Draft Proposed Amendments to BAAQMD Regulation 3: Fees and Regulation 5: Open Burning

Bay Area Air Quality Management District
Public Workshop
February 4, 2013

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Presentation Outline

- **Background**
- *Draft Proposed Amendments to Reg. 3*
- *Draft Proposed Amendments to Reg. 5*
- **Rule Development Schedule**
Background

- District has authority to assess fees to recover the reasonable costs of area-wide or indirect sources of emissions which are regulated, but for which permits are not issued by the District.
- Fees are amended as part of annual budget preparation:
  - Upcoming Fiscal Year Ending (FYE) 2014
- Open Burning Program is a regulatory program where costs are not recovered - currently no fees.
- Fee proposal is part of the District efforts to increase Cost Recovery to 85% by FYE 2016.
Proposed Schedule V would establish new fees for all open burning activities allowed in Regulation 5

- Five (5) different open burning fees being considered

Goal to recover 85% of est. $377K/yr. program cost

- Fee proposal consistent with Cost Recovery Policy

All fees would be paid “up front” prior to burning

All fees would be non-refundable

Proposed effective date – July 1, 2013
Proposed Schedule V: Open Burning Fees

(1) Prior District Notification Fee

- $98 fee would apply to six agricultural and six non-agricultural fires subject to Reg. 5 prior District notification requirement
- These twelve (12) allowable fires account for >95% of the estimated total # of burns conducted annually in the District
  - More than 2,800 notifications received per year
- Fee determined for each property
- Fee payment valid for one burn period – time period within 12 consecutive months when a given fire is allowed in Reg. 5
  - For those fires allowed year-round, the fee payment is valid for one year from the fee payment date
## Proposed Schedule V: Open Burning Fees

### (1) Prior District Notification Fee (cont’d)

<table>
<thead>
<tr>
<th>Regulation 5 Section – Fire</th>
<th>Permissible Burn Period</th>
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<tbody>
<tr>
<td>401.1 - Disease and Pest</td>
<td>January 1 – December 31</td>
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<tr>
<td>401.2 - Crop Replacement</td>
<td>October 1 – April 30</td>
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<td>401.3 - Orchard Pruning and Attrition</td>
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<td>401.4 - Double Cropping Stubble</td>
<td>June 1 – August 31</td>
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<td>401.6 - Hazardous Material</td>
<td>January 1 – December 31</td>
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<td>401.7 - Fire Training</td>
<td>October 1 – May 31</td>
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<td>401.8 - Flood Debris</td>
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<td>401.9 - Irrigation Ditches</td>
<td>January 1 – December 31</td>
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<td>401.10 - Flood Control</td>
<td>July 1 – April 30</td>
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<tr>
<td>401.11 - Range Management</td>
<td>November 1 – April 30</td>
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<tr>
<td>401.12 - Forest Management</td>
<td>January 1 – December 31</td>
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<td>401.14 - Contraband</td>
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</tbody>
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- Additional fee required when a person seeks to burn an amount of material greater than the amount listed in initial notification provided for a burn season or one-year period
Proposed Schedule V: Open Burning Fees

(2) Prescribed Burning Fee

This fee would be applicable to:
- Prescribed burn projects of any size including VMPs, and
- Any one of the following fires that is expected to exceed 10 acres in size or burn piled vegetation cleared or generated from more than 10 acres of land:
  - Range Management fire, Forest Management fire, Hazardous Material fire not related to PRC 4291, and Crop Replacement fire for the purpose of establishing an agricultural crop on previously uncultivated land.

- Fee determined by proposed acreage to be burned in the Smoke Management Plan (SMP) required in Regulation 5
  - $425 (less than or equal to 50 acres)
  - $575 (greater than 50 acres but less than or equal to 150 acres)
  - $750 (greater than 150 acres)

- Fee payment would be valid for burn project approval period
(3) Marsh Burning Fee

- Fee determined for each property by proposed acreage to be burned in the Smoke Management Plan (SMP) required in Regulation 5
  - $350 (less than or equal to 50 acres)
  - $475 (>50 acres but less than or equal to 150 acres)
  - $600 (>150 acres)

- Fee payment valid for Spring or Fall burn period
  - Same as District approval of Smoke Management Plan
Proposed Schedule V: Open Burning Fees

(4) Stubble Burning Fee

- Fee would apply to burners required in Reg. 5 to receive an acreage burning allocation prior to burning
- 4-tiered fee determined for each property by proposed acreage to be burned by landowner
  - $250 (less than or equal to 25 acres)
  - $350 (greater than 25 acres but less than or equal to 75 acres)
  - $425 (greater than 75 acres but less than or equal to 150 acres)
  - $500 (greater than 150 acres)

- Fee payment valid for one stubble burn season per calendar year (September 1 to December 31)
Proposed Schedule V: Open Burning Fees

(5) Filmmaking Fire and Public Exhibition Fire Fee

- Filmmaking Fires – set as part of commercial film or video production activities for motion pictures and television.
- Public Exhibition Fires – set as part of a planned civic event designed to educate or benefit the public
  - These fires may occur at airshows, disaster drills, safety exercises and consumer product demonstrations.
- $505 fee would apply to both allowable fire types
- Fee payment valid for burn project approval period
Draft Amendments to Regulation 5

- Proposed New Section 5-411, Open Burning Fees
  - Intended to serve as a simple cross-reference between the proposed fees in Regulation 3 and Regulation 5
  - Non-substantive
Rule Development Schedule

- January 17, 2013
  - Workshop Notice/Draft fee amendments issued
- February 4-27, 2013
  - Eight (8) Public Workshops
- March 27, 2013 or April 24, 2013
  - Budget & Finance Committee briefing
- May 1, 2013
  - First public hearing to receive testimony by Board of Directors
- June 5, 2013
  - Second public hearing to consider adoption by Board of Directors
- July 1, 2013
  - Proposed effective date of fee amendments
Comments

➢ Please provide comments by March 15, 2013 to:

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