

**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

**Preliminary Draft Staff Report for**

**Proposed Amended Rule 208 – Permit and Burn Authorization for Open Burning  
Proposed Amended Rule 444 – Open Burning**

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August 22, 2008

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## EXECUTIVE SUMMARY

Rule 444 – Open Burning, defines the scope and extent of the South Coast Air Quality Management District (AQMD) open burning program and its purpose, which is to ensure that open burning is conducted in a manner that minimizes emissions and visible smoke. Rule 208 – Permit and Burn Authorization for Open Burning, is the companion rule that requires persons wishing to conduct open burning to obtain written permits prior to the activity.

The proposed amendments for these rules are as follows:

### PAR 208

- Adds language to specify that open burning shall not be conducted in a manner inconsistent with the conditions of the written permit.

### PAR 444

- Adds 10 definitions; amends 7 definitions;
  - Adds – Air Quality Index, Approved Ignition Fuels, Burn Authorization Number, Burn Management Plan, Burn Project, Field Crop, Imminent Fire Hazard, Sensitive Receptor Locations, Source/Receptor Area and Wildland.
  - Amends – Agricultural Operations, Agricultural Wastes, Approved Ignition Devices, Fire Hazard, Marginal Burn Day, No Burn Day, and Permissive Burn Day.
  - Deletes – Burn Implementation Plan.
- Adds the requirement of Air Quality Index standards to determine permissive burn days, marginal burn days, and no burn days;
- Changes the requirement to obtain a written permit for open burning from **either** the AQMD or the applicable fire protection agency to **both** the AQMD and the applicable fire protection agency.
- Adds time requirements for requesting burn authorization number request;
- Allows the Executive Officer to issue site-specific permit conditions for any burn project;
- Prohibits open burns within 1,000 feet of sensitive receptor locations;
- Requires the use of approved ignition fuels for pyrotechnics used in the creation of special effects for filming;
- Prohibits completely burning existing structures for fire prevention/suppression training;

- Requires agricultural wastes from field crops that are green when cut to be dried for 4 weeks prior to burning;
- Requires Burn Management Plans for agricultural burn projects of greater than 10 acres or projects that produce more than one ton of particular matter (PM);
- Prohibits the transportation of agricultural waste, for the purpose of burning, from one property to another;
- Requires Smoke Management Plans to be updated annually;
- Requires Annual Post Burn Evaluation Reports;
- Removes the exemption from receiving a burn authorization number for training burns and for the burning of Russian thistle (tumbleweed);
- Requires fees to be assessed for the filing and evaluation of submitted permits, plans and reports; and
- Restructures and clarifies the exemption language.

## **REGULATORY BACKGROUND**

Rule 444 – Open Burning, was adopted October 8, 1976, along with Rule 208 – Permit and Burn Authorization for Open Burning, to reduce visible emissions and minimize public nuisance from smoke emissions. These rules were written for the Los Angeles County Air Pollution Control District but incorporated elements of all the four counties (Los Angeles, Orange, Riverside and San Bernardino Counties) that the rules affected at the time. Rule 444 has been amended on three previous occasions. An October 1981 amendment added a provision allowing for training fires of 30 minutes or less in duration when they would otherwise be precluded due to adverse meteorological conditions. The rule was amended again in October 1987 to incorporate the newly adopted vegetative management burning requirements of the California Code of Regulations, Title 17 – Smoke Management Guidelines for Agricultural and Prescribed Burning. Finally, a December 2001 amendment incorporated modifications to Title 17, corrected deficiencies identified by EPA in a 2000 federal register notice of limited disapproval, and incorporated provisions of the revised 1997 and 1999 control measure WST-03 that set limitations to open burning when the California one-hour ozone standard is predicted to be exceeded.

Rule 208 has been amended twice, in 1990 and 2001. A January 2001 amendment added a provision requiring written permits for open burning by local fire protection agencies or the Executive Officer. It also specified that the burn authorization from the Executive Officer would be required for each day of burning.

## **PURPOSE AND APPLICABILITY**

The purpose of these rules is to ensure open burning in the District is conducted in a manner that minimizes emissions and that smoke is managed consistent with state and federal law in order to protect public health and safety. The amendments are intended to

improve the tracking of any open burning within the AQMD, improve enforceability and reduce exposure to particulate emissions.

## **LEGISLATIVE AUTHORITY**

The California Legislature created the AQMD in 1997 (The Lewis-Presley Air Quality Management Act, Health and Safety Code Section 40400 et seq.) as the agency responsible for developing and enforcing air pollution control rules and regulations in the South Coast Air Basin (Basin). The AQMD obtains authority to adopt, amend, or repeal rules and regulations from Health and Safety Code §§39002, 40000, and 40001.

## **AFFECTED INDUSTRIES**

The proposed amendments would apply to any persons conducting open burning, including but not limited to agricultural operations, fire training operations, and forestry operations.

## **SUMMARY OF PROPOSED AMENDMENTS**

### **PAR 208 – Permit and Burn Authorization for Open Burning**

The proposed amendments to Rule 208 states that “a person shall not conduct or allow any open burning contrary to the site-specific permit conditions.” This is a clarification and seeks to strengthen enforceability of the rule.

### **PAR 444 – Open Burning**

#### *Definitions*

The proposed amendment to Rule 444 includes nine new definitions to enhance clarity of the various provisions of the rule: Air Quality Index, Approved Ignition Fuels, Burn Authorization Number, Burn Management Plan, Burn Project, Field Crop, Imminent Fire Hazard, Sensitive Receptor Locations, and Wildland.

“Air Quality Index (AQI)” is defined as a value established by the federal Environmental Protection Agency (EPA) to measure the level of the five major air pollutants, ground-level ozone, PM, carbon monoxide, sulfur dioxide, and nitrogen dioxide which are regulated by the Clean Air Act. The values range from 0 to 500 and are divided into six categories, higher values indicate greater levels of pollution and are associated with greater health concerns. A value of 0 to 50 is listed as good, 51 to 100 is listed as moderate, 101 to 150 is listed as unhealthy for sensitive groups, 151 to 200 is listed as unhealthy for all segments of our population, 201 to 300 is listed as very unhealthy and over 300 is listed as hazardous. Sensitive groups include children who are active outdoors; adults involved in moderate or strenuous outdoor activities; individuals with respiratory disease, such as asthma; and individuals with unusual susceptibility to ozone.

“Approved Ignition Fuels” is defined as pipeline quality natural gas, liquefied petroleum gas, or a petroleum liquid having an API gravity of at least 30. These fuels were defined to simplify the rule language.

“Burn Authorization Number” is defined as the number that is assigned to a burn project upon being granted approval by the Executive Officer. There is added language for clarification.

“Burn Management Plan” is a document required for agricultural operations with burning projects that are greater than 10 acres or that would produce more than one ton of PM. The information required includes: project location, types, and amounts of material to be burned; expected duration of the fire from ignition to extinction; identification of responsible personnel, including telephone contacts; identification and location of all smoke sensitive areas; and where the particulate emissions tonnage is selected as the criteria for determining the project size, calculation of the particulate emissions tonnage.

“Burn Project” is an active or planned prescribed burn, agricultural burn, fire prevention/suppression training, a naturally ignited wildland fire managed for resource benefits, or any other burn approved by the Executive Officer. The definition was added clarify the rule language.

“Field Crop” is crop, other than fruits or vegetables, which is grown for agricultural purposes. This was defined to clarify the rule language that references field crop burning.

“Imminent Fire Hazard” is defined as one presenting an impending danger to health and safety and for which the direct abatement by fire is necessary, as declared by a fire protection agency. Imminent Fire Hazards differ from a prescribed burn by the immediate or urgent need to alleviate the threat.

“Sensitive Receptor Location” is defined to include schools, daycare centers, hospitals, and convalescent homes, and other locations where children, chronically ill individuals, or other sensitive persons could be exposed. This mirrors the definition as it appears in the *Risk Assessment Procedures for Rules 1401 and 212*.

“Source/Receptor Areas” a source area is defined as that area in which contaminants are discharged and a receptor area is defined as that area in which the contaminants accumulate and are measured. Any of the areas can be a source area, a receptor area, or both a source and receptor area. The definition was added to clarify the meaning of Source/Receptor Areas which are referenced in several places in the Rule. This definition mirrors the definition in Rule 701. Rule 701 also refers to a map of the Source/Receptor Areas which is an attachment to Rule 701.

“Wildland” is defined in order to clarify the rule language. The following definition for wildland mirrors Title 17 of the California Code of Regulations Subchapter 2: Smoke Management Guidelines for Agricultural and Prescribed Burning:

- (A) An area where development is generally limited to roads, railroads, power lines, and widely scattered structures. Such land is not

cultivated (i.e., the soil is disturbed less frequently than once in 10 years), is not fallow, and is not in the United States Department of Agriculture (USDA) Conservation Reserve Program. The land may be neglected altogether or managed for such purposes as wood or forage production, wildlife, recreation, wetlands, or protective plant cover.

- (B) For California Department of Forestry and Fire Protection, “Wildland” from PRC 4464(a) means any land that is classified as a state responsibility area pursuant to Article 3 (commencing with Section 4125) of Chapter 1 of this part and includes any such land having a plant cover consisting principally of grasses, forbs, or shrubs that are valuable for forage. “Wildland” also means any lands that are contiguous to lands classified as a state responsibility area if wildland fuel accumulation is such that a wildland fire occurring on these lands would pose a threat to the adjacent state responsibility area.

Seven definitions are proposed for amendment. They are: agricultural operations, agricultural wastes, approved ignition devices, fire hazard, marginal burn day, no burn day, and permissive burn day.

“Agricultural Operations” was changed to clarify that open burning by agricultural operation is restricted to persons who run a business for profit and does not include small or hobby agricultural operations.

“Agricultural Wastes” was changed to clarify that chemically treated wood, or materials containing asbestos are not considered to be agricultural wastes and thus should not be burned. Chemically treated wood and asbestos are both extremely harmful when burned in open fires. Among the chemicals used as wood preservative are toxic compounds such as chromated copper arsenate, creosote, ammoniacal copper arsenate, and pentachlorophenol.

“Approved Ignition Devices” is changed to improve clarity.

“Fire Hazard” is changed to clarify that the hazard “could” present a threat, removing the language “represents” which is a more concrete term. Also, the language “if not immediately abated” is struck from the definition of “fire hazard” to distinguish it from “imminent fire hazard.”

“Permissive Burn Day”, “Marginal Burn Day”, and “No Burn Day” definitions are strengthened and simplified by the addition of the AQI requirements. The proposed amended definition of a permissive burn day is defined as an AQI of 100 or less. The proposed amended definition of a no burn day is defined as an AQI of greater than 150. The proposed amended definition of a marginal burn day is defined as 150 or less



through out the basin and 100 or less in the source/receptor area. The addition of AQI makes the requirements of the California one hour Ozone Health Advisory Episodes redundant, therefore those requirements are proposed for deletion.

One definition is proposed for deletion:

“Burn Implementation Plan” is proposed for deletion as is the corresponding rule requirement. The Smoke Management Plan is sufficient to cover the information required. The Burn Implementation Plan definition and requirements are redundant.

***Forecasting***

The proposed rule adds the criterion of the AQI for forecasting burn days. The AQI incorporates the five major air pollutants regulated by the Clean Air Act; ground-level ozone, PM, carbon monoxide, sulfur dioxide, and nitrogen dioxide. The forecasting of calling “marginal”, “permissive”, and “no burn” days will have to meet new criteria of the federal 8-hour ozone and federal 24-hour PM2.5 standards. These new federal criteria are factored into the calculation of the AQI. Staff forecasts are made on a daily basis and broadcasts of the information are made on the internet, by e-mail, and are available by phone. Additionally, the information is disseminated to media (radio, newspaper and television).

A historical examination and comparison of air quality modeling results and recorded air quality data indicate that using the AQI criteria to forecast burn days will limit the number of forecasted annual burn days as follows:

Table 1: Days of Restricted Burning Due to Air Quality\*

Year	Current Requirement		Proposed Requirement	
	Marginal (O <sub>3</sub> > 1-hr State standard)	No-Burn (O <sub>3</sub> Heath Advisory or Met)	Marginal (AQI > 100)	No-Burn (AQI > 150 or Met)
2005	54	79	66	108
2006	67	60	81	85
2007	55	84	71	105
<b>Average</b>	<b>59</b>	<b>74</b>	<b>73</b>	<b>99</b>

\* Based on measured SSI PM 2.5 and 8-Hour Ozone in South Coast Air Basin against new standards and predicted meteorological conditions.

Forecast predictions are accurate 90 percent of the time and usually vary based on weather patterns, mixing heights, and surface pressure gradients.

## ***REQUIREMENTS AND PROHIBITIONS***

### ***Permits***

The proposed amendment to Rule 444 would require written permits from both the AQMD and the applicable fire protection agency. The current rule requires only one permit but not both. This amendment is proposed to better track the open burning conducted in the AQMD.

Staff is considering requiring a fee for issuing burn permits. Further information is included below in the discussion on fees.

### ***Burn Authorization Number***

The rule language was altered (subparagraph (d)(1)(C)) to reference the burn authorization number. The original language required authorization from the Executive Officer. In practice, the authorization is granted by issuing a burn authorization number. The rule language was altered to clarify this requirement. Additional clauses were also added to ensure staff is notified by 4:00 p.m. on the day prior to the burn. Staff does not respond to calls for burn authorization numbers on Sundays. Individual who wish to burn on Monday must leave a message with the burn coordinator by 4:00 p.m. Sunday. The burn coordinator will issue the burn authorization number Monday morning. In addition, rule language was added to allow the delay of a burn authorization number until staff has been able to inspect the proposed burn project.

### ***Site-Specific Permit Conditions***

Language is proposed to allow the Executive Officer to issue site-specific permit conditions for any burn project (subparagraph (d)(1)(D)). This will improve rule enforceability.

### ***Sensitive Receptors***

Under the Requirements and Prohibitions subdivision, the proposal prohibits open burns if the location is within 1,000 feet of a sensitive receptor location. This provision is intended to protect the health of residents of these locations. Alternatives to burning are dependent on the materials disposed. Certain materials can be reduced by mechanical means. Chipping entails several steps including: uprooting the materials, mechanically chipping; and transporting to a biomass facility or landfill. The waste must be acceptable to the biomass facility. Also for chipping, a number of pieces of equipment are required including but not limited to: tub grinder, excavator, tractor, front-end loader and a transporter. Grinding is a mechanical means of reducing the agricultural waste and can be accomplished with a tub or roller grinder.

### ***Pyrotechnics***

Language is proposed pertaining to the use of pyrotechnics for special effects (subparagraph (d)(2)(G)) requiring the fuel to be approved ignition fuels. Approved ignition fuels are defined as pipeline quality gas, liquefied petroleum gas, or a petroleum liquid having an API gravity of at least 30. These authorized ignition fuels burn hotter, produce less smoke and thus reduce emissions.

The issue of possibly controlling fireworks displays was investigated. A number of entities employing fireworks displays for entertainment were contacted for information regarding frequency and duration of shows and costs. Staff found the number of complaints for this activity had greatly diminished (one in 2005, and none in 2006) after Disneyland implemented a compressed-air, aerial pyrotechnics launching system in 2004. Disneyland also implemented an interim low-smoke substitute for black powder and is finalizing the development and marketing of an ultra-low smoke substitute for black powder. They are currently working towards the goal of securing the manufacture of the product which is not available commercially. Due to the lack of complaints, the commercial unavailability of the ultra-low smoke substitute for black powder, the low frequency of shows by other individual entities, and the cost of the launch system, staff determined further regulation of these activities is not currently warranted.

### ***Fire Suppression Training***

A prohibition was added to explicitly prohibit the complete burning of an existing structure for fire prevention/suppression training (subparagraph (d)(3)(F)).

### ***Time requirements***

The language regarding open burning other than field crops (subparagraph (d)(4)(B)) was altered to improve clarity.

### ***Agricultural Burning***

Additional requirements for agricultural burning (paragraph (d)(6)) are proposed so that wastes from field crops that are cut in a green condition must be dried for a minimum of 4 weeks. Drier materials burn hotter and thus produce less smoke. Additional requirements are proposed for agricultural burns (subparagraph (d)(6)(D)). The proposed language requires a Burn Management Plan be submitted for burns greater than 10 acres or for projects that would produce more than one ton of PM emissions. The proposed rule language specifies the minimum information to be contained in the Burn Management Plan. Currently, prescribed burns of greater than 10 acres or producing more than one ton of PM emissions must have a Smoke Management Plan. Smoke Management Plans provide the AQMD with information such as location, types and amounts of material to be burned, duration of the fire, contact information, and PM emissions (when PM emission tonnage is the criteria for determining the project size).

This same type of information will be required for Burn Management Plans. This information assists the staff in preparing the annual report on burning activities for CARB.

### ***Transportation of Agricultural Waste***

A restriction was added prohibiting the transport of agricultural waste for burning from one property to another (paragraph (d)(7)). The transportation restriction addresses materials such as Russian thistle which spreads seeds, and thus the plant, when the purpose of burning it is to destroy this invasive plant and reduce its spread. This provision also improves rule enforceability.

### ***Prescribed Burning***

The proposal also requires Smoke Management Plans to be updated annually (subparagraph (d)(8)(B)). This will assist the AQMD in air quality planning and emission estimates. AQMD must submit burn data information to CARB annually and this change will help make the information more accurate. Additionally, the proposal clarifies that the criteria for Smoke Management Plan consideration of alternatives to burning, including economic and logistical data, and emission reduction techniques (clause (d)(8)(C)(v)). Also, the proposed amended language regarding prescribed burning on *marginal burn days* (subparagraph (d)(8)(E)), removes language regarding the California 1-hour ozone standard. Marginal burn days are defined using the AQI making the reference to the California 1 hour ozone standard redundant.

## ***ADMINISTRATIVE REQUIREMENTS***

### ***Annual Reporting***

The proposed amendment requires Post Burn Evaluation reports to be submitted annually for any person or persons required to have a Smoke Management Plan or a Burn Management Plan. The proposed reports include the type of material burned, the total acreage burned, the total tons of material burned, the estimated fuel loading in tons per acre burned, and the total of the estimated PM emissions. This information is currently estimated in the Smoke Management and Burn Management Plans, the Annual Post Burn Evaluation reporting requirement will provide staff with more accurate information on the open burning occurring within the AQMD.

### ***FEES***

Staff is proposing to assess fees as of July 1, 2009, in accordance with the provisions of Rule 306 – Plan Fees. The proposed fees shall be assessed for issuing written permits, for filing and evaluating Smoke Management Plans and Burn Management Plans, and for evaluating Post Burn Evaluation Reports. The fees will recover the cost burden associated with Rule 444 - Open Burning.

The fee associated with written permits would recover staff costs for issuing the permits and inspecting the proposed burn project. Staff is also evaluating basing the fees to the acres that are proposed for open burn in the permit. The fees would have an effective date of July 1, 2009 to correspond with the amendment to Rule 306 – Plan Fees. Staff is currently collecting data to determine the cost burden of issuing permits. The current cost for the initial filing under Rule 306 is \$112.30. If an inspection is required prior to issuing the permit, additional costs would apply (Rule 306 currently imposes inspection fees at \$89.80 per hour). The proposed fee is not per individual burn. Permits are not required for each day of burning; they are issued for burn projects. Permits can be issued for several months depending on the burning the project. For small operations and residents who intend to burn tumbleweed, the cost associated with the permit may lead individuals to seek alternative to open burns.

The fees for Smoke Management Plans and Burn Management Plans would include filing fees and plan evaluation fees. The current cost for plan filing and evaluation under Rule 306 is \$112.30 for plan filing and \$112.30 per person per hour for plan evaluation based on the total actual and reasonable time incurred. If an inspection is required to approve the plan, then the inspection fee (\$89.80 per hour) will also apply. Staff estimates that the cost evaluating a Smoke Management Plans and Burn Management Plans will be from \$360 to \$700 per plan, which includes evaluation and a 1.5 hour inspection. The range reflects the difference in evaluation costs, with larger projects requiring additional staff time for review.

Staff is also proposing a fee for the evaluation of the Annual Post Burn Evaluation Reports. Staff is currently evaluating the time that will be required to evaluate the reports and estimates that the fee will be from \$112.30 to \$226.60, based on a 1 to 2 hour evaluation.

All of the above fees are estimates and will be adjusted based on the evaluation conducted prior to amending Rule 306.

## ***EXEMPTIONS***

### ***Imminent Fire Hazard***

New language is proposed to exempt certain open burning requirements in the event of an imminent fire hazard (paragraph (f)(1)). The language pertaining to Public Resources Code 4462 is removed, thus broadening the exemption. This exemption is intended to give fire protection agencies greater flexibility in addressing situations that present an immediate danger to property or the health and/or safety of people. The imminent fire hazard is distinguished from a prescribed burn by the need for an urgent action to alleviate a threat.

### ***Fire Prevention/Suppression Training***

The rule language has been restructured to clarify the exemptions and change some of the exemption for fire prevention/suppression training (subparagraphs (f)(2) and (f)(3)). The

exemption from obtaining a burn authorization number was removed for all training burns. In order to better track open burning, burn authorization numbers will now be required for all open burning.

The language has been altered to more clearly enumerate the different exemptions and limitations for training conducted by fire protection agencies **not** conducted within a structure, training conducted by fire protection agencies conducted within a structure, and training conducted by **non**-fire prevention agencies.

Two additional requirements are proposed for training exercises performed by fire protection agencies, not within a structure, to be exempt from acquiring a permit and to be conducted on no burn days. The cumulative burn time must not exceed two hours in a 24 hours period, and approved ignition fuels must be used (subparagraph (f)(2)(A)).

One additional requirement is proposed for training conducted by non-fire prevention agencies to be exempt from acquiring a permit. The total burn time must not exceed a total cumulative time of 2 hours in a 24-hour period.

### ***Russian Thistle***

The exemption for Russian thistle (*Salsola kali* or tumbleweed) from obtaining a burn authorization number (subparagraph (d)(1)(C)) for each day for each open burning event, is proposed to be removed. This will allow staff to track the open burning of this invasive material. Staff has been working with local fire agencies to review permits issued by the agencies for burning of tumbleweeds. Many burn piles with Russian thistle are mixed materials. The intent of the rule has been to allow the in place burning of Russian thistle in order to limit the spread of an invasive species and not to include other materials. Removing the exemption will require burners to notify the Executive Officer and receive authorization prior to ignition. Staff would then be able to better monitor and inspect the burn piles prior to issuing a burn authorization number. In addition to the mitigation of open burning of other non-permitted material, staff would be able to obtain more accurate burn data relative to emissions from Russian thistle. Staff is committed to working cooperatively with local fire agencies to ensure that only the Russian thistle is allowed to be consumed in this open burning, and that all other materials not allowed to be burned under Rule 444, must be disposed of by alternative means.

### ***Recreational and Ceremonial Burning***

The proposed language clarifies the exemption under the ceremonial fire exemption to include burning conducted according to Title 4, Chapter 1, Section 8, of the United States Code.

## **EFFECT ON EMISSIONS**

While the proposed amendments to Rule 444 may result in emission reduction benefits, such benefits are not easily quantifiable. The proposal will restrict burns on particular

days but not eliminate them. The proposal would result in minimizing impact of health damaging particulates on sensitive receptors.

## **COMPARATIVE ANALYSIS**

Health and Safety Code § 40727.2 requires a comparative analysis be conducted relative to the proposed amendments and other similar regulations. However, the proposed amendments to Rules 444 and 208 do not conflict with any existing AQMD or federal requirements.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Pursuant to the California Environmental Quality Act (CEQA) and AQMD Rule 110, appropriate documentation will be prepared to analyze any potential adverse environmental impacts associated with the proposed amendments to Rule 444 – Open Burning. Comments received at the public workshop and CEQA scoping meeting will be considered when preparing the CEQA document.

## **SOCIOECONOMIC ASSESSMENT**

A socioeconomic impact assessment will be performed for the proposed amendments. The document will be available 30 days prior to the Public Hearing.

## **DRAFT FINDINGS UNDER THE CALIFORNIA HEALTH AND SAFETY CODE**

Before adopting, amending, or repealing a rule, the California Health and Safety Code requires the AQMD to adopt findings of necessity, authority, clarity, consistency, non-duplication, and reference, as defined in Section 40727. The draft findings are as follows:

### **Necessity**

A need exists to amend current Rule 444 to accomplish the following:

- Improve data collection for emission estimates;
- Protect the health of persons present at sensitive receptors;
- Provide rule consistency; and
- Improve rule clarity.

### **Authority**

The AQMD Governing Board has authority to amend existing Rules 208 and 444 pursuant to the California Health and Safety Code Sections 39002, 40000, 40001, and 40702.

### **Clarity**

Proposed Amended Rules 208 and 444 are written or displayed so that their meaning can be easily understood by the persons directly affected by it.

**Consistency**

Proposed Amended Rules 208 and 444 are in harmony with and not in conflict with or contradictory to existing statutes, court decisions or state or federal regulations.

**Non-duplication**

Proposed Amended Rules 208 and 444 will not impose the same requirements as any existing state or federal regulations. The amendments are necessary and proper to execute the powers and duties granted to, and imposed upon, AQMD.

**Reference**

By adopting Proposed Amended Rules 208 and 444, the AQMD Governing Board will be implementing, interpreting or making specific the provisions of the California Health and Safety Code § 39002 (Local and State Agency Responsibilities), 40000 (Local/State Responsibilities), 40001 (Rules to achieve ambient air quality standards), 40702 (Adoption of Rules and Regulations), and 80100 through 80330 (Title 17: Smoke Management Guidelines for Agricultural and Prescribed Burning).