
SACRAMENTO ENVIRONMENTAL COMMISSION

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November 3, 2020

transmitted via email

Mr. Peter Lemos, Chief
Code and Housing Enforcement
City of Sacramento Community Development Department
300 Richards Blvd, 3rd floor
Sacramento, CA, 95811

Subject: Sacramento Environmental Commission Comments on the City of Sacramento Ordinance Adding Chapter 8.70 Relating to Portable Leaf Blowers

Dear Mr. Lemos,

The Sacramento Environmental Commission (SEC) has recently become aware of the proposed ordinance to restrict the use of portable blowers which is currently being considered by the City Law and Legislation Committee. The SEC has considered the impact of implementing the proposed restrictions and offer the following suggestions for the City's consideration.

Key Ordinance Language

8.70.020 Use of portable blowers.

No person shall operate a portable blower when the air quality index is greater than 100.

C. Any person who violates a provision of this chapter is liable for civil penalties of not less than \$250 or more than \$25,000 for each day the violation continues.

The City is basing the Proposed Ordinance on:

According to the Sacramento Metropolitan Air Quality Management District (SMAQMD), the AQI exceeded 100 an average of 34.4 days dating back to 2014. Due to recent wildfires throughout California this year, the AQI has been well above 100 often registering as "unhealthy for sensitive groups" up to "hazardous." The proposed ordinance would prohibit use of portable blowers that further decrease air quality.

City of Sacramento Portable Blowers Use

Portable blowers use can be divided into several categories based on the type of service and landownership. These categories include:

- Landscaping services for property owners including residential, commercial, and government (local, state, and federal) properties
- Landscaping services for 220 acres of City parklands (Contracted services)
- Residential homeowners operating primarily electric power portable blowers

Landscape industry estimators assume that it takes four to five times as long to clean an area with a broom and rake when compared using portable blowers.

Portable Blowers Environmental Impacts

- The most significant health impact created by portable blowers comes from the fugitive dust emissions and noise created during operations.
- Portable blower dust entrained from streets can aggravate asthma and other upper respiratory conditions when inhaled.
- The SMAQMD (SMAQMD 2017) states, “the SMAQMD has no regulations that clearly and specifically prohibit, restrict, or affect the use of landscape maintenance equipment of this size and nature. The SMAQMD does have a general nuisance rule which prohibits the discharge of any air contaminant which causes a public nuisance with some very specific restrictions. However, given the typically short duration of use, the relatively small area impacted, and the number of people who need to complain to substantiate a public nuisance, this type of activity has not risen to the level of a *public* nuisance. ... An informal survey of air districts has shown that no air district has ever cited a leaf blower for a *public* nuisance. “
- According to SMAQMD, “Other substances that have been alleged to be part of the dust re-suspended by portable blowers include fecal material, fertilizers, pesticides, herbicides, and other biological substances. The SMAQMD estimates that on average 0.4 tons per day of particulate matter is blown into the air from the use of portable blowers in Sacramento County. In addition to particulate matter emissions, portable blower engine exhaust and gasoline vapors from refueling portable blowers are another source of emissions. SMAQMD estimates that in Sacramento County, portable blowers contribute a combined total of two tons per day of emissions of particulate matter, engine exhaust and vapors from refueling the equipment (SMAQMD 2017).”

Issues of Concern

- ***The City is basing the proposed ordinance on the premise that portable blower restrictions will be active about 34.4 days per year on average.***

The number of days each year when the AQI exceeds 100 is highly variable. SMAQMD reports that during the 5-year period of 2015-2019, the number of days with AQI exceeding 100 varied from 8 days in 2019 to 41 days in 2016. During this period, the number of AQI days exceeding the “average” 34.4 days

occurred in 3 of the five years. Table 1 presents the tally of AQI days exceeding 100 during the 2015-2019 period.

Table 1. Days Exceeding AQI 100 During 2015-2019

| | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
|-------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 2019 | 2 | 0 | 0 | 0 | 0 | 3 | 1 | 2 | 0 | 0 | 0 | 0 |
| 2018 | 3 | 0 | 0 | 0 | 0 | 1 | 8 | 7 | 4 | 1 | 13 | 0 |
| 2017 | 2 | 0 | 0 | 0 | 2 | 4 | 3 | 6 | 4 | 1 | 0 | 12 |
| 2016 | 0 | 0 | 0 | 0 | 2 | 7 | 9 | 7 | 7 | 1 | 0 | 8 |
| 2015 | 9 | 2 | 0 | 0 | 1 | 9 | 3 | 2 | 4 | 1 | 0 | 0 |

Source:<http://www.sparetheair.com/histcalendar.cfm?selYear=2015&selMonth=12&selLocation=SAC&selParam=MaxAQI>

When considering the additional poor air quality days caused by recent wildland fires, the total number of AQI days exceeding 100 may substantially increase in the future. In 2020, as of October 14, 2020, the number of AQI days exceeding 100 has surpassed 31 days with over 2.5 months remaining.

- ***Days exceeding AQI 100 occur throughout the year and are not restricted to summer months.***
As shown in Table 1, about 36% of the days exceeding 100 occur from October through February. These winter months typically experience higher precipitation, higher humidity, and substantial leaf fall from deciduous trees. These conditions are typically associated with reduced airborne dust and creation of substantial leaf piles that can block storm drains, require removal from City streets and disposal, and create slipping hazards to pedestrians on sidewalks.
- ***The proposed ordinance establishes civil penalties of not less than \$250 or more than \$25,000 for each day the violation continues.***

The proposed ordinance includes substantial financial penalties.

Sacramento Environmental Commission (SEC) Comments

Sacramento Environmental Commission appreciates the goal of this ordinance to reduce the emission of air pollutants and particulates on days exceeding an AQI of 100. The SEC finds the following conclusions and offer them for City consideration.

1. The City should anticipate a substantially larger number of days when AQI 100 would be exceeded. The number of days when AQI is greater than 100 has already exceeded 40 and can be expected to increase with continued dry weather and large wildland fire events.
2. The City of Sacramento supports a very high concentration of deciduous trees that shed leaves between October and January. It is during this period when leaf collection and disposal is critical to clear stormwater drains, maintain roadway and parking access, and reduce slipping hazards to pedestrians. Portable blower restrictions imposed during the winter months may create

unintended consequences that could disrupt stormwater management, traffic circulation, and pedestrian safety.

3. The financial burden of implementing the proposed ordinance will be borne by private landscaping services who will either be prevented from working on AQI+100 days or suffer reduced efficiency with manual leaf collection and disposal. Many of these services are composed of groups that are economically disadvantaged and could be greatly impacted during the current economic downturn.
4. As an alternative to the proposed ordinance, the SEC offers the following items for the City's consideration:
 - a. Limit the portable blower restrictions to the months of July through September. This limited period would not impact winter leaf collection when critical to City residents;
 - b. The ordinance should explicitly include portable blowers used on government property and facilities, including City parks, buildings, and other structures.
 - c. Implement an equipment exchange program to purchase and replace gas-powered portable blowers with quieter and less polluting electric-portable blowers. This will help address the engine and fugitive emissions associated with refueling. SMUD has promoted the trade-in of gas powered lawn mowers for electric models that have the same performance but without direct air emissions in past years.
 - d. Modify the enforcement language so that it is less punitive than currently proposed. The proposal of up to \$25,000 per day is excessive and would have a significant financial impact on small businesses if enforced. As previously mentioned, many of the effected landscaping businesses are owned by financially disadvantaged groups. A lesser penalty would seem appropriate while creating an incentive to eliminate portable blower use on poor AQI days
 - e. Provide adequate time to allow business owners to become familiar with the ordinance and make necessary preparations before the implementation of the ban. We suggest a one-year grace period when the emphasis of the ordinance should be placed on education of effected businesses and providing information in multiple languages.

We appreciate the City Law and Legislation Committee's consideration of our comments. We are available to discuss our comments with the Committee if appropriate. Thank you for your consideration of our input.

Sincerely,



Mark White, Chair

Cc: Tina Lee-Vogt
City of Sacramento Clerk of The Board