



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

# PUBLIC HEARING NOTICE

September 23, 2019

TO: INTERESTED PARTIES  
FROM: EXECUTIVE OFFICER / APCO  
SUBJECT: **PUBLIC HEARING: PROPOSED AMENDMENTS TO REGULATION 5: OPEN BURNING; PROPOSED AMENDMENTS TO REGULATION 6: PARTICULATE MATTER AND VISIBLE EMISSIONS, RULE 3: WOOD BURNING DEVICES; AND APPROVAL OF FILING A NOTICE OF EXEMPTION FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

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On **Wednesday, November 6, 2019**, the Board of Directors of the Bay Area Air Quality Management District will conduct a public hearing at the Air District Headquarters' Board Room, 375 Beale Street, San Francisco, California, at 9:30 a.m.

The Board will consider:

- Adoption of proposed amendments to Regulation 5: Open Burning;
- Adoption of proposed amendments to Regulation 6: Particulate Matter and Visible Emissions, Rule 3: Wood Burning Devices; and
- Approval of filing a Notice of Exemption from CEQA.

The proposed amendments are part of the Air District's Wildfire Air Quality Response Program intended to prepare, prevent, and respond to future wildfires and ensure health-protective measures and strategies are in place.

The proposed amendments to Regulation 5 complement statewide efforts to prevent catastrophic wildfires through prescribed burning. The proposed amendments would exempt public agencies from incurring Open Burning Fees when conducting prescribed burns for the purpose of wildfire prevention.

The proposed amendments to Rule 6-3 aim to further protect public health when wildfire smoke affects air quality in the Bay Area. The proposed amendments would allow the Air District to announce a Spare the Air Alert year-round to notify the public when particulate matter is forecast to exceed 35 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ).

The Air District has determined that these amendments to Regulation 5 and Rule 6-3 are exempt from provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") pursuant to CEQA sections 21080(b)(4) and 21080(b)(8), and State CEQA Guidelines, sections 15061(b)(3), 15307 and 15308. The amendments to Regulation 5 are necessary to prevent or mitigate wildfire-related public health and natural resource emergencies and constitute the modification of a public

agency operating fee. The amendments to Rule 6-3 are necessary to prevent or mitigate a public health emergency during wildfire events. The amendments to both rules help assure the protection of the environment and there is no possibility that the Air District's action will have a significant effect on the environment. In addition, and in the alternative, in 2008 the District analyzed the potential environmental impacts of Rule 6-3 – including banning wood burning during forecasted particulate matter exceedances – and concluded in a certified Environmental Impact Report (“Certified EIR”) that there would be no significant adverse environmental impacts. The amendments to Rule 6-3 do not present substantial changes in the project or circumstances or new information that would require a new analysis, and thus the District continues to rely on the Certified EIR pursuant to CEQA section 21166 and finds that, if the Rule 6-3 amendments are subject to CEQA, there will be no significant environmental impacts. The Air District intends to file a Notice of Exemption / Determination pursuant to CEQA section 21152.

Copies of the proposed amendments, the staff report, and the socioeconomic analysis are available at the Air District headquarters or on the Air District's website at [www.baaqmd.gov/ruledev](http://www.baaqmd.gov/ruledev).

Interested parties are invited to submit written comments on the proposed amendments. For questions or comments on the rule development, please contact Patrick E. Wenzinger, Supervising Air Quality Specialist, at (415) 749-4934, or via email at [wildfireprogram@baaqmd.gov](mailto:wildfireprogram@baaqmd.gov). The deadline for comments on the proposed amendments is Wednesday, October 23, 2019.