](#)

Discussion and Approval of the Erosion Control Final Report

A motion was made by Sonzogni, seconded by Pierce, to Approve with Amendment(s) as follows:

(1) Recommendation 1 shall be changed to "The City of Madison Engineering Division should evaluate the development of a voluntary email-based notification system to inform all potential erosion control permittees on erosion control issues."

(2) Recommendation 2 shall be changed to "The Commission on the Environment should contemplate developing a means to identify and recognize companies and individuals who have implemented successful erosion control programs."

The motion passed by voice vote/other.

DISCUSSION

Members of the subcommittee that drafted the Erosion Control report included Commissioners Pierce, Sonzogni, and Standridge as well as Jeff Benedict (City Engineering), Don Esposito (Veridian Homes), Brian Hornung (Findorff), and Nathan Lockwood (D'Onofrio Kottkee Assoc.). Chair Standridge commented that the builders involved were interested in creating a level playing field for all construction companies and that this draft included steps Engineering and other could do that would be welcomed by the regulated (construction) community.

Larry Nelson, City Engineer, was present to discuss comments he had about some of the recommendations within the report. He went through each of the 11 recommendations. Those he had special concern about included the following:

Recommendation 1, he noted, would put the burden back on Engineering staff to catch contractors with erosion control failures, even though the contractors

have taken out a permit and should already be aware of their requirements and expectations. Staff is already trying to get contractors to submit inspection reports and will be issuing citations if there is no compliance. By issuing regular emails regarding weather events and the like, contractors may point the finger back at Engineering Division staff if they fail to receive a reminder email prior to or following a major event.

Commissioner Rewey agreed and noted that after a couple of email reminders, they would likely be ignored anyway. Commissioners discussed and agreed that instead the email list should be voluntary and geared more toward broad, seasonal reminders as opposed to being storm event-driven.

Recommendation 2 included some form of acknowledgement of contractors who do a good job with erosion control. Larry Nelson said that while this is a well-meaning suggestion, he would hate to divert staff time to this. Commission members discussed and agreed that this was something the Commission could do with input from Engineering Division staff.

Recommendation 5 originally included creating a new erosion control inspection position. Larry could not fully support adding a new position currently due to the economy and it's impacts on the limited number of new building permits. Alder Palm remarked that the recommendation to provide more funding to Engineering for such a position could be left in the report and be revisited in the future as appropriate.

Commissioner Sonzogni made a motion to approve the report, seconded by Pierce.

Alder Palm made a motion to change Recommendation 1 to read as follows: "The City of Madison should evaluate the development of a voluntary email-based notification system to inform all potential erosion control permittees on erosion control issues." Motion seconded by Rewey. Motion passed unanimously.

Alder Palm made a motion to change Recommendation 2 to read as follows: "The Commission on the Environment should contemplate developing a means to identify and recognize companies and individuals who have implemented successful erosion control programs." Motion seconded by Rewey. Motion passed unanimously.

The original motion passed unanimously.

REPORTS

- 3. [08477](#) REPORT FROM BOARD OF PUBLIC WORKS
None
- 4. [08478](#) REPORT FROM WATER UTILITY BOARD:
None

5. [08479](#) REPORT FROM SOLID WASTE ADVISORY COMMITTEE:

Not Present

6. [08482](#) REPORT FROM STAFF:

1. Commissioner Dickie has resigned his position effective immediately, leaving an open vacancy on the Commission.

2. Commissioner Sonzogni was reappointed by the Board of Public Health to serve on the Commission on the Environment.

ADJOURNMENT

A motion was made by Sonzogni, seconded by Pierce, to Adjourn . The motion passed by voice vote/other.