



**BOARD OF DIRECTORS
MEETING
October 1, 2025**

**MEETING LOCATION(S) FOR IN-PERSON ATTENDANCE BY
BOARD MEMBERS AND MEMBERS OF THE PUBLIC**

**Bay Area Metro Center
1st Floor Board Room
375 Beale Street
San Francisco, CA 94105**

THE FOLLOWING STREAMING OPTIONS WILL ALSO BE PROVIDED

These streaming options are provided for convenience only. In the event that streaming connections malfunction for any reason, the Board of Directors reserves the right to conduct the meeting without remote webcast and/or Zoom access.

The public may observe this meeting through the webcast by clicking the link available on the air district's agenda webpage at www.baaqmd.gov/bodagendas.

Members of the public may participate remotely via Zoom at <https://bayareametro.zoom.us/j/88374363674>, or may join Zoom by phone by dialing (669) 900-6833 or (408) 638-0968. The Webinar ID for this meeting is: [883 7436 3674](https://bayareametro.zoom.us/j/88374363674)

Public Comment on Agenda Items: The public may comment on each item on the agenda as the item is taken up. Members of the public who wish to speak on a matter on the agenda will have two minutes each to address the Board on that agenda item, unless a different time limit is established by the Chair. No speaker who has already spoken on an item will be entitled to speak to that item again.

The Board welcomes comments, including criticism, about the policies, procedures, programs, or services of the District, or of the acts or omissions of the Board. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a Board meeting. The District is committed to maintaining a workplace free of unlawful harassment and is mindful that District staff regularly attend Board meetings. Discriminatory statements or conduct that would potentially violate the Fair Employment and Housing Act – i.e., statements or conduct that is hostile, intimidating, oppressive, or abusive – is *per se* disruptive to a meeting and will not be tolerated.

BOARD OF DIRECTORS MEETING AGENDA

WEDNESDAY, OCTOBER 1, 2025

10:00 AM

Chairperson, Lynda Hopkins

1. **Call to Order - Roll Call**

The Board Chair shall call the meeting to order and the Clerk of the Boards shall take roll of the Board members.

2. **Pledge of Allegiance**

CLOSED SESSION

NOTE FOR MEMBERS OF THE PUBLIC INTERESTED IN ATTENDING OPEN SESSION ITEMS: OPEN SESSION WILL NOT RESUME BEFORE 11:30 A.M.

3. **Conference with Labor Negotiators Pursuant to Government Code Section 54957.6**

Agency Designated Representatives:

Laura A. Izon, Atkinson, Andelson, Loya, Ruud & Romo

Hyacinth Hinojosa, Deputy Executive Officer of Finance and Administration

Lisa Baker, Director of Human Resources

Employee Organization: BAAQMD Employees Association

4. **Conference with Legal Counsel re Existing Litigation Pursuant to Government Code Sections 54956.9(a) and (d)(1)**

Pursuant to Government Code Sections 54956.9(a) and (d)(1), the Board of Directors will meet in closed session with legal counsel to discuss the following cases:

Stephen (Rex) Sanders v. Bay Area Air Quality Management District, Northern District of California Case No. 23-cv-04416-RFL;

Terri Levels v. Bay Area Air Quality Management District, Northern District of California Case No. 23-cv-04432-RFL;

Lewis Letang v. Bay Area Air Quality Management District, Northern District of California Case No. 24-cv-01316-RFL;

Rochele Henderson v. Bay Area Air Quality Management District, Northern District of California Case No. 24-cv-01460-RFL;

Veronica Eady v. Bay Area Air Quality Management District, Northern District of California Case No. 24-cv-07000-RFL; and

Vanessa Johnson v. Bay Area Air Quality Management District, Northern District of California Case No. 24-cv-06276-RFL.

5. Conference with Legal Counsel re Anticipated Litigation Pursuant to Government Code Sections 54956.9(a), (d)(2) and (e)(3)

Pursuant to Government Code Sections 54956.9(a), (d)(2) and (e)(3), the Board of Directors will meet in closed session with legal counsel to discuss a significant exposure to litigation regarding the government code claim of Sean Madden, Valeria Cueva, Zoey Millican, and Camden Madden received by the Air District on September 15, 2025.

6. Public Employee Appointment and Employment Pursuant to Government Code Section 54957(b)

Title: Executive Officer/APCO

7. Conference with Labor Negotiators Pursuant to Government Code Section 54957.6

Agency Designated Representatives:

Board Chair Lynda Hopkins

Irma Rodriguez Moisa, Atkinson, Andelson, Loya, Ruud & Romo

Unrepresented Employee: Executive Officer/APCO

OPEN SESSION - OPEN SESSION WILL NOT RESUME BEFORE 11:30 A.M.

OPENING ITEM(S)

8. **Special Orders of the Day**

CONSENT CALENDAR (Items 9-22)

The Consent Calendar consists of routine items that may be approved together as a group by one action of the Board. Any Board member or member of the public may request that an item be removed and considered separately.

9. Approval of the Draft Minutes of the Board of Directors Special Meeting of September 10, 2025

The Board of Directors will consider approving the Draft Minutes of the Board of Directors Special Meeting of September 10, 2025.

10. Board Communications Received from September 10, 2025 through September 30, 2025

A copy of communications directed to the Board of Directors received by the Air District from September 10, 2025 through September 30, 2025, if any, will be distributed to the Board Members by way of email.

11. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of August 2025

In accordance with Resolution No. 2012-08, the Board of Directors will receive a list of all Notices of Violations issued, and all settlements for amounts in excess of \$10,000, during the month of August 2025.

12. Personnel Out-of-State Business Travel Report for June - August 2025

In accordance with Section 1.1.3 of the Air District's Employee Travel and Business Expense Policy, the Board of Directors will be notified of Air District personnel who have traveled on out-of-state business.

13. Authorization to Issue New Credit Cards to the Principal Deputy Executive Officer and the Deputy Executive Officer of Science

The Board of Directors will consider authorizing the issuance of new credit cards to the Principal Deputy Executive Officer and the Deputy Executive Officer of Science with credit limits of \$10,000 each. This will increase the Air District's cumulative executive-level management staff credit limit from \$115,000 to \$135,000.

14. Authorization of Hiring Recommendation at Step E of Salary Range 148M for the Manager (Cybersecurity Manager) Position for the Information Services Division

The Board of Directors will consider authorizing a hiring recommendation at Step E of Salary Range 148M for the manager (Cybersecurity Manager) position in the Information Services Division.

15. Authorization to Attend the United Nations Framework Convention on Climate Change Conference of the Parties 30 and Related Events, and Enter into a Sponsorship Agreement with The Climate Registry

The Board of Directors will consider recommending the Board of Directors 1) authorize Chair Lynda Hopkins and Vice Chair Vicki Veenker to travel to Brazil to attend the United Nations Framework Convention on Climate Change Conference of the Parties 30 and related events, and receive compensation and reimbursement per the Air District's Meeting Compensation and Expense Reimbursement Policy, 2) authorize Chair Hopkins to adjust the specific attendees as the need may arise, and 3) authorize the Executive Officer/APCO to enter into a sponsorship agreement with The Climate Registry in an amount not-to-exceed \$75,000 to support the sub-national delegation.

The Finance and Administration Committee recommended approval of this item at its meeting on September 17, 2025.

16. Authorization to Purchase Equipment from Syft Technologies, Incorporated

The Board of Directors will consider authorizing the Executive Officer/APCO to procure up to three Selected Ion Flow Tube Mass Spectrometers from Syft Technologies, Inc., for an amount not to exceed \$765,000, to be used for measuring criteria gases and volatile organic compounds at ambient air monitoring stations in refinery communities.

17. Authorization to Execute a Sponsorship Agreement with the American Lung Association

The Board of Directors will consider authorizing the Executive Officer/APCO to execute a sponsorship of the American Lung Association in an amount not to exceed \$60,000 to promote Air District programs, highlight the benefits of clean heating, and provide health professional and medical expert resources for media requests during wildfire season.

18. Authorization to Accept Fiscal Year 2025-2026 Carl Moyer Program and Community Air Protection Incentives Program Funds

The Board of Directors will consider adopting resolutions authorizing the Air District's acceptance of state incentive funds from Fiscal Year 2025-2026 and participation in the Carl Moyer and Community Air Protection Incentives programs; and authorizing the Executive Officer/APCO to enter into all necessary agreements to accept, obligate, and expend these funds.

19. Authorization to Accept Clean Air Act Section 103 Grant Program Revenues from the United States Environmental Protection Agency for Fine Particulate Matter Monitoring Activities

The Board of Directors will consider authorizing the Executive Officer/APCO to accept, obligate, and expend up to \$351,550 in Clean Air Act Section 103 grant funds from the United States Environmental Protection Agency to support fine particulate matter monitoring in the Bay Area.

20. Authorization to Accept Clean Air Act Section 105 Grant Program Revenues from the United States Environmental Protection Agency to Support Various Clean Air Regulatory Programs

The Board of Directors will consider authorizing the Executive Officer/APCO to accept, obligate, and expend up to \$2,350,000 in Clean Air Act Section 105 grant funds from the United States Environmental Protection Agency to support various Air District regulatory programs. The Board of Directors will also consider authorizing the Executive Office APCO to (i) execute a memorandum of understanding with the California Air Pollution Control Officers Association (CAPCOA) to pass through up to \$620,000 of these grant funds to CAPCOA for CAPCOA's Region 9 Pilot Program; and (ii) pass through up to an additional \$200,000 of the grant funds to CAPCOA to support CAPCOA administration under an existing 2021 memorandum of understanding with CAPCOA.

21. Report of the Policy, Grants, and Technology Committee Meeting of September 17, 2025

The Board of Directors will receive a report of the Policy, Grants, and Technology Committee meeting of September 17, 2025.

For the full Committee agenda packet and materials, click on the link below:
www.baaqmd.gov/bodagendas

22. Report of the Finance and Administration Committee Meeting of September 17, 2025

The Board of Directors will receive a report of the Finance and Administration Committee meeting of September 17, 2025.

For the full Committee agenda packet and materials, click on the link below:
www.baaqmd.gov/bodagendas

PUBLIC HEARING(S)

23. Public Hearing to Consider Adoption of Proposed Amendments to Regulation 6: Particulate Matter, Rule 3: Wood-Burning Devices and Regulation 5: Open Burning

The Board of Directors will hold a public hearing to consider adoption of proposed amendments to Regulation 6, Rule 3: Wood-Burning Devices and Regulation 5: Open Burning and a determination that the adoption is exempt from the California Environmental Quality Act. This item will be presented by Dr. Julia Luongo, Principal Air Quality Specialist in the Regulatory Development Division.

INFORMATIONAL ITEM(S)

24. Overview of New Targeted Inspection Program & Pilot Project in Bayview Hunters Point

The Board of Directors will discuss updates on the development of a Targeted Inspection Program, which will integrate strategies that prioritize inspections in overburdened and Assembly Bill 617 communities. Air District staff will share information on new approaches to help pinpoint potential compliance concerns for further investigation and inspection and an overview of the pilot program conducted in the Bayview Hunters Point community including successes, challenges, and lessons learned. This item will be presented by Dennis Quach, Air Quality Specialist in the Compliance & Enforcement Division.

OTHER BUSINESS

25. Public Comment on Non-Agenda Matters

Pursuant to Government Code Section 54954.3, members of the public who wish to speak on matters not on the agenda will be given an opportunity to address the Board of Directors. Members of the public will have two minutes each to address the Board, unless a different time limit is established by the Chair. The Board welcomes comments, including criticism, about the policies, procedures, programs, or services of the District, or of the acts or omissions of the Board. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a Board meeting. The District is committed to maintaining a workplace free of unlawful harassment and is mindful that District staff regularly attend Board meetings. Discriminatory statements or conduct that would potentially violate the Fair Employment and Housing Act – i.e., statements or conduct that is hostile, intimidating, oppressive, or abusive – is per se disruptive to a meeting and will not be tolerated.

26. Board Member Comments

Any member of the Board, or its staff, on his or her own initiative or in response to questions posed by the public, may: ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)

27. Report of the Executive Officer/APCO

28. Chairperson's Report

29. Time and Place of Next Meeting

Wednesday, November 5, 2025, at 10:00 a.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Board of Directors members and members of the public will be able to either join in-person or via webcast.

30. Adjournment

The Board meeting shall be adjourned by the Board Chair.

CONTACT:

MANAGER, EXECUTIVE OPERATIONS
375 BEALE STREET, SAN FRANCISCO, CA 94105
vjohnson@baaqmd.gov

(415) 749-4941
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov

- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the Air District's offices at 375 Beale Street, Suite 600, San Francisco, CA 94105, at the time such writing is made available to all, or a majority of all, members of that body.

Accessibility and Non-Discrimination Policy

The Bay Area Air Quality Management District (Air District) does not discriminate on the basis of race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, color, genetic information, medical condition, or mental or physical disability, or any other attribute or belief protected by law.

It is the Air District's policy to provide fair and equal access to the benefits of a program or activity administered by Air District. The Air District will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by the Air District. Members of the public who believe they or others were unlawfully denied full and equal access to an Air District program or activity may file a discrimination complaint under this policy. This non-discrimination policy also applies to other people or entities affiliated with Air District, including contractors or grantees that the Air District utilizes to provide benefits and services to members of the public.

Auxiliary aids and services including, for example, qualified interpreters and/or listening devices, to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the benefits, activities, programs, and services will be provided by the Air District in a timely manner and in such a way as to protect the privacy and independence of the individual. Please contact the Non-Discrimination Coordinator identified below at least three days in advance of a meeting so that arrangements can be made accordingly.

If you believe discrimination has occurred with respect to an Air District program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at www.baaqmd.gov/accessibility to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the Air District's Non-Discrimination Coordinator, Diana Ruiz, Acting Environmental Justice and Community Engagement Officer at (415) 749-8840 or by email at druiz@baaqmd.gov.

BAY AREA AIR DISTRICT
375 BEALE STREET, SAN FRANCISCO, CA 94105
FOR QUESTIONS PLEASE CALL (415) 749-4941

EXECUTIVE OFFICE:
MONTHLY CALENDAR OF AIR DISTRICT MEETINGS

OCTOBER 2025

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting	Wednesday	1	10:00 a.m.	1 st Floor Board Room
Advisory Council Meeting	Monday	6	9:00 a.m.	1 st Floor Board Room
Advisory Council Meeting	Monday	6	1:00 p.m.	1 st Floor Board Room
Board of Directors Stationary Source Committee - CANCELLED	Wednesday	8	10:00 a.m.	1 st Floor, Yerba Buena Room
Board of Directors Community Equity, Health, and Justice Committee - CANCELLED	Wednesday	8	1:00 p.m.	1 st Floor, Yerba Buena Room
Board of Directors Policy, Grants and Technology Committee	Wednesday	15	10:00 a.m.	1 st Floor Board Room
Board of Directors Finance and Administration Committee	Wednesday	15	1:00 p.m.	1 st Floor Board Room

HL 9/23/25 – 9:20 AM

G/Board/Executive Office/Moncal

BAY AREA AIR DISTRICT
Memorandum

To: Chairperson Lynda Hopkins and Members
of the Board of Directors

From: Philip M. Fine
Executive Officer/APCO

Date: October 1, 2025

Re: Approval of the Draft Minutes of the Board of Directors Special Meeting of
September 10, 2025

RECOMMENDED ACTION

Approve the Draft Minutes of the Board of Directors Special Meeting of September 10, 2025.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the Draft Minutes of the Board of Directors Special Meeting of September 10, 2025.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENT(S):

1. Draft Minutes of the Board of Directors Meeting of September 10, 2025

Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105
(415) 749-5073

Board of Directors Special Meeting
Wednesday, September 10, 2025

DRAFT MINUTES

This meeting was webcast, and a video recording is available on the website of the Bay Area Air Quality Management District at www.baaqmd.gov/bodagendas

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, Lynda Hopkins, called the meeting to order at 10:01 a.m.

Roll Call:

Present, In-Person (Bay Area Metro Center, 375 Beale Street, Yerba Buena Room, San Francisco, CA, 94105): Chairperson Lynda Hopkins; Vice Chairperson Vicki Veenker; and Directors Dionne Adams, Brian Colbert, Noelia Corzo, Juan González III, David Haubert, Tyrone Jue, Bilal Mahmood, Gabe Quinto, Lena Tam, Shamann Walton, and Steve Young.

Present, Remote Teleconferencing Location: (Santa Rosa Junior College Campus, Doyle Library, Room 148, 1501 Mendocino Ave., Santa Rosa, CA 95401): Director Brian Barnacle.

Present, Remote Teleconferencing Location: (Office of Contra Costa County Supervisor John Gioia, Conference Room, 11780 San Pablo Ave., Suite D, El Cerrito, CA 94530): Director John Gioia.

Present, Remote Teleconferencing Location: (Solano County Administration Building, Hearing Room, 675 N. Texas Street, Fairfield, CA 94533): Director Monica Brown.

Present, Remote Teleconferencing Location: (City of San Bruno, 567 El Camino Real, Room 138, San Bruno, CA 94066): Director Rico E. Medina.

Present, Remote Teleconferencing Location: (Valley Health Foundation, Conference Room, 2400 Clove Drive, San Jose, CA 95128): Director Otto Lee.

Participated Remotely, via Zoom, under the “just cause” provision for remote participation in Section 54953(f) of the Brown Act as noted in the minutes: Council

Member Ken Carlson. **Note: When the meeting was called to order, there was not a quorum of Board members in a singular physical location, therefore, Director Carlson was not allowed to attend the meeting remotely under Section 54953(f). A quorum of Board members in a singular physical location (at 375 Beale Street, San Francisco) was achieved later in the meeting, during Item 3, at which point, Director Carlson joined the meeting remotely under Section 54953(f). When a quorum was lost at Beale Street, San Francisco, during Item 25, Director Carlson left the meeting.*

Absent: Directors Margaret Abe-Koga, Joelle Gallagher, Sergio Lopez, Ray Mueller, Mark Salinas.

2. **PLEDGE OF ALLEGIANCE**

CLOSED SESSION (ITEMS 3 – 6) (10:05 a.m.)

Public Comments

No requests received.

3. **CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6**

Agency Designated Representatives:

Laura A. Izon, Atkinson, Andelson, Loya, Ruud & Romo

Hyacinth Hinojosa, Deputy Executive Officer of Finance and Administration

Lisa Baker, Director of Human Resources

Employee Organization: BAAQMD Employees Association

During consideration of this item in closed session, Director Mahmood arrived and joined the meeting at the Beale Street, San Francisco, meeting location, meaning that there was a quorum present in person at that location. Director Carlson was therefore able to join the closed session meeting remotely by Zoom under Section 54953(f) of the Brown Act. Director Carlson announced to those present in closed session that he was participating under the “just cause” provisions of Section 54953(f)(2)(A)(i) of the Brown Act because he had tested positive for Covid, and that there were no persons over eighteen years of age in the room with him.

Reportable Action: Alexander Crockett, General Counsel, announced that there was nothing to report.

4. **CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) AND (d)(1)**

Pursuant to Government Code Sections 54956.9(a) and (d)(1), the Board of Directors met in Closed Session with Legal Counsel to discuss the following case:

The Athletics Investment Group, LLC v. Bay Area Air Quality Management District et al., Alameda County Superior Court Case No. 22CV010930.

Reportable Action: Mr. Crockett announced that there was nothing to report.

5. **PUBLIC EMPLOYEE APPOINTMENT AND EMPLOYMENT PURSUANT TO GOVERNMENT CODE SECTION 54957(b)**

Title: Executive Officer / Air Pollution Control Officer (APCO)

CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6

Agency Designated Representatives:

Board Chair Lynda Hopkins

Irma Rodriguez Moisa, Atkinson, Andelson, Loya, Ruud & Romo

Unrepresented Employee: Executive Officer/APCO

Reportable Action: For Items 5 and 6, Hyacinth Hinojosa, Deputy Executive Officer of Finance and Administration, reported that the Board authorized Chair Hopkins to negotiate the employment contract with the Executive Officer. The Board members who voted in favor of this motion were: Adams, Barnacle, Brown, Carlson, Colbert, Corzo, Gioia, González, Haubert, Hopkins, Jue, Lee, Mahmood, Medina, Quinto, Tam, Veenker, Walton, Young. There were no “no” votes, nor any abstentions.

OPEN SESSION (11:40 a.m.)

When open session resumed, Director Carlson joined the meeting and announced in open session that he was participating under the “just cause” provisions of Section 54953(f)(2)(A)(i) of the Brown Act because he had tested positive for Covid. He stated that there were no persons over eighteen years of age in the room with him. Alexander Crockett, General Counsel, advised Director Carlson that he was required to keep his audio and video on, and Director Carlson agreed to do so.

6. **SPECIAL ORDERS OF THE DAY**

Chair Hopkins welcomed the following new employee: Breana Lee, Air Quality Specialist I, in the Engineering Division.

CONSENT CALENDAR (ITEMS 8 – 24)

Director Barnacle disclosed that he has a financial interest in Item 19 (Authorization to Execute a Professional Services Agreement with the Building Decarbonization Coalition) and Item 20 (Authorization to Execute a Participation Agreement with the Building Decarbonization Coalition for Participation in the Market Advisory Board for the California Heat Pump Partnership) because he receives a salary from the Building Decarbonization Coalition for his work with that organization, as reported on his Form 700 Statement of Economic Interests.

Director Barnacle recused himself from voting on these two items, and he left the room (at the Santa Rosa Junior College remote location) for the consideration of and vote on the Consent Calendar, Items 8-24, inclusive.

7. Approval of the Draft Minutes of the Board of Directors Meeting of July 2, 2025
8. Board Communications Received from July 3, 2025, through September 9, 2025
9. Notices of Violations (NOV) Issued and Settlements in Excess of \$10,000 in the Months of June and July 2025
10. Quarterly Report of the Executive Office and Division Activities for the Months of October 2024 - December 2024 and January 2025 - March 2025
11. Authorization to Execute a Professional Services Agreement with Kadesh & Associates, LLC
12. Authorization to Enter Into a Vendor Agreement with Golden Star Technology for Cybersecurity Infrastructure
13. Authorization to Amend Contract with Atkinson, Andelson, Loya, Ruud & Romo for Human Resources/Labor Relations-related Outside Counsel Legal Services
14. Authorization to Accept Clean Cars for All Program Funds from the California Air Resources Board
[Click here to view Board Resolution No. 2025-08](#)
15. Authorization to Transfer One-Time Professional Cost Reserve Designation Funds for Building Appliance Rules Implementation Working Group Research
[Click here to view Board Resolution No. 2025-09](#)
16. Authorization to Accept Fiscal Year 2024-2025 Community Air Protection Program Implementation Funds
17. Authorization to Transfer Monies Held by the Air District for the Hilltop Commercial Condominium Association to Property Innovations
18. Authorization to Execute a Professional Services Agreement with the Building Decarbonization Coalition
19. Authorization to Execute a Participation Agreement with the Building Decarbonization Coalition for Participation in the Market Advisory Board for the California Heat Pump Partnership
20. Report of the Stationary Source Committee Meeting of July 9, 2025
21. Report of the Policy, Grants, and Technology Committee Meeting of July 16, 2025
22. Report of the Finance and Administration Committee Meeting of July 16, 2025
23. Report of the Community Advisory Council Meeting of July 17, 2025

Public Comments

No requests received.

Board Comments

None.

Board Action

Director González made a motion, seconded by Director Tam, to approve Consent Calendar Items 8 through 24, inclusive; and the motion **carried** by the following vote of the Board:

AYES: Adams, Brown, Carlson, Colbert, Corzo, Gioia, González, Haubert, Hopkins, Jue, Mahmood, Medina, Quinto, Tam, Veenker, Walton, Young.
NOES: None.
ABSENT: Abe-Koga, Barnacle, Gallagher, Lee, Lopez, Mueller, Salinas.

ACTION ITEM

Director Barnacle returned for consideration of the remainder of the Agenda.

24. PERMITTING STRATEGIES AND FISCAL YEAR ENDING 2026 MID-YEAR STAFFING AND BUDGET ADJUSTMENT

Dr. Meredith Bauer, Deputy Executive Officer of Engineering and Compliance, introduced the following Air District staff members, who gave this presentation: Ayah Hassan, Principal Air Quality Engineer, Pamela Leong, Engineering Division Director, and Hyacinth Hinojosa, Deputy Executive Officer of Finance and Administration.

The presentation *Permitting Strategies and Fiscal Year Ending 2026 Mid-Year Staffing and Budget Adjustment*, contained the following slides: outline; recommended action; Air District Permit Process Overview: Air Quality Management Toolkit, permits help achieve clean air for all, why issue air permits, who needs a permit, evaluations informing the permitting process, permitting process overview, what can cause permitting delays, and commitment to continuous improvement; Permitting Strategies: overview, background, recap of audit findings and Corrective Action Plan, Corrective Action Plan timeline, transition to Strategic Plan, Strategic Plan Goal 4: Be Effective, Accountable, and Customer-Oriented, progress made, completed actions, application tracking – who has it, permit application tracking (with applicant), application history and status for the facility, application dashboard, recent metrics (in versus out, applications completed, Health Risk Assessments (HRA) in queue, timeliness for completed permit applications), progress made, backlog reduction timeline (properly resourced), next steps, and near-term actions; and Mid-Year Budget Request for Permitting Resources: permanent staff needed to fully support the Air District Permit Program, temporary staff needed for surge capacity to address permit backlog and vacancies, other staffing adjustments, Engineering Division organizational updates, contracts to support acceleration of permit strategies, strengthening leadership and permitting operations improvements, Executive Office current and proposed structures, financial impact (ongoing new full-time equivalent (FTE) on General Fund Reserves, financial impact (ongoing new FTE and limited-term contract employee (LTCE) on General Fund Reserves, proposed staffing adjustments, and recommended action.

Public Comments

Public comments were given by Gus Flores, United Contractors; Tamiko Endow, an Air District Employee who provided comments in her personal capacity; Suzanne Seivright-Sutherland, California Construction and Industrial Materials Association; Patrick Messac, Air District Community Advisory Council; Jan Warren, Interfaith Climate Action Network of Contra Costa County; Russell Snyder, California Asphalt Pavement Association; Peter Okurowski, California Council for Environmental and Economic Balance; and Tresten Keys, Associated General Contractors of California.

Board Comments

The Board and Air District staff discussed the request for a Board ad hoc committee that works with industry for the next 12 months to address permitting efficiency, and the additional request that community also be included in such meetings; types of stakeholders/entities that wish to be, or should be, involved in the Air District's permitting process; whether system dashboard notifications will include deadlines and timelines; whether an "account manager", or dedicated staff that can be contacted, is assigned to each permit application; how the Air District ensures that staff is following the Air District's Permit Handbook, and when the Permit Handbook was last updated; concerns that the Air District's permitting backlog is holding up new projects that will bring health benefits; the observation that hiring temporary employees is critical to overcoming the permitting backlog; whether Artificial Intelligence could be deployed within the permitting system, to streamline processes (such as processing HRA); the Air District's piloting of facility-funded positions; reclassification of positions to align with operational priorities, and the challenges of avoiding the creation of power triangles; the observation that metrics are showing progress, and the request that the Air District monitors data regarding applications that are not moving forward (stuck); ways in which the Air District plans make further refinements in metrics; the fact that new Full-Time Equivalent staff would be affected by cost recovery in an uncertain economy, and potential outcomes that may occur is another downturn were to occur.

At 12:38 p.m., Director Carlson left the meeting, as a quorum of Board members in a singular physical location was lost, and he was no longer able to attend remotely under the "just cause" provisions of the Brown Act.

Board Action

Director Brown made a motion, seconded by Director Quinto, to do the following:

1. Authorize the use of \$6.6 million in undesignated reserves to fund mid-year staffing for:
 - a. 29 new positions (15 Full-Time Equivalents (FTE) and 14 Limited Term Contract Equivalents (LTCE)) and 7 reclassifications to support the Permitting Backlog Reduction Plan and to enhance agency-wide coordination; accelerate performance improvements; and,
 - b. Pre-fund two facility-funded Limited Term Contract Equivalent positions, previously approved in the Fiscal Year 2026 Budget to initiate the pilot program.
2. Authorize and fund \$1.1 million for one-time Professional Services to support the Permitting Backlog Reduction Plan.
3. Approve amendments to Appendix F: Staffing Authorization of the Fiscal Year 2025-2026 Budget to:
 - a. correct two position classifications in the Compliance and Enforcement Division from Principal Air Quality Engineers to Principal Air Quality Specialists; and,
 - b. update the classification of the Principal Deputy Executive Officer (Chief Operating Officer); and,
 - c. include the 29 new positions (15 FTE and 14 LTCE) and 7 reclassifications to support the Permitting Backlog Reduction Plan.

The motion **carried** by the following vote of the Board:

AYES:	Adams, Barnacle, Brown, Colbert, Gioia, González, Haubert, Hopkins, Jue, Medina, Quinto, Tam, Veenker, Young.
NOES:	None.
ABSTAIN:	None.
ABSENT:	Abe-Koga, Carlson, Corzo, Lee, Gallagher, Lopez, Mahmood, Mueller, Salinas, Walton.

At this time, Chair Hopkins took a poll of the Board members in attendance, to see which would be interested in serving on an ad hoc committee to address permitting efficiency. Those who raised their hands were Directors Haubert, Adams, Quinto, and González.

OTHER BUSINESS

26. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public comments were given by Patrick Messac, Air District's Community Advisory Council; and Stephen Golub, Benicia resident.

At this time, a quorum of Board members (in any location) was lost, and the meeting was forced to adjourn. Items 27, 28, and 29 did not occur.

27. BOARD MEMBER COMMENTS

28. REPORT OF THE EXECUTIVE OFFICER / APCO

29. CHAIRPERSON'S REPORT

30. TIME AND PLACE OF NEXT MEETING

Wednesday, October 1, 2025, at 10:00 a.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Board of Directors members and members of the public will be able to either join in-person or via webcast.

31. ADJOURNMENT

The meeting was adjourned at 1:44 p.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR DISTRICT
Memorandum

To: Chairperson Lynda Hopkins and Members
of the Board of Directors

From: Philip M. Fine
Executive Officer/APCO

Date: October 1, 2025

Re: Board Communications Received from September 10, 2025 through
September 30, 2025

RECOMMENDED ACTION

None; the Board will discuss this item, but no action is requested at this time.

BACKGROUND

None.

DISCUSSION

Copies of communications directed to the Board of Directors received by the Air District from September 10, 2025, through September 30, 2025, if any, will be distributed to the Board Members by way of email.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Shantel Reyes-Stokes
Reviewed by: Vanessa Johnson

ATTACHMENT(S):

None

BAY AREA AIR DISTRICT
Memorandum

To: Chairperson Lynda Hopkins and Members
of the Board of Directors

From: Philip M. Fine
Executive Officer/APCO

Date: October 1, 2025

Re: Notices of Violations Issued and Settlements in Excess of \$10,000 in the
Month of August 2025

RECOMMENDED ACTION

This report is being provided for informational purposes. No action is requested.

BACKGROUND

None.

DISCUSSION

In accordance with Board Resolution No. 2012-08, attached to this memorandum is a listing of all Notices of Violations issued, and all settlements for amounts in excess of \$10,000 during the calendar months prior to this report.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The penalties collected are recorded in the Air District's General Fund. A portion of the penalty funds may be expended in accordance with the Community Benefits Penalty Funds Policy adopted by the Board of Directors on May 1, 2024.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alexander G. Crockett

ATTACHMENT(S):

1. Notices of Violations Issued and Settlements in Excess of \$10,000 - August 2025

NOTICES OF VIOLATIONS ISSUED

The following Notice(s) of Violation(s) were issued in August 2025:

Alameda						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
All American Gas	C8775	Hayward	A60673A	8/19/25	8-7-301.3	Gasoline Dispensing Facility Violation
All American Gas	C8775	Hayward	A60673B	8/19/25	8-7-301.6	Gasoline Dispensing Facility Violation
All American Gas	C8775	Hayward	A60674A	8/19/25	8-7-302.3	Gasoline Dispensing Facility Violation
Arco AM/PM Minimart	C0722	Dublin	A64738A	8/5/25	8-7-301.5	Gasoline Dispensing Facility Violation
Arun Kumar	S772551	Fremont	A60671A	8/5/25	8-7-302.3	Gasoline Dispensing Facility Violation
Bayview Environmental	S777470	Oakland	A64182A	8/12/25	11-2-401.5	Asbestos Violation
DLA Service Station	C8066	Hayward	A60675A	8/19/25	8-7-302.3	Gasoline Dispensing Facility Violation
MN Builders	S777542	Oakland	A64951A	8/13/25	11-2-401.5	Asbestos Violation
Quick Gas N Shop	C8026	Hayward	A60672A	8/6/25	8-7-301.6	Gasoline Dispensing Facility Violation
Quick Gas N Shop	C8026	Hayward	A60672B	8/6/25	8-7-302.3	Gasoline Dispensing Facility Violation
Safeway Store #1953	C0927	Dublin	A64740A	8/14/25	8-7-301.1	Gasoline Dispensing Facility Violation
Safeway Store #1953	C0927	Dublin	A64740B	8/14/25	8-7-302.3	Gasoline Dispensing Facility Violation
Tesla, Inc.	A1438	Fremont	A65221A	8/14/25	2-6-307	Title V Requirement/Condition Violation
Tesla, Inc.	A1438	Fremont	A65222A	8/15/25	2-6-307	Title V Requirement/Condition Violation

Tesla, Inc.	A1438	Fremont	A65223A	8/15/25	2-6-307	Title V Requirement/Condition Violation
Tesla, Inc.	A1438	Fremont	A65224A	8/15/25	2-6-307	Title V Requirement/Condition Violation
Tesla, Inc.	A1438	Fremont	A65225A	8/15/25	2-6-307	Title V Requirement/Condition Violation
Tesla, Inc.	A1438	Fremont	A65226A	8/15/25	2-6-307	Title V Requirement/Condition Violation
Tesla, Inc.	A1438	Fremont	A65227A	8/15/25	2-6-307	Title V Requirement/Condition Violation
Tesla, Inc.	A1438	Fremont	A65228A	8/15/25	2-6-307	Title V Requirement/Condition Violation
Tesla, Inc.	A1438	Fremont	A65230A	8/20/25	2-6-307	Title V Requirement/Condition Violation
Tesla, Inc.	A1438	Fremont	A65230B	8/20/25	10	Code of Federal regulation Violation
Tesla, Inc.	A1438	Fremont	A65231A	8/29/25	10	Code of Federal Regulation Violation
Tesla, Inc.	A1438	Fremont	A65231B	8/29/25	10	Code of Federal Regulation Violation
Unigen Corp.	E4275	Newark	A65229A	8/20/25	2-1-307	Permit Requirement/Condition Violation
Vasco Road Landfill	A5095	Livermore	A59776A	8/11/25	2-6-307	Title V Requirement/Condition Violation
Vasco Road Landfill	A5095	Livermore	A59777A	8/11/25	2-6-307	Title V Requirement/Condition Violation
Warm Springs Auto Services Inc.	C9926	Fremont	A60677A	8/20/25	8-7-302.3	Gasoline Dispensing Facility Violation
Waste Management of Alameda County	A2066	Livermore	A63478A	8/22/25	8-34-303	Landfill Violation
Waste Management of Alameda County	A2066	Livermore	A63478B	8/22/25	10	Code of Federal Regulation Violation

Contra Costa						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
All Star Gasoline	C7695	Concord	A64952A	8/25/25	2-1-302	No Permit to Operate
Chevron Products Company	A0010	Richmond	A63454A	8/13/25	6-1-302	Visible Emissions Violation
Chevron Products Company	A0010	Richmond	A63462A	8/13/25	2-1-307	Permit Requirement/Condition Violation
Chevron Products Company	A0010	Richmond	A63463A	8/13/25	2-1-307	Permit Requirement/Condition Violation
Chevron Products Company	A0010	Richmond	A63464A	8/13/25	2-1-307	Permit Requirement/Condition Violation
Chevron Products Company	A0010	Richmond	A63465A	8/13/25	2-1-307	Permit Requirement/Condition Violation
Chevron Products Company	A0010	Richmond	A63466A	8/13/25	2-1-307	Permit Requirement/Condition Violation
Chevron Products Company	A0010	Richmond	A63467A	8/13/25	2-1-307	Permit Requirement/Condition Violation
Chevron Products Company	A0010	Richmond	A63468A	8/13/25	2-1-307	Permit Requirement/Condition Violation
Chevron Products Company	A0010	Richmond	A63469A	8/13/25	2-1-307	Permit Requirement/Condition Violation
Chevron Products Company	A0010	Richmond	A63470A	8/13/25	2-1-307	Permit Requirement/Condition Violation
Chevron Products Company	A0010	Richmond	A63471A	8/13/25	2-1-307	Permit Requirement/Condition Violation
Chevron Products Company	A0010	Richmond	A63472A	8/13/25	2-1-307	Permit Requirement/Condition Violation
Chevron Products Company	A0010	Richmond	A63473A	8/13/25	2-1-307	Permit Requirement/Condition Violation

Chevron Products Company	A0010	Richmond	A63474A	8/25/25	2-1-307	Permit Requirement/Condition Violation
Chevron Products Company	A0010	Richmond	A63474B	8/25/25	1-523.3	Parametric Monitor Violation
Chevron Products Company	A0010	Richmond	A63475A	8/25/25	2-1-307	Permit Requirement/Condition Violation
Chevron Products Company	A0010	Richmond	A63475B	8/25/25	1-523.3	Parametric Monitor Violation
Chevron Products Company	A0010	Richmond	A63476A	8/25/25	2-1-307	Permit Requirement/Condition Violation
Chevron Products Company	A0010	Richmond	A63476B	8/25/25	1-523.3	Parametric Monitor Violation
Chevron Products Company	A0010	Richmond	A63477A	8/25/25	2-1-307	Permit Requirement/Condition Violation
Chevron Products Company	A0010	Richmond	A63477B	8/25/25	1-523.3	Parametric Monitor Violation
Chevron Products Company	A0010	Richmond	A64302A	8/21/25	12-12-406.5	Flares at Refineries Violation
Chevron Products Company	A0010	Richmond	A64564A	8/13/25	6-1-302	Visible Emissions Violation
Chevron Products Company	A0010	Richmond	A64577A	8/25/25	2-1-307	Permit Requirement/Condition Violation
Chevron Products Company	A0010	Richmond	A64577B	8/25/25	1-523.3	Parametric Monitor Violation
Chevron Products Company	A0010	Richmond	A64703A	8/25/25	2-1-307	Permit Requirement/Condition Violation
Chevron Products Company	A0010	Richmond	A64703B	8/25/25	1-523.3	Parametric Monitor Violation
Chevron Products Company	A0010	Richmond	A64704A	8/25/25	2-1-307	Permit Requirement/Condition Violation
Chevron Products Company	A0010	Richmond	A64704B	8/25/25	1-523.3	Parametric Monitor Violation

Chevron Products Company	A0010	Richmond	A64705A	8/25/25	2-1-307	Permit Requirement/Condition Violation
Chevron Products Company	A0010	Richmond	A64705B	8/25/25	1-523.3	Parametric Monitor Violation
MOD Comfort Solutions	S777759	San Ramon	A65162A	8/19/25	9-4-301	Natural Gas-Fired Furnace Violation
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A62993A	8/12/25	2-6-307	Title V Requirement/Condition Violation
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A62994A	8/12/25	2-6-307	Title V Requirement/Condition Violation
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A62995A	8/12/25	2-1-307	Permit Requirement/Condition Violation
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A62996A	8/12/25	2-1-307	Permit Requirement/Condition Violation
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A64628A	8/12/25	2-6-307	Title V Requirement/Condition Violation
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A64630A	8/12/25	1-523	Parametric Monitor Violation
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A64631A	8/12/25	1-522.4	Continuous Emissions Monitor Violation
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A64632A	8/12/25	2-1-307	Permit Requirement/Condition Violation

Napa						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Crown Hill Stone Supply	S777515	American Canyon	A64485A	8/13/25	2-1-301	No Authority to Construct and No Permit to Operate

Crown Hill Stone Supply	S777515	American Canyon	A64485B	8/13/25	2-1-302	No Authority to Construct and No Permit to Operate
Ramondin USA, Inc.	E2791	Napa	A63120A	8/5/25	2-1-307	Permit Requirement/Condition Violation
Ramondin USA, Inc.	E2791	Napa	A63121A	8/5/25	2-1-307	Permit Requirement/Condition Violation

San Francisco						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Best Auto Care Inc	D0439	San Francisco	A63663A	8/27/25	8-7-301.5	Gasoline Facility Dispensing Violation
CEMEX Construction Materials Pacific, LLC	B7111	San Francisco	A64137A	8/13/25	2-1-307	Permit Requirement/Condition Violation
CEMEX Construction Materials Pacific, LLC	B7111	San Francisco	A64138A	8/13/25	2-1-307	Permit Requirement/Condition Violation
Darling Ingredients Inc.	B0271	San Francisco	A65131A	8/4/25	9-7-506	Boiler Emissions Violation
Kaiser French Campus	A0433	San Francisco	A64136A	8/12/25	2-1-301	No Authority to Construct and No Permit to Operate
Kaiser French Campus	A0433	San Francisco	A64136B	8/12/25	2-1-302	No Authority to Construct and No Permit to Operate
San Francisco International Airport	A1784	San Francisco	A63661A	8/18/25	8-7-301.5	Gasoline Dispensing Facility Violation
San Francisco International Airport	A1784	San Francisco	A64139A	8/25/25	2-6-307	Title V Requirement/Condition Violation
San Francisco International Airport	A1784	San Francisco	A64140A	8/25/25	2-6-307	Title V Requirement/Condition Violation
San Francisco International Airport	A1784	San Francisco	A64141A	8/25/25	9-7-506	Boiler Emissions Violation
San Francisco International Airport	A1784	San Francisco	A64142A	8/25/25	2-6-307	Title V Requirement/Condition Violation

San Francisco International Airport	A1784	San Francisco	A64143A	8/25/25	2-6-307	Title V Requirement/Condition Violation
San Francisco International Airport	A1784	San Francisco	A64144A	8/25/25	2-6-307	Title V Requirement/Condition Violation
San Francisco International Airport	A1784	San Francisco	A64145A	8/25/25	2-1-301	No Authority to Construct and No Permit to Operate
San Francisco International Airport	A1784	San Francisco	A64145B	8/25/25	2-1-302	No Authority to Construct and No Permit to Operate

San Mateo						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
7-Eleven	C8132	Pacifica	A63662A	8/20/25	8-7-301.5	Gasoline Facility Dispensing Violation
Alex Builder Inc.	S778209	Millbrae	A64005A	8/25/25	11-2-401.5	Asbestos Violation
Browning-Ferris Industries of CA Inc.	A2266	Half Moon Bay	A60993A	8/20/25	8-34-301.2	Landfill Violation
Browning-Ferris Industries of CA Inc.	A2266	Half Moon Bay	A60993B	8/20/25	8-34-303	Landfill Violation
Pacific Gas and Electric Company	A3172	Daly City	A65132A	8/14/25	2-1-301	No Authority to Construct and No permit to Operate
Pacific Gas and Electric Company	A3172	Daly City	A65132B	8/14/25	2-1-302	No Authority to Construct and No Permit to Operate
San Mateo County Event Center	S700135	San Mateo	A64003A	8/15/25	2-1-307	Permit Requirement/Condition Violation

Santa Clara						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Alma Fire Station	C0449	Los Gatos	A60613A	8/1/25	2-1-302	No Permit to Operate

Bay Valley Auto Sales, dba Blossom Hill 76	C9265	San Jose	A64181A	8/11/25	2-1-307	Permit Requirement/Condition Violation
Bay Valley Auto Sales, dba Blossom Hill 76	C9265	San Jose	A64181B	8/11/25	8-7-301.5	Gasoline Dispensing Facility Violation
City of Sunnyvale Water Pollution Control	A0733	Sunnyvale	A63713A	8/28/25	9-8-503	Internal Combustion Engine Violation
Hamilton Shell	C3382	Campbell	A64187A	8/26/25	2-1-307	Permit Requirement/Condition Violation
Mega Metals & Iron	S777051	San Jose	A64461A	8/1/25	5-301	Open Burn Violation
Milpitas Unified School District	C9467	Milpitas	A60614A	8/6/25	2-1-307	Permit Requirement/Condition Violation
Montague Valero	C9810	San Jose	A60615A	8/13/25	8-7-302.3	Gasoline Dispensing Facility Violation
Presentation High School	B6995	San Jose	A64460A	8/1/25	9-8-502	Internal Combustion Engine Violation
Presentation High School	B6995	San Jose	A64460B	8/1/25	9-8-503	Internal Combustion Engine Violation
Silicon Valley Valero	D0405	Mountain View	A64004A	8/19/25	8-7-302.3	Gasoline Dispensing Facility Violation
West San Carlos Gas	D0021	San Jose	A64184A	8/13/25	2-1-307	Permit Requirement/Condition Violation
West San Carlos Gas	D0021	San Jose	A64184B	8/13/25	8-7-302.3	Gasoline Dispensing Facility Violation
West San Carlos Gas	D0021	San Jose	A64184C	8/13/25	8-7-301.13	Gasoline Dispensing Facility Violation
Winchester Shell	C8840	San Jose	A64179A	8/4/25	8-7-301.5	Gasoline Dispensing Facility Violation
Winchester Shell	C8840	San Jose	A64179B	8/4/25	8-7-301.6	Gasoline Dispensing Facility Violation
Winchester Shell	C8840	San Jose	A64180A	8/4/25	8-7-301.13	Gasoline Dispensing Facility Violation

Winchester Shell	C8840	San Jose	A64180B	8/4/25	8-7-302:3	Gasoline Dispensing Facility Violation

Solano						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Crown Hill Materials LLC	E4731	Vallejo	A64487A	8/18/25	2-1-301	No Authority to Construct and No Permit to Operate
Crown Hill Materials LLC	E4731	Vallejo	A64487B	8/18/25	2-1-302	No Authority to Construct and No Permit to Operate

Sonoma						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Resynergi	S777347	Rohnert Park	A62401A	8/20/25	2-1-301	No Authority to Construct and No Permit to Operate
Resynergi	S777347	Rohnert Park	A62401B	8/20/25	2-1-302	No Authority to Construct and No permit to Operate
Resynergi	S777347	Rohnert Park	A64515A	8/6/25	2-1-301	No Authority to Construct
Resynergi, Inc.	E5330	Santa Rosa	A62399A	8/18/25	2-1-301	No Authority to Construct and No Permit to Operate
Resynergi, Inc.	E5330	Santa Rosa	A62399B	8/18/25	2-1-302	No Authority to Construct and No Permit to Operate

Company Address Outside of the Bay Area						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
WC Maloney	S777348	ROSEVILLE	A64739A	8/7/25	11-2-303.8	Asbestos Violation

SETTLEMENTS FOR \$10,000 OR MORE REACHED

There was 1 settlement for \$10,000 or more completed in July 2025.

- 1) On July 24, 2025, the Air District reached a settlement with Napa Vallejo Waste Management Authority for \$19,000, regarding the allegations contained in the following 2 Notices of Violations:

NOV #	Issuance Date	Occurrence Date	Regulation	Comments from Enforcement
A61521A	8/17/22	4/1/22	2-1-307	Permit Requirement/Condition Violation
A61521B	8/17/22	4/1/22	8-34-301.1	Landfill Violation
A61526A	3/23/23	12/31/22	8-34-301.1	Landfill Violation

There were 3 settlements for \$10,000 or more completed in August 2025.

- 1) On August 11, 2025, the Air District reached a settlement with Menzies Aviation Inc. for \$131,000, regarding the allegations contained in the following 1 Notice of Violation:

NOV #	Issuance Date	Occurrence Date	Regulation	Comments from Enforcement
A60341A	3/2/23	12/22/22	2-1-301	No Authority to Construct and No Permit to Operate
A60341B	3/2/23	12/22/22	2-1-302	No Authority to Construct and No Permit to Operate

- 2) On August 18, 2025, the Air District reached a settlement with Tesoro Refining & Marketing Company, LLC for \$75,000, regarding the allegations contained in the following 1 Notice of Violation:

NOV #	Issuance Date	Occurrence Date	Regulation	Comments from Enforcement
A61956A	10/23/23	10/19/23	12-15-403	Refining Emissions Tracking Violation

- 3) On August 26, 2025, the Air District reached a settlement with the City of Burlingame Waste Water Treatment Plant for \$87,000, regarding the allegations contained in the following 2 Notices of Violations:

NOV #	Issuance Date	Occurrence Date	Regulation	Comments from Enforcement
A60960A	12/20/23	9/1/21	9-8-503	Internal Combustion Engine Violation

A60961A	12/20/23	11/28/23	8-34-301.2	Landfill Violation

BAY AREA AIR DISTRICT
Memorandum

To: Chairperson Lynda Hopkins and Members
of the Board of Directors

From: Philip M. Fine
Executive Officer/APCO

Date: October 1, 2025

Re: Personnel Out-of-State Business Travel Report for June - August 2025

RECOMMENDED ACTION

No action is requested at this time.

BACKGROUND

Section 1.1.3 of the Air District's Employee Travel and Business Expense Policy (Policy) requires notification to the Board of Directors of Air District personnel who have traveled on out-of-state business. The monthly out-of-state business travel report is presented at the first regular Board meeting following travel completion.

DISCUSSION

In accordance with Section 1.1.3 of the Policy, the Board of Directors is hereby notified of Air District personnel who have traveled on out-of-state business. This report covers out-of-state business travel for the months of June 2025, July 2025 and August 2025.

The following out-of-state business travel activities cover the period June 2025 – August 2025:

Air & Waste Management Association Annual Conference & Exhibition, Raleigh, North Carolina, June 9-12, 2025 attendees:

- Poornima Dixit, Senior Air Quality Engineer, Rules Division
- Christopher Easter, Senior Air Quality Specialist, Rules Division
- Mark Kiffe, Senior Air Quality Engineer, Engineering Division
- Alesia Lau, Principal Environmental Planner, Planning Division

Government Finance Officers Association Annual Meeting, Washington, District of Columbia, June 28 - July 2, 2025 attendees:

- Hyacinth Hinojosa, Deputy Executive Officer of Finance and Administration
- Stephanie Osaze, Finance Director
- Jun Pan, Manager, Finance

National Association of Clean Air Agencies Summer Board Meeting, Reno, Nevada, July 21-24, 2025 attendee:

- Philip M. Fine, Ph.D., Executive Officer/Air Pollution Control Officer

National Institute of Governmental Purchasing Forum, Denver, Colorado, July 26-30, 2025, attendee:

- Erica Flahan, Manager, Administrative Resources

Fleet Track Program – Electric Transportation Forum, Stateline, Nevada, August 19-21, 2025 attendee:

- Sean Gallagher, Supervising Staff Specialist, Administrative Resources

BUDGET CONSIDERATION/FINANCIAL IMPACT

All associated business travel-related costs for travel for the period June 2025 - August 2025 were covered by the respective division's Fiscal Year Ending 2025 and 2026 Budget.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Michelle Hutson
Reviewed by: Stephanie Osaze

ATTACHMENT(S):

None

BAY AREA AIR DISTRICT
Memorandum

To: Chairperson Lynda Hopkins and Members
of the Board of Directors

From: Philip M. Fine
Executive Officer/APCO

Date: October 1, 2025

Re: Authorization to Issue New Credit Cards to the Principal Deputy Executive
Officer and the Deputy Executive Officer of Science

RECOMMENDED ACTION

Authorize the issuance of two new credit cards to the Principal Deputy Executive Officer and the Deputy Executive Officer of Science with credit limits of \$10,000 each. This will increase the Air District's cumulative executive-level management staff credit limit from \$115,000 to \$135,000.

BACKGROUND

At the September 10, 2025 Special Meeting of the Board of Directors, the Board approved a Principal Deputy Executive Officer and Deputy Executive Officer of Science position in the Executive Office.

DISCUSSION

In 2005, the Board approved the issuance of credit cards, with various levels of credit limits, to executive-level management Air District staff to be used for business purposes. Since 2005, the Board has considered additions and changes to the credit cards to correspond with the business needs of the Air District.

Business credit cards are used by Board-approved executive management staff for unforeseen emergency transactions, travel incidentals, subscriptions, licensing, and other miscellaneous purchases.

To enhance the operational efficiency of the Air District and to align with the Procurement Policy, Air District staff recommend issuing credit cards to the Principal Deputy Executive Officer and the Deputy Executive Officer of Science with credit limits of \$10,000 each.

The table below compares the Air District's current credit card limits to the proposed limits.

CARDHOLDER	CURRENT CREDIT LIMIT	PROPOSED CREDIT LIMIT
Executive Officer/Air Pollution Control Officer	\$15,000	No Change
General Counsel	\$10,000	No Change
Principal Deputy Executive Officer	N/A	\$10,000
DEO, Engineering & Compliance	\$10,000	No Change
DEO, Equity & Community Programs	\$10,000	No Change
DEO, Finance and Administration	\$10,000	No Change
DEO, Policy	\$10,000	No Change
DEO, Public Affairs	\$10,000	No Change
DEO, Science	N/A	\$10,000
Chief Technology Officer	\$10,000	No Change
Director, Administrative Resources	\$10,000	No Change
Director, Meteorology & Measurements	\$10,000	No Change
Manager, Executive Operations	\$10,000	No Change
Total Credit Limit	\$115,000	\$135,000

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Cynthia Zhang and Erica Flahan
Reviewed by: Hyacinth Hinojosa

ATTACHMENT(S):

None

BAY AREA AIR DISTRICT
Memorandum

To: Chairperson Lynda Hopkins and Members
of the Board of Directors

From: Philip M. Fine
Executive Officer/APCO

Date: October 1, 2025

Re: Authorization of Hiring Recommendation at Step E of Salary Range 148M for
the Manager (Cybersecurity Manager) Position for the Information Services
Division

RECOMMENDED ACTION

Authorize a hiring recommendation at Step E of Salary Range 148M for the manager (Cybersecurity Manager) position in the Information Services Division.

BACKGROUND

The recruitment and selection process for the Manager (Cybersecurity Manager) position has been completed. Division III, Section 6.4 of the Air District's Administrative Code states that recommendation by the Executive Officer/APCO and approval of the Board of Directors is required for hiring employees at Step E.

DISCUSSION

On July 2, 2025, the Cybersecurity manager position was posted as an open recruitment. As a result of open recruitment, and after a process that included a review of minimum qualifications, application screening, and hiring interviews, a candidate was selected. The candidate who is recommended for the position has extensive experience and expertise in Information Technology (IT) and cyber security and over 25 years of progressive leadership in enterprise security, infrastructure management, and IT operations. Currently, the candidate manages a staff of six cybersecurity professionals and oversees enterprise and operational technology security. Their responsibilities include firewall and remote access management, email security, Security Information and Event Management (SIEM) and Endpoint Detection and Response (EDR) operations, and vulnerability management. They led incident response exercises, penetration tests, and implementation of NIST Cybersecurity Framework (CSF) controls, while also coordinating with federal and state agencies including Cybersecurity and Infrastructure Security Agency (CISA), Federal Bureau of Investigation (FBI), California Governor's Office of Emergency Services (CAL-OES), and Center for Internet Security (MS-ISAC). The candidate previously held senior leadership roles, including

Senior Director of IT Operations and Security for private companies where they directed IT infrastructure and cybersecurity programs for more than 1,100 employees. The candidate also served as Senior Director of Infrastructure and Application Support for a leading global IT operation across four co-location facilities and four offices.

To offer a salary more commensurate with the candidate's experience and current compensation level, and in accordance to Air District's Salary Placement Guidelines, Air District staff is recommending hiring the Manager (Cybersecurity Manager) in the Information Services Division at Step E of the salary range 148M.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The annual salary for the Manager (Cybersecurity Manager) position at Step E is \$204,844.86 and is included in the Information Services Division's personnel budget for the Fiscal Year Ending 2026.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Joseph Huynh
Reviewed by: John Chiladakis

ATTACHMENT(S):

None

BAY AREA AIR DISTRICT
Memorandum

To: Chairperson Lynda Hopkins and Members
of the Board of Directors

From: Philip M. Fine
Executive Officer/APCO

Date: October 1, 2025

Re: Authorization to Attend the United Nations Framework Convention on Climate
Change Conference of the Parties 30 and Related Events, and Enter into a
Sponsorship Agreement with The Climate Registry

RECOMMENDED ACTION

It is recommended that the Board take the following actions:

1. Authorize Chair Lynda Hopkins and Vice Chair Vicki Veenker to travel to Brazil to attend the United Nations Framework Convention on Climate Change Conference of the Parties 30 and related events in November 2025, and receive compensation and reimbursement per the Air District's Meeting Compensation and Expense Reimbursement Policy,
2. Authorize Chair Hopkins to adjust the specific attendees as the need may arise; and,
3. Authorize the Executive Officer/APCO to enter into a sponsorship agreement with The Climate Registry in an amount not to exceed \$75,000 to support the sub-national delegation.

The Finance and Administration Committee recommended approval of this item at its meeting on September 17, 2025

BACKGROUND

The United Nations Framework Convention on Climate Change is hosting the Conference of the Parties 30 (COP30) in Belém, Brazil from November 10, 2025 through November 21, 2025. Related events that focus on climate change will begin at least a week prior to COP30. There are a number of non-federal delegations that attend COP30 from the US each year. The largest non-federal delegation that attends from the US is the "Sub-National Delegation" led by The Climate Registry.

DISCUSSION

About UNFCCC COP30

World leaders critical in addressing climate change will attend COP30 in Belém, Brazil. Joining them, among others, will be government representatives from around the world, businesses and community for ten days of talks. COP30 provides a unique opportunity for Air District representatives to engage in critical discussions surrounding climate change and demonstrate the Air District's leadership in air quality.

Travel to COP30

For out-of-state and international travel to attend conferences, conventions, legislative advocacy trips and other compensable and reimbursable meetings covered by the Air District's Administrative Code, the Chair of the Board shall nominate Board members to attend such meetings for approval by the Board of Directors in consultation with the Executive Officer/APCO and Air District staff. While the Chair and Vice Chair shall have priority to represent the Air District at any event, in considering which other Board members may be selected for travel and represent the Air District, the Chair shall consider a number of criteria as detailed in the Air District's Meeting Compensation and Expense Reimbursement Policy.

With this consideration, the Air District will greatly benefit from Chair Hopkins and Vice Veenker's participation at COP30. Given the complexity of travel, it is recommended the Board provide Chair Hopkins with authorization to adjust the list of attendees, as needed. Executive Officer/APCO Dr. Philip M. Fine and Deputy Executive Officer Viet Tran will also travel to Brazil to attend COP30 and related events.

Sponsorship of The Climate Registry

Sponsorship of The Climate Registry in an amount not to exceed \$75,000 entitles the Air District to several benefits. While the Air District is still coordinating with The Climate Registry on the terms of the sponsorship, which this year will likely include accommodation expenses, historically, the Air District has received logistical support at COP30, including pre-briefings, maps and delegate information. In addition, Air District representatives have received invitations to and recognition at The Climate Registry events.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funds for this sponsorship are included in the Fiscal Year Ending (FYE) 2026 budget, Program 127. Costs for travel to attend this conference, including travel, are estimated at \$17,000 for two Board members. Funds to cover these costs are included in the FYE 2026 budget for the Board of Directors, Program 121.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Sonam Shah-Paul
Reviewed by: Dr. Philip M. Fine, Viet Tran

ATTACHMENT(S):

None

BAY AREA AIR DISTRICT
Memorandum

To: Chairperson Lynda Hopkins and Members
of the Board of Directors

From: Philip M. Fine
Executive Officer/APCO

Date: October 1, 2025

Re: Authorization to Purchase Equipment from Syft Technologies, Incorporated

RECOMMENDED ACTION

Authorize the Executive Officer/APCO to purchase up to three refurbished Syft Tracer i8 selected ion flow tube mass spectrometers from Syft Technologies, Inc. for an amount not to exceed \$765,000.

BACKGROUND

As part of the Air District's Strategic Plan, the Air District is working to strengthen air monitoring by securing and building out multi-pollutant air monitoring stations in communities near refineries. Goals of the Refinery Community Air Monitoring Program include collecting data to learn about typical cumulative ambient air pollutant concentrations near refineries, providing community members with access to near-real time air pollution data in these locations, and gathering datasets that can be used to assess air quality trends. The measurements at these sites will focus on pollutants that are potentially emitted by refineries including nitrogen dioxide, carbon monoxide, sulfur dioxide, hydrogen sulfide, particulate matter (PM_{2.5} and PM₁₀), and certain toxic volatile organic compounds (VOCs).

Measurement of individual VOCs are particularly challenging and generally targeted at a limited set of compounds. Common measurement methods, such as by gas chromatography, are not responsive to fast changes in concentration, are often not sensitive enough to detect the low concentrations of these types of compounds during typical conditions, and can be resource intensive to maintain.

One type of analyzer that can be used to simultaneously measure VOCs, as well as nitrogen dioxide, sulfur dioxide, hydrogen sulfide, carbonyl sulfide, ammonia, and more, is the selected ion flow tube mass spectrometer (SIFT-MS). Staff recommend purchasing up to three of these instruments from Syft Technologies, Inc.

DISCUSSION

Assessing these different types of instruments against the program goals for stationary air monitoring in communities near refineries, staff determined that soft ionization mass spectrometry is an ideal method for delivering reliable real-time, sub-hourly concentration data at these stations. SIFT-MS uses reactions with successive reagent ions to accurately determine the identity and concentration of a broad and selectable range of toxic organic pollutants, as well as gaseous criteria pollutants and sulfides at very low concentration (e.g., parts per trillion) in true real-time (e.g. less than 1 min). Fast measurements of toxic organic pollutants, such as benzene, could be helpful in characterizing air quality in communities near refineries, including during refinery incidents.

Due to the broad range of pollutants the SIFT-MS measures, at least 3 individual analyzers that the Air District expected to operate at each station will no longer be required, at a cost savings. For example, the Air District will no longer need to purchase analyzers for nitrogen oxides, sulfur dioxide, and hydrogen sulfide, since those pollutants can be measured by a SIFT-MS.

Syft Technologies, Inc. offers the only commercially available SIFT-MS that meets the Air District's needs and is configured for ambient air monitoring. If authorization is granted for this purchase, the Air District will purchase two SIFT-MS units. While infrastructure upgrades may be needed before these instruments can be installed, there are currently two refinery community air monitoring stations warranting the purchase of the two units, in Richmond/San Pablo and Benicia. The Air District is actively working to secure sites in other refinery communities with the intention of adding an additional monitoring station this fiscal year, in which case the Air District would purchase a third SIFT-MS.

Syft Technologies, Inc. provided the attached quote for three refurbished Syft Tracer i8 systems for a total of \$645,000 with Delivery Duty Paid. Air District staff are requesting an additional \$120,000 to cover incidentals, such as taxes, shipping and delivery, for a grand total not to exceed \$765,000.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The funds for this purchase are included in the capital equipment budget, Program Code 812, for Fiscal Year Ending 2026, which is funded by Schedule X fees.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Jon Bower and Eileen Lek
Reviewed by: Ranyee Chiang and Kate Hoag

ATTACHMENT(S):

1. Syft Technologies Inc. Quote
2. Syft Technologies Inc. Sales Terms and Conditions

Sales Quotation

PREPARED FOR | Bay Area Air District



Quote #: Q-00991
Created Date: 7/21/2025
Expiration Date: 9/30/2025

Prepared By: Akeema Onalaja
Title: Business Development Manager
Phone: (424) 323-0219
Email: akeema.onalaja@syft.com

Contact: Jon Bower
Title: Air Monitoring Manager
Phone: 4157498636
Email: jbower@baaqmd.gov

Address Information:

Ship To:
Bay Area Air District

Bill To:
Bay Area Air
District ,

Qty	Part #	Name	Description	Unit Price	Disc (%)	Extended
3	T0202 PKG	Syft Tracer i8 Standard Package	Real-time, next generation SIFT-MS for real industry challenges. 8-reagent ion configuration. Includes PC, LabSyft software package, installation kit and onsite installation.	USD 200,000.00	7.77	USD 553,353.00
3	T0087	Nitrogen	Configuration option for Nitrogen as carrier gas	Included	-	USD 0.00
3	T0224	Syft Calibrant Gas, 11cpd, 58L, 300PSI, CGA180, washer		Included	100	USD 0.00
3	T0216	Labsyft 2.0, Professional	Professional edition LabSyft application software package	Included	100	USD 0.00
3	T0222	Installation Kit, Tracer i8	Parts required for a standard installation of Tracer i8	Included	100	USD 0.00
3	T0209	Auto-Validation Inlet (3-Port), Syft Tracer	Inlet to enable automated switching between three sample streams	USD 14,424.00	7.77	USD 39,907.83
3	C2830	Uninterruptible Power Supply, 230V 50/60Hz 3Kva Online Sinewave Ups		USD 2,435.76	7.77	USD 6,739.17
3	S0001	Year 1: 6 & 12 Month SPM		USD 18,000.00	15.00	USD 15,000.00
					TOTAL:	USD 645,000.00

Validity
This Quotation is valid until 9/30/2025

Shipping Terms

The agreed shipping term for this quote is Delivered Duty Paid

Estimated Lead Time

As per Syft Terms and Conditions

Payment Terms

The Payment term proposed in this quote is

Formation of a Contract

This Quotation must be read and construed with the attached Syft Technologies Limited Standard Terms and Conditions of Sale (Terms), which Terms together with the Quotation shall apply to the supply of all equipment and/or services by Syft Technologies Limited (Syft) to the customer named above (Customer). No other terms or conditions (whether oral or written) shall apply, including but not limited to any terms contained in a purchase order, acknowledgement or other acceptance document prepared or supplied by the Customer, and the Customer waives any right to rely on such terms and conditions.

On receipt of a formal company purchase order from the Buyer, the customer will be deemed to have accepted the Quotation and the Syft Terms and Conditions, which together constitute a binding contract between the customer and Syft.

[Link to Terms & Conditions](#)

SYFT TECHNOLOGIES LTD STANDARD TERMS AND CONDITIONS OF SALE

1. Interpretation.

- 1.1. In these Terms, unless the context otherwise requires:
 - 1.1.1. **Buyer** means the purchaser of Equipment and/or Services from the Seller;
 - 1.1.2. **Contract** means a contract for the supply of Equipment and/or Services by Seller to Buyer, comprised of the Quotation and these Terms;
 - 1.1.3. **Disbursements** means all reasonable out-of-pocket expenses incurred by the Seller in carrying out its obligations under the Contract;
 - 1.1.4. **Equipment** means the equipment and any options, configurations, Software and/or supplies to be supplied by the Seller to the Buyer under a Contract;
 - 1.1.5. **Intellectual Property** means any rights under a patent, trade mark, service mark, copyright, design, trade secret or similar proprietary right relating to the Equipment, the Software and the Services (whether registered or unregistered) and includes plans, designs, drawings and specifications;
 - 1.1.6. **Quotation** means the quotation issued by the Seller in response to the Buyer's request to purchase the Equipment and/or the Services;
 - 1.1.7. **Seller** means Syft Technologies Limited, its subsidiary companies and any other entity that forms part of the Syft Technologies Group;
 - 1.1.8. **Services** means any services provided by the Seller as specified in the Quotation or as agreed by the parties from time to time, including but not limited to delivery, installation, preventative and remedial maintenance, online remote support and training providing by the Seller;
 - 1.1.9. **Software** means any software or firmware products provided with the Equipment;
 - 1.1.10. **Terms** means these terms and conditions to be read and construed with the Quotation issued by the Seller; and
 - 1.1.11. **Working Day** means a day that is not a Saturday, a Sunday or a statutory holiday in Christchurch, New Zealand.
- 1.2. Unless Seller and Buyer otherwise agree in writing:
 - 1.2.1. no contract will come into existence until the Buyer accepts the quotation by signing and returning the quotation to the seller, or by issuing a Purchase Order for the quoted equipment and/or services;
 - 1.2.2. these Terms together with the Quotation shall apply to the Seller's supply of all Equipment and/or Services to the Buyer under the Contract;
 - 1.2.3. no other terms or conditions (whether oral or written) will apply, including but not limited to any different or additional terms submitted by the Buyer to the Seller; and
 - 1.2.4. in the event of a conflict between a term in the Quotation and these Terms, the term in the Quotation will prevail.

2. Delivery Dates.

- 2.1. Equipment delivery is typically six (6) weeks from the date when Purchase Order is received or the date when the contract comes into existence as per clause 1.2.1 above, however, any delivery and/or shipment dates indicated in a Quotation or otherwise are estimates only and are not material representations or conditions of the Contract. The Seller will make reasonable efforts to meet any delivery and shipment date(s) quoted but shall not be liable for any delay in delivery or shipment, however caused. If, for any reason, the Seller's supplies of the Equipment are limited, the Seller shall have the right to prorate the available supply among its customers in such manner as it, in its sole discretion, determines.
- 2.2. Should the Buyer request a change in the estimated shipment or delivery date or location, or otherwise cause delay to shipment or delivery, the Buyer must pay any additional costs incurred by the Seller as a result of such change or delay and, without limiting this clause, the Equipment will be stored by the Seller at the Buyer's risk and cost.

3. Packing and Loss or Damage in Transit.

Equipment will be packed for shipment in a manner suitable to the method of shipment specified by the Buyer, or to the method selected by the Seller in the absence of instructions. Unless otherwise indicated in the Quotation, all sales hereunder are Ex Works (EXW) shipping point, and all risk of loss or damage to Equipment in transit is upon Buyer.

4. Payment Due For Partial Deliveries.

Seller may, in its sole discretion, deliver any portion of the Equipment ordered, regardless of utility to the Buyer in the absence of the undelivered portion, and all such partial deliveries shall be accepted and paid for in accordance with the terms of Paragraph 6 below. Likewise, completion of any Services shall not be a condition to the Buyer's obligation to remit payment. The making of a partial delivery that, to any extent, is not in accordance with the Contract shall not affect the Buyer's obligation hereunder to remit payment.

5. Inspection, Acceptance and Return of Goods.

Immediately upon receipt of the Equipment, the Buyer shall inspect the Equipment and shall, within five (5) Working Days, give written notice to the Seller of any claim for shortage or that the Equipment does not conform with the terms of the Contract. If the Buyer fails to give such notice, the Equipment shall be deemed accepted and to conform with the terms of the Contract and the Buyer shall be bound to pay for the Equipment in accordance with the terms of Paragraph 7 below. Return of the Equipment, defective or otherwise, will not be accepted by the Seller unless it is shipped Free on Board (FOB) destination, freight prepaid, and with prior written authorisation by the Seller. When return of nonconforming Equipment has been accepted, conforming shipment may be made in accordance with Paragraph 2 above and Paragraph 10 below without further liability on the Seller's part. Buyer will be liable for restocking charges in the event Equipment is returned to the Seller which is not defective and is in accordance with the terms of the Contract.

6. Price and Service Charges.

- 6.1. In addition to the prices indicated in the Quotation, the Buyer must pay for all Disbursements, shipping, handling and insurance charges, and applicable taxes (including goods and services tax), duties, excise, imports and any other levies upon demand, unless otherwise stated in the Quotation. Where the Buyer claims that any Equipment or Services are not subject to tax, or that the Buyer is exempt from paying such tax, or that the Seller is not required to collect such tax, the Buyer agrees to provide the Seller with any documentation necessary to support such a claim and to allow the Seller to document its decision not to collect such tax(es). Prices are subject to change to reflect changes in taxes on processed material or laws governing working hours or compensation of labour.
- 6.2. If the Buyer requests changes to the scope or any specifications for the Equipment and/or the Services the Seller will be entitled to increase the price(s) indicated in the Quotation. Any Services performed by the Seller at the Buyer's request that are not included in

the Quotation will be charged at the Seller's then-current list prices for the Services, or if not included in such list prices, at the price agreed by the parties prior to the Seller carrying out the relevant Services.

7. Payment and Credit Terms.

- 7.1. Unless otherwise indicated in the Quotation, the Buyer agrees to remit a non-refundable down payment of 30% of the total purchase price. The down payment will be applied towards the total purchase price and is due upon receipt of invoice. In cases requiring custom product development, custom integration of 3rd Party equipment, or specialty Acceptance Criteria, the Buyer may be required to make a down payment of up to 50% of the total purchase price.
- 7.2. The Buyer agrees to remit payment in full without any deduction, set-off or counterclaim, to the address provided on the face of the Seller's invoice within thirty (30) days of the invoice date. This obligation shall not be contingent upon the completion of any Services included in the purchase price.
- 7.3. Account balances not paid in accordance with the Contract are subject to an interest charge on monies overdue at a rate of 5% per annum above the Seller's bank overdraft rate from time to time, calculated on a daily basis from the due date of the overdue payment until payment is made in full.
- 7.4. In the event the Seller refers any overdue amount from the Buyer to a legal representative or an agent for collection, the Buyer shall pay all costs of collection incurred by the Seller in recovering the delinquent amount (including costs and reasonable legal fees on a solicitor/client basis).
- 7.5. Without prejudice to any other rights, the Seller may set off any amount owed by the Buyer to the Seller against any monies payable by the Seller to the Buyer. Seller reserves the right to change the payment terms provided herein when, in the Seller's opinion, the Buyer's financial condition or payment record so warrants. Should the Buyer fail to pay any sum when due, without prejudice to any other rights, the Seller may suspend performance of its obligations under the Contract until the Buyer has made all required payments in full.

8. Security Interest in Equipment. To the maximum extent permitted by law, the Buyer grants the Seller a security interest in the Equipment to secure any portion of the price not paid in accordance with the Contract. The Buyer shall, on request, execute any documents and provide any information (which information the Buyer warrants to be complete, accurate and up-to-date) that the Seller reasonably requires to enable the Seller to register, perfect or otherwise secure its security interest in the Equipment. The Buyer must not grant any security interest or otherwise sell, assign, sublet, pledge, charge or part with possession of the Equipment or any part of it unless and until ownership has transferred to the Buyer, which shall not occur until the Buyer has made payment in full for the Equipment.

9. Installation and Site Preparation.

- 9.1. Installation Services are included in the purchase price of the Equipment only if expressly so stated in the Quotation. If any Equipment requires installation, removal, repair or maintenance by the Seller's service personnel at the Buyer's site, the Buyer must inform the Seller of when the Equipment will be available to the Seller's service personnel.
- 9.2. The Buyer must provide access to its site as required for receipt of the Equipment and/or the Seller's performance of Services, including, at the Buyer's cost (and as applicable):
 - 9.2.1. providing all necessary services, including power, water, drainage and air bottled gases;
 - 9.2.2. providing the Seller with all access, information and material that the Seller reasonably requires;
 - 9.2.3. obtaining all required permits, licenses or approvals;
 - 9.2.4. providing whatever is required for the Seller's service personnel to uncrate, move, inspect, repair, uplift, crate, and/or remove the Equipment; and
 - 9.2.5. complying with all applicable laws, statutes and regulations governing workplace health and safety and ensuring that its site is in a safe condition,and, Buyer's failure to provide site access in accordance with this Paragraph may result in a service charge by the Seller to cover the lost time of its service personnel.

10. Warranty.

- 10.1. Seller warrants to the Buyer that the Equipment will be, at the time of delivery, free from any defects in material and workmanship, manufactured in a good and workmanlike manner and compliant with any specifications provided by the Seller; any Software for use with a processor will conform in all material respects to the Seller's programme manuals (if any) current at the time of delivery when properly installed on that processor (but the Seller does not warrant that the Software or processor will be uninterrupted or error-free; and the Services will be carried out with reasonable skill and care and in accordance with good industry practice (**Warranty**)).
- 10.2. Except as otherwise indicated in the Quotation, the Warranty will be valid for one (1) year from the Seller's delivery of the Equipment and/or Software to the Buyer. The Seller may offer a longer period of warranty coverage for some Equipment (**Extended Warranty**). If an Extended Warranty is available, the duration and cost of the Extended Warranty, and any specific terms applicable to the Extended Warranty, will be indicated on the Quotation.
- 10.3. Any Warranty or Extended Warranty claim accepted by the Seller will be remedied at the Seller's cost and option:
 - 10.3.1. with respect to Equipment, by the Seller repairing or replacing the Equipment or refunding a portion of the purchase price and taking ownership of the Equipment;
 - 10.3.2. with respect to the Software, by the Seller correcting any non-conformance with the Seller's programme manuals, replacing the Software, or refunding any payments made with respect to the Software on a pro rata basis while the Software was non-conforming; and
 - 10.3.3. with respect to the Services, by the Seller resupplying the Services or refunding the Buyer for the relevant Services.
- 10.4. The Warranty and any applicable Extended Warranty exclude:
 - 10.4.1. damage, defects or loss caused by: (i) any factors beyond the Seller's reasonable control; (ii) any act or omission by any person other than the Seller; (iii) the Buyer's use of the Equipment or Software in any manner or for any purpose not being the intended manner of use or purpose of the Equipment or Software; (iv) failure by the Buyer to maintain the Equipment in accordance with good practice; and (v) failure by the Buyer to comply with the terms of any written warranty, recommendations or instructions provided to the Buyer;
 - 10.4.2. normal wear and tear;
 - 10.4.3. any exclusions identified in the Quotation;

- 10.4.4. items produced by third party manufacturers included in the Equipment (as to which the Seller will use reasonable endeavours to assign to the Buyer any third party warranties with respect to such items);
- 10.4.5. any used Equipment, which is sold on an as-is, where-is basis; and
- 10.4.6. consumables, which include capillaries and all fragile materials, such as glass and ceramic components (which the Buyer acknowledges are not expected to last the one (1)-year Warranty period.
- 10.5. To the maximum extent permitted by law:
 - 10.5.1. the Buyer warrants that it is in trade and acquiring the Equipment and/or the Services for trade, commercial or business purposes or use;
 - 10.5.2. all implied or statutory warranties, guarantees, conditions and representations in respect of the Equipment and any Services, including as to quality, fitness, merchantability, or suitability for any particular purpose or otherwise, are excluded;
 - 10.5.3. the Buyer agrees that it is fair and reasonable that any jurisdictional consumer protection legislation does not apply and that no consumer protection legislation in any jurisdiction shall apply (including without limitation, the Consumer Guarantees Act 1993); and
 - 10.5.4. the Buyer is responsible for determining whether the Equipment, any Services and any specifications are suitable for the Buyer's purposes and will meet the Buyer's performance expectations.
- 10.6. If the Seller undertakes to perform any Warranty or Extended Warranty repairs at the Buyer's site, the Seller will reasonably endeavour to undertake such repairs as soon as reasonably practicable after notification, provided, however, that the Seller reserves the right to require the Buyer to return the Equipment to the Seller's production facility, at the Seller's cost and expense, for purposes of testing the Equipment to verify the Warranty or Extended Warranty claim or when necessary to provide proper repair service.
- 11. **Exclusions and Limitations of Liability.**
 - 11.1. Regardless of the legal basis of any claim made against the Seller (including under any warranty (expressed, implied or statutory), tort (including negligence), equity or any other legal principle or theory, or otherwise), to the maximum extent allowed by law:
 - 11.1.1. Seller's liability to the Buyer shall not exceed the amount paid by the Buyer to the Seller under the Contract;
 - 11.1.2. Seller is not liable for loss of revenue or profits, loss of actual or anticipated profits, loss of production, loss of use, loss of goodwill, loss of contract, loss of business, loss of opportunity, any business interruption, loss of reputation, or for any indirect or consequential loss of any kind;
 - 11.1.3. Seller is not liable for any special, exemplary or punitive damages; and
 - 11.1.4. no claim can be brought against the Seller more than two (2) years after the Buyer becomes aware, or should reasonably have become aware, of the claim against the Seller.
 - 11.2. Seller will not be liable to the Buyer for any loss or damage caused by compliance with any designs, specifications, requirements or instructions provided by the Buyer, or any combination, operation or use of the Seller's Equipment or the Software with other products, software or business processes.
 - 11.3. If the Buyer's negligence causes loss or damage to a third party and as a result the third party brings a claim against the Seller, the Buyer shall indemnify and hold harmless the Seller from and against the claim.
- 12. **Intellectual Property.** All Intellectual Property owned by the Seller at the date of the Contract, and any Intellectual Property developed pursuant to or in connection with the Contract, will remain and become upon creation the Seller's sole and exclusive property, and the Buyer waives any author's rights in any such Intellectual Property. The Buyer must not do any act which would put at issue the Seller's ownership of its Intellectual Property. The Seller grants the Buyer a non-exclusive, non-transferrable, and non-sublicensable license to use any Software provided by the Seller in conjunction with the Equipment for the Buyer's internal business use only. Unless otherwise agreed by the Seller in writing, the Seller's copyrighted material (Software, firmware and printed documentation) may be not copied except for archive purposes, to replace a defective copy, or for program error verification by the Buyer.
- 13. **Confidentiality.**
 - 13.1. The parties agree that the details of the Contract and all information and material supplied by the other party concerning its affairs, transactions or financial, technical or commercial arrangements and any information of a proprietary nature concerning the plans, operations, know-how, trade secrets, expertise and Intellectual Property of the other party (together **Confidential Information**) is by its nature confidential.
 - 13.2. Each party agrees to keep and treat the other party's Confidential Information confidential and to only use such Confidential Information to the extent necessary to enable that party to perform its obligations under the Contract.
 - 13.3. Neither party will make any public statement concerning the matters contemplated by the Contract without the prior written consent of the other party.
 - 13.4. This Paragraph 13 does not apply to information that a party is legally required to disclose, or that must be disclosed by the rules of any stock exchange, or that is generally known by the public other than through a breach of this Paragraph. The Buyer acknowledges that the Seller is listed on the Unlisted Securities Exchange and agrees that this Paragraph 13 does not apply to any information that the Seller must disclose under any rules of the Unlisted Securities Exchange.
- 14. **Force Majeure.** If either party is prevented from performing its obligations under the Contract (other than the payment of money) as a result of fire, flood, storm, explosion, act of war, earthquake, or any other similar cause which is beyond the control of the affected party (**Force Majeure**), then that party's delay in performance shall not be considered a breach of its obligations under the Contract, provided that the affected party gives prompt written notice to the other party specifying the cause and extent of its inability to perform and the likely duration of the non-performance. The party affected by the Force Majeure shall take all reasonable steps to recommence performance of its obligations as soon as reasonably possible.
- 15. **Termination.**
 - 15.1. Either party may terminate the Contract by giving written notice to the other, in the event that:
 - 15.1.1. the other party has not remedied a material breach (including any failure to pay any amount due) of the Contract within 10 Working Days after receipt of notice from the non-breaching party requiring it to remedy the breach;
 - 15.1.2. the other party becomes bankrupt, insolvent or unable to pay its debts as they fall due, or is placed in liquidation, statutory management, receivership, voluntary administration, is dissolved, or enters into any arrangement for the benefit of creditors

(other than for the purposes of a solvent reconstruction) or is subject to any form of analogous procedure in the relevant party's jurisdiction; or

- 15.1.3. a Force Majeure event prevents either party from being able to perform any obligation under the Contract for a continuous period of thirty (30) days.

15.2. Where the Seller terminates the Contract under sub-paragraph 15.1, it may cancel the supply of any Equipment or Services which have not been delivered or performed and will be entitled to payment for any Equipment and/or Services delivered or performed prior to the date of termination.

16. Dispute Resolution.

16.1. If a dispute arises in relation to or in conjunction with the Contract, the parties will try to settle the dispute amicably by negotiation. If the dispute has not been settled within twenty (20) Working Days after it has been referred to negotiation (or such longer period agreed by the parties), either party may give written notice to the other requiring the dispute to be mediated. The mediation must take place in Christchurch, New Zealand (or such other place as may be nominated by the Seller). If the parties cannot agree on a mediator within seven (7) Working Days after initiation of the mediation, then the mediator shall be appointed by the President of the Arbitrators' and Mediators' Institute of New Zealand Incorporated (or his or her nominee).

16.2. If the dispute is not resolved at mediation, either party may by written notice within twenty (20) Working Days of the mediation (or such longer period agreed by the parties) require the dispute to be referred to arbitration in accordance with the Arbitration Act 1996 on the following terms:

16.2.1. the arbitration shall be conducted by one arbitrator agreed on by the parties or, if the parties cannot agree on an arbitrator within ten (10) Working Days after the initiation of arbitration, by an arbitrator appointed by the President of the Arbitrators' and Mediators' Institute of New Zealand Incorporated (or his or her nominee);

16.2.2. the place of the arbitration shall be Christchurch, New Zealand (or such other place as nominated by the Seller);

16.2.3. the arbitrator's decision in respect of findings of fact shall be final and binding, and the appeal rights under Clause 5 of the Second Schedule of the Arbitration Act 1996 are expressly excluded; and

16.2.4. each party shall bear its own costs of the arbitration and (in the absence of an arbitrator's award to the contrary) shall pay the costs of the arbitrator in equal shares.

16.3. Nothing in this Paragraph will prevent a party from seeking interlocutory or injunctive relief.

16.4. Pending the settlement or determination of any dispute, the parties shall continue to perform their obligations under the Contract.

17. Governing Law. The Contract is to be governed by and construed in accordance with the law of New Zealand and both Buyer and Seller agree to submit to the non-exclusive jurisdiction of the Courts of New Zealand, and waive any objections which they may have now or in the future to the venue of any proceedings brought in the New Zealand courts but not, for the avoidance of doubt, any stay in favour of an arbitration under the Contract.

18. Miscellaneous.

a. The Contract constitutes the entire agreement between the parties and supersedes all previous agreements or understandings, whether oral or written, pertaining to the same subject matter. The Buyer confirms that it is not relying on any representation made by Seller except as expressly set out in the Contract.

b. No amendments to the Contract will be effective unless in writing and signed by both parties.

c. If any of the provisions in the Contract are or become invalid, illegal or unenforceable, the validity, legality or enforceability of the remaining provisions will not in any way be affected or impaired.

d. No failure, delay or indulgence by the Seller in exercising any power or right shall operate as a waiver of that power or right. A single exercise of any of those powers or rights does not preclude further exercises of those powers or rights or the exercise of any other powers or rights.

e. Nothing in the Contract will create or evidence any partnership, joint venture, agency, trust or employer/employee relationship between the Buyer and the Seller, and the Buyer will not make any representation that any such relationship exists.

f. The Buyer shall not assign the Contract without the prior written consent of the Seller. Any obligation or Services required to be carried out by the Seller under the Contract will be interpreted as allowing the Seller to engage any third party to carry out those obligations or Services on the Seller's behalf.

g. Any notices to be given under the Contract may be transmitted by post, email or personal delivery to the recipient party to the address(es) specified in the Quotation or as otherwise notified in writing from time to time. Notices will be deemed to have been served:

(i) when delivered by post within New Zealand, three (3) Working Days following the date of sending;

(ii) when delivered by international post, seven (7) Working Days following the date of sending;

(iii) when transmitted by email, on the date and at the time of sending irrespective of whether downloaded from the addressee's internet service provider, if the system used to transmit the email has not generated a record that the notice has failed to be transmitted; and

(iv) when delivered personally, at the time of physical delivery,

provided, however, that any notice served on a non-Working Day, or after 4.30pm on a Working Day, will be deemed to have been served on the next Working Day.

h. The United Nations Convention on Contracts for the International Sale of Goods shall not apply to the Contract.

i. Termination of the Contract does not affect the continuation of any provision that is intended to survive termination of the Contract.

BAY AREA AIR DISTRICT
Memorandum

To: Chairperson Lynda Hopkins and Members
of the Board of Directors

From: Philip M. Fine
Executive Officer/APCO

Date: October 1, 2025

Re: Authorization to Execute a Sponsorship Agreement with the American Lung
Association

RECOMMENDED ACTION

Authorize the Executive Officer/APCO to execute a sponsorship agreement with the American Lung Association in an amount not to exceed \$60,000 to promote Air District programs, highlight the benefits of clean heating, and provide health professional and medical expert resources for media requests during wildfire season.

BACKGROUND

The American Lung Association (ALA) has extensive experience working with the Air District and has demonstrated broad understanding of the Air District's mission and messaging regarding the importance of air quality as it relates to public health. ALA will assist the Air District with promoting zero emission transportation options, highlight the benefits of clean heating, and provide health professional and medical expert resources for media requests during wildfire season.

DISCUSSION

Through the sponsorship of the ALA, the Air District will gain access to medical experts and resources that are invaluable during wildfire season. The Air District will continue to support an organization that gives outreach access to a key audience across the region.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funding for this contract is included in Fiscal Year Ending 2026 Program 303 and 306.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Kristina Chu
Reviewed by: Kristine Roselius

ATTACHMENT(S):

1. American Lung Association of California 2025 Draft

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

SPONSORSHIP AGREEMENT

CONTRACT NO. 2025.222

1. PARTIES - The parties to this Sponsorship Agreement (Agreement) are the Bay Area Air Quality Management District (DISTRICT), whose address is 375 Beale Street, Suite 600, San Francisco, CA, 94105; and **American Lung Association** (ALA), whose address is 55 W. Wacker Dr., Suite 1150, Chicago, Illinois, 60601.
2. RECITALS
 - A. DISTRICT is the regional agency with primary responsibility for regulating stationary source air pollution in the San Francisco Bay Area in the State of California. DISTRICT is authorized to enter into this Agreement under California Health and Safety Code Section 40701.
 - B. ALA is a nonprofit, tax-exempt organization whose mission is to promote clean air, improve lung health, and prevent lung disease through education, advocacy, and research.
 - C. DISTRICT seeks to enhance awareness of its commitment to achieving clean air to protect the public's health and the environment. As such, DISTRICT desires to acquire from ALA certain advertising and promotional benefits as described herein, and ALA desires to provide such benefits to DISTRICT in exchange for DISTRICT sponsorship of the Event in accordance with the terms and provisions of this Agreement.
3. TERM - The term of this Agreement shall be from December 1, 2025 to November 30, 2026 (Term), unless terminated earlier as provided herewith.
4. TERMINATION - Either party may terminate this Agreement. In the event of such termination, ALA shall refund to DISTRICT any and all payments made by DISTRICT pursuant to this Agreement
5. [RESERVED]
6. ADVERTISING AND PROMOTION - ALA will provide to DISTRICT the advertising and promotional benefits and assistance with DISTRICT's public outreach efforts as described in Attachment A attached hereto.
7. SPONSORSHIP PAYMENT SCHEDULE - In support of ALA's ongoing work to promote healthy clean air choices in the Bay Area, and in consideration for ALA providing to DISTRICT the advertising and promotional benefits and assistance as described in Attachment A, DISTRICT shall pay ALA a sponsorship payment in the amounts described in Attachment B hereto according to the payment schedule described in Attachment B hereto.

8. NON-EXCLUSIVITY - DISTRICT expressly acknowledges that ALA may have other sponsors whose advertising or brands are displayed in connection with ALA activities sponsored by DISTRICT. DISTRICT expressly agrees that it is not granted any exclusive rights that would in any manner limit the rights of ALA to seek other sponsors and to display advertising or brands of those sponsors, except as may be expressly set forth in Attachment A hereto. To the extent that any right of exclusivity has been granted, the express terms of that right are described in Attachment A hereto.
9. DELIVERY OF PROMOTIONAL MATERIALS - DISTRICT shall be responsible for delivering its promotional materials to ALA prior to the publication deadline for each ALA publication in which such materials will be published, as long as ALA has provided written notice of the publication deadline to DISTRICT.
10. PARTIES' TRADEMARKS - Each party shall be entitled, from time to time, to make reasonable use of the other party's name, trade name, trademarks and logos in connection with advertising or promotional materials; provided, however, that a party shall do so only with the prior written approval of the other party, which approval shall not be unreasonably withheld. Notwithstanding anything stated herein, no ownership rights are granted or transferred in connection with either party's use of the other party's name, trade name, trademarks.
11. INDEMNIFICATION
- A. ALA shall indemnify and hold harmless DISTRICT, and DISTRICT's officers, employees and agents, from and against any and all liability, loss, expense (including reasonable attorneys' fees), or claims for injury or damages, arising out of the performance of this Agreement; but only in proportion to and to the extent such liability, loss, expense (including reasonable attorneys' fees), or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of ALA or its officers, agents, or employees. This provision shall survive the expiration or termination of this Agreement.
12. INSURANCE
- A. ALA shall maintain the following Insurance:
- i) Workers' compensation and employers' liability insurance as required by California law or other applicable statutory requirements for any persons employed by ALA for the Event.
 - ii) Occurrence-based commercial general liability insurance or equivalent form with a limit of not less than one million dollars (\$1,000,000) each occurrence. Such insurance shall include DISTRICT and its officers, agents, and employees as additional insureds for the Event and shall be primary with respect to any insurance maintained by DISTRICT.
 - iii) Business automobile liability insurance or equivalent form with a limit of not less than one million dollars (\$1,000,000) each accident covering each automobile used by ALA in connection with the Event. Such insurance shall include coverage for owned, hired, and non-owned vehicles.
- B. Within thirty (30) days following execution of this Agreement, ALA shall furnish properly-executed certificates of insurance for all required insurance. ALA shall notify

DISTRICT in writing fifteen (15) days prior to cancellation or modification of any required insurance policy. Any such modifications are subject to pre-approval by DISTRICT.

13. NOTICES - All notices that are required under this Agreement shall be provided in the manner set forth herein, unless specified otherwise. Notice to a party shall be delivered to the attention of the person listed below, or to such other person or persons as may hereafter be designated by that party in writing. Notice shall be in writing sent by e-mail, facsimile, or regular first class mail. In the case of e-mail and facsimile communications, valid notice shall be deemed to have been delivered upon sending, provided the sender obtained an electronic confirmation of delivery. E-mail and facsimile communications shall be deemed to have been received on the date of such transmission, provided such date was a business day and delivered prior to 4:00 p.m. Pacific Time. Otherwise, receipt of e-mail and facsimile communications shall be deemed to have occurred on the following business day. In the case of regular mail notice, notice shall be deemed to have been delivered on the mailing date and received five (5) business days after the date of mailing.

DISTRICT: Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105
Attn: Kristina Chu

ALA: American Lung Association
55 W. Wacker Dr., Suite 1150
Chicago, IL 60601
Attn: Elise Wallis

14. ADDITIONAL PROVISIONS - All attachment(s) to this Agreement are expressly incorporated herein by this reference and made a part hereof as though fully set forth.
15. AUDIT / INSPECTION OF RECORDS – If this Agreement exceeds \$10,000, pursuant to California Government Code Section 8546.7, all records, documents, conditions and activities of ALA, and its subcontractors, related to the services provided hereunder, shall be subject to the examination and audit of the California State Auditor and other duly authorized agents of the State of California for a period of three (3) years after final payment under this Agreement. ALA hereby agrees to make such records available during normal business hours for inspection, audit, and reproduction by any duly authorized agents of the State of California or DISTRICT. ALA further agrees to allow interviews of any of its employees who might reasonably have information related to such records by any duly authorized agents of the State of California or DISTRICT. All examinations and audits conducted under this section shall be strictly confined to those matters connected with the performance of this Contract, including, but not limited to, the costs of administering this Agreement.
16. RELATIONSHIP OF THE PARTIES - Nothing contained herein shall imply any partnership, joint venture or agency relationship between the parties and neither party shall have the power to obligate or bind the other in any manner whatsoever, except to the extent herein provided.

17. ASSIGNMENT - No party shall assign, sell, license, or otherwise transfer any rights or obligations under this Agreement to a third party without the prior written consent of the other party, and any attempt to do so shall be void upon inception.
18. WAIVER - No waiver of a breach, of failure of any condition, or of any right or remedy contained in or granted by the provisions of this Agreement shall be effective unless it is in writing and signed by the party waiving the breach, failure, right, or remedy. No waiver of any breach, failure, right, or remedy shall be deemed a waiver of any other breach, whether or not similar, nor shall any waiver constitute a continuing waiver unless the writing so specifies. Further, the failure of a party to enforce performance by the other party of any term, covenant, or condition of this Agreement, and the failure of a party to exercise any rights or remedies hereunder, shall not be deemed a waiver or relinquishment by that party to enforce future performance of any such terms, covenants, or conditions, or to exercise any future rights or remedies.
19. FORCE MAJEURE - Neither DISTRICT nor ALA shall be liable for or deemed to be in default for any delay or failure in performance under this Agreement or interruption of services resulting, directly or indirectly, from acts of God, enemy or hostile governmental action, civil commotion, strikes, lockouts, labor disputes, fire or other casualty, judicial orders, governmental controls, regulations or restrictions, inability to obtain labor or materials or reasonable substitutes for labor or materials necessary for performance of the services, or other causes, except financial, that are beyond the reasonable control of DISTRICT or ALA, for a period of time equal to the period of such force majeure event, provided that the party failing to perform notifies the other party within fifteen calendar days of discovery of the force majeure event, and provided further that that party takes all reasonable action to mitigate the damages resulting from the failure to perform. Notwithstanding the above, if the cause of the force majeure event is due to party's own action or inaction, then such cause shall not excuse that party from performance under this Agreement.
20. SEVERABILITY - If a court of competent jurisdiction holds any provision of this Agreement to be illegal, unenforceable or invalid in whole or in part for any reason, the validity and enforceability of the remaining provisions, or portions of them will not be affected.
21. HEADINGS - Headings on the sections and paragraphs of this Agreement are for convenience and reference only, and the words contained therein shall in no way be held to explain, modify, amplify, or aid in the interpretation, construction, or meaning of, the provisions of this Agreement.
22. DUPLICATE EXECUTION - This Agreement may be executed in separate, duplicate counterparts. Each signed counterpart shall have the force and effect of an original, and all such counterparts together shall constitute one and the same instrument.
23. GOVERNING LAW - Any dispute that arises under or relates to this Agreement shall be governed by California law, excluding any laws that direct the application to another jurisdiction's laws. Venue for resolution of any dispute that arises under or relates to this Agreement, including mediation, shall be San Francisco, California.

24. ATTORNEYS' FEES – In the event any action is filed in connection with the enforcement or interpretation of this Contract, each party shall bear its own attorneys' fees and costs.
25. ENTIRE AGREEMENT AND MODIFICATION - This Agreement represents the final, complete, and exclusive statement of the agreement between the parties, and it supersedes all prior and contemporaneous understandings and agreements of the parties. No party has been induced to enter into this Agreement by, nor is any party relying upon, any representation or warranty outside those expressly set forth herein. This Agreement may be amended only by mutual agreement of the parties in writing and signed by both parties.

DRAFT

IN WITNESS WHEREOF, the parties to this Agreement have caused this Agreement to be duly executed on their behalf by their authorized representatives.

BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

AMERICAN LUNG ASSOCIATION

By: _____
Dr. Philip M. Fine
Executive Officer/APCO

By: _____
Deborah Brown
Chief Mission Officer

Date: _____

Date: _____

Approved as to form:

By: _____
Alexander G. Crockett
General Counsel

ATTACHMENT A

DISTRICT'S ADVERTISING AND PROMOTIONAL BENEFITS

In recognition of DISTRICT'S sponsorship of ALA ongoing work to support healthy clean air choices in the Bay Area, ALA will provide DISTRICT with the following advertising and promotional benefits and assistance with DISTRICT's public outreach efforts during the term of this agreement:

Promoting Zero Emission Transportation:

- ALA will promote benefits of Electric Vehicles (EVs), zero-emission transportation, active transportation, and DISTRICT EV programs, including Clean Cars for All Program (CCFA) and Charge!, through:
 - Two (2) e-mail messages to over 28,000 Bay Area constituents;
 - Four (4) social media postings (2 Spanish and 2 English).
- ALA will highlight health benefits of EVs in media and other outreach utilizing Health Professionals for Clean Air and Climate Action through:
 - One (1) letter to the editor.

Promoting Clean Heating:

- ALA will promote benefits of clean heating to Bay Area constituents highlighting information from DISTRICT's Clean HEET Program (<https://www.baaqmd.gov/funding-and-incentives/residents/clean-heet-program>) and Appliance Rule (<https://www.baaqmd.gov/rules-and-compliance/rule-development/building-appliances>) through:
 - One (1) e-mail message to over 28,000 Bay Area constituents; and
 - Four (4) social media posts on Facebook and Instagram.
- ALA will highlight health benefits of clean heating in media utilizing health professionals through one to two letters to the editor.

Providing Health Professionals and Medical Expert Resources:

- ALA will assist DISTRICT in securing medical experts in the air quality and lung health field for media requests/testimony or quotes upon DISTRICT request.

Wildfire Advocacy:

- ALA will support DISTRICT wildfire response with:
 - Ongoing social media support;
 - Virtual/in-person news conference support upon DISTRICT request;
 - One (1) to two (2) letters to the editor; and
 - One (1) news release on how to be prepared for wildfires and wildfire smoke.

Health Professional Advocate Recruitment:

- ALA will support DISTRICT and launch a social media campaign to identify and recruit new Bay Area health professional advocates who could lend their expert voices to letters to the editor, quotes for news releases, and serve as physician media referrals.

Partnership Opportunities for the 20th Anniversary Fight for Air Climb SF:

A. Customized Awareness Opportunities

- Custom Co-Branded Video Content.
 - ALA will provide DISTRICK the opportunity to partner with a local firefighter ambassador to produce a short video connecting the work of DISTRICK to the mission of lung health and clean air. ALA will feature the video on social and event platforms.
- Public Messaging Opportunity.
 - DISTRICK option for a DISTRICK spokesperson to share a message during event week—highlighting innovation in air quality and community impact.
- Story Feature in Participant E-Newsletter.
 - DISTRICK opportunity to share clean air initiatives with thousands of Bay Area residents and event participants.

B. Visibility and Recognition

- Logo inclusion on participant T-Shirts. Worn by over 700 climbers and volunteers.
- Logo & Link on Official Climb Website to drive year-round exposure.
- On-Site & Online Recognition. Public address mentions throughout event day and visibility on social media platforms.
- Logo and message in Participant Welcome Packets. Delivered directly to all registered climbers.
- Naming Opportunity at Key Area of the Climb (e.g. “Bay Area Air District Clean Air Zone” near registration, finish line, etc.) with signage.

ATTACHMENT B

SPONSORSHIP FEE AND PAYMENT SCHEDULE

DISTRICT shall pay ALA the amount of Sixty Thousand Dollars (\$60,000) to sponsor ALA's ongoing work to support healthy clean air choices in the Bay Area and for the advertising and promotional benefits set forth in Attachment A. Payment shall be made following execution of this Agreement and submission of an invoice by ALA.

Total cost of Agreement not to exceed \$60,000.

DRAFT

BAY AREA AIR DISTRICT
Memorandum

To: Chairperson Lynda Hopkins and Members
of the Board of Directors

From: Philip M. Fine
Executive Officer/APCO

Date: October 1, 2025

Re: Authorization to Accept Fiscal Year 2025-2026 Carl Moyer Program and
Community Air Protection Incentives Program Funds

RECOMMENDED ACTION

Recommend the Board of Directors:

1. Authorize the Air District to accept, obligate, and expend new fiscal year 2025-2026 state funds from the California Air Resources Board including:
 - a. Up to \$22 million in Carl Moyer Program (Year 28) funds and up to \$5 million in Carl Moyer Program State Reserve funds, and
 - b. Up to \$50 million in Community Air Protection Incentives funds
2. Allocate Mobile Source Incentive Funds equaling up to 15% of the total fiscal year 2025-2026 Carl Moyer Program Year 28 funds accepted to provide the match funding required to participate in the Carl Moyer Program; and
3. Adopt the attached proposed resolutions expressing the Board's authorization for the Air District to participate in the Fiscal Year 2025-2026 Carl Moyer Program and Community Air Protection Incentives programs and to accept, obligate, and expend funds under those program.

BACKGROUND

Carl Moyer Program and Mobile Source Incentive Fund

The Air District has participated in the Carl Moyer Program (CMP), in cooperation with the California Air Resources Board (CARB), since the program began in 1998. The CMP provides grants to public and private entities to reduce emissions of nitrogen oxides (NOx), reactive organic gases (ROG), and particulate matter (PM) from existing heavy-duty engines by either replacing or retrofitting them or providing infrastructure to support zero-emission options. Projects eligible under the CMP guidelines include replacement of heavy-duty diesel engines, vehicles and equipment such as on-road trucks and buses, off-road construction and agricultural equipment, transportation refrigeration units, marine vessels, locomotives, and refueling or recharging infrastructure that supports the deployment of new zero-emission vehicles and equipment. At least 50 percent of CMP funds must be awarded to projects that benefit communities with the most significant exposure to air contaminants or localized air

contaminants. Assembly Bill (AB) 923 (Firebaugh), enacted in 2004 (codified as Health and Safety Code (HSC) Section 44225), authorized local air districts to increase motor-vehicle registration surcharges by up to \$2 additional per vehicle and use the revenue to fund projects eligible under the CMP guidelines. AB 923 revenue is deposited in the Air District's Mobile Source Incentive Fund (MSIF).

Community Air Protection Incentives

In 2017, AB 617 directed CARB, in conjunction with local air districts, to establish a new community-focused action framework to improve air quality and reduce exposure to criteria air pollutants and toxic air contaminants in communities most impacted by air pollution. The AB 617 initiative calls for the development of community-identified strategies to address air quality issues in impacted communities, including community level monitoring, uniform emission reporting across the State, stronger regulation of pollution sources, and incentives for reducing air pollution and public health impacts from mobile and stationary sources. Beginning in the Fiscal Year (FY) ending 2018, the California Legislature approved funding from the State's Greenhouse Gas Reduction Fund (GGRF), which is used to reduce criteria pollutants, toxic air contaminants, and greenhouse gases, for the Community Air Protection (CAP) Incentives Program. CAP Incentives funds may be used to fund a variety of emission reduction and exposure reduction project categories, including those eligible under the CMP and the CAP Incentives guidelines, including those that have been identified and prioritized by communities with an approved Community Emissions Reduction Program, pursuant to HSC Section 44391.2. At least 80% of CAP Incentives Program funds must be allocated to projects that benefit disadvantaged communities (Senate Bill (SB) 535), and low-income communities (AB 1550).

DISCUSSION

CARB requires the Air District's Board to authorize participation through the adoption of a resolution for the CMP and CAP Incentives programs. These programs will allow for a percentage of the total funds awarded to the Air District to be used to pay for administrative expenses related to the implementation of these programs. Currently these programs allow for 12.5 percent of funds awarded to be used to pay for administrative expenses. Participation in the CMP also requires the Air District to commit match funds of at least 15 percent.

Carl Moyer Program, FY 2025-2026 (Year 28)

For the Year 28 CMP, CARB estimates approximately \$123 million will be available to grant to air districts under the regular CMP and State Reserve funds. The Air District has been tentatively allocated over \$13.5 million for the implementation of CMP Year 28 and has applied for up to \$22 million if additional funds are available. The acceptance of CMP funds requires a minimum of 15 percent in matching funds provided by the local district and staff recommend the Air District allocate MSIF as matching funds for the CMP Year 28 funding cycle.

CARB has not yet provided tentative allocations of the \$12.35 million in State Reserve funds that will be allocated to districts. The Air District will apply for up to \$5 million in funding under the State Reserve portion of the CMP.

CAP Incentives Program, Fiscal Year 2025-2026

The California State Budget is expected to appropriate Greenhouse Gas Reduction Funds for the FY 2025-2026 AB 617 CAP Incentives Program, and allocations to air districts will be determined at a future date. The allocations to air districts are expected to be lower than in previous years. The Air District's allocation for FY 2024-2025 was \$28 million, and therefore staff recommend the acceptance of up to \$50 million, in the case that additional funds are made available, for the implementation of programs to provide incentives for eligible projects.

Program Implementation

If the Board approves participation in the CMP and CAP Incentives programs and following execution of the respective grant agreements with CARB, Air District staff expect to begin accepting applications under these funding cycles in calendar year 2026 for projects eligible under the most current CARB-approved CMP and CAP Incentives Guidelines and any subsequent updates. Applications for eligible projects may be solicited and evaluated competitively or on a first-come, first-served basis. The Air District prioritizes funding for projects that reduce emissions in its priority areas, including AB 617 communities, and disadvantaged and low-income communities. Each cycle of grant funding that is accepted by the Air District creates an obligation of effort that has a typical duration of between ten and fourteen years, whereby most of the work occurs in the first four to five years, involving project solicitation and outreach, awarding, contracting, inspections, reimbursements, project monitoring, cooperation in audits, and reporting to CARB. Future years' work includes continued project monitoring, reporting to CARB, and enforcement action when needed.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Revenue from FY 2025-2026 CMP (including state reserve funds) and CAP Incentives is anticipated to be between \$20 million and \$50 million. A percentage of this revenue, in accordance with program requirements, will be used by the Air District for its own administrative costs to implement the programs over several years. The remaining project funds will be awarded to grantees and distributed on a reimbursement basis for direct project expenses. These revenues will be budgeted for FY ending 27 and future years, as needed. MSIF funds allocated for the CMP Year 28 match will also be budgeted in FY ending 27 and future years, as needed.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alona Davis, Adriana Koley
Reviewed by: Chengfeng Wang, Alona Davis

ATTACHMENT(S):

1. Draft Board Resolution Fiscal Year 2025-2026 Carl Moyer Program
2. Draft Board Resolution Fiscal Year 2025-2026 Community Air Protection Incentives Program

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION No. 2025 -

Resolution Accepting Year 28 Carl Moyer Program Funds From the California Air Resources Board

WHEREAS, California Health and Safety Code Division 26, Part 5, Chapter 9, empowers the California Air Resources Board (CARB) to allocate Carl Moyer Program funds to local air quality districts to provide financial incentives to both the public and private sectors to implement eligible projects to reduce emissions of oxides of nitrogen (NO_x), reactive organic gases (ROG), and particulate matter (PM) through equipment retrofit, replacement and installation;

WHEREAS, California Health and Safety Code section 44287 authorizes CARB to provide an air district with funds if that district provides matching funds in an amount established by CARB;

WHEREAS, the Bay Area Air Quality Management District (Air District) has successfully implemented the Carl Moyer Program since its inception in 1998 and seeks to continue to reduce emissions through clean air incentive projects;

WHEREAS, the Air District will be submitting applications to CARB requesting up to \$22 million in Carl Moyer Program funds and up to \$5 million in Carl Moyer Program State Reserve funds, to implement the Carl Moyer Program within the Air District for the fiscal year (FY) 2025-2026 (Year 28) cycle;

WHEREAS, the Air District agrees to commit matching funds from the Air District's Mobile Source Incentive Fund (MSIF), in accordance with the requirements of California Health and Safety Code section 44287, in an amount established by CARB up to 15% of State funds received;

WHEREAS, the Air District maintains a current Carl Moyer Program Policies and Procedures Manual that meets the requirements of the Carl Moyer Program Guidelines;

WHEREAS, eligible projects are described in the Carl Moyer Program Guidelines;

WHEREAS, the Air District may also consider projects that qualify for grant funds under CARB's Voucher Incentive Program (VIP);

WHEREAS, the Air District may also consider projects that qualify for grant funds under the requirements for the State Reserve portion of Carl Moyer Program funds;

WHEREAS the Air District will follow the requirements in the Carl Moyer Program Guidelines;

WHEREAS, the Air District may use a percentage of the Carl Moyer Program funds it receives to pay the reasonable costs of implementing the incentive program, in accordance with legislative and applicable program requirements;

WHEREAS, the Air District may be invited to accept Carl Moyer Program funds through inter-district transfer.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors hereby approves the Air District's acceptance of Fiscal Year 2025-2026 Carl Moyer Program funds, including the State Reserve portion thereof, to be awarded to eligible Air District projects and used for program administration in accordance with legislative and applicable program requirements.

BE IT FURTHER RESOLVED, the Air District will provide the required matching funds for Air District projects by allocating local MSIF revenues to eligible emission reduction projects that qualify for Carl Moyer Program matching purposes, in an amount established by CARB up to 15% of State funds received.

BE IT FURTHER RESOLVED, the Executive Officer/Air Pollution Control Officer is hereby authorized and empowered to draft, revise, update and maintain a Carl Moyer Program Policies and Procedures Manual that meets the requirements of CARB's Carl Moyer Program Guidelines.

BE IT FURTHER RESOLVED, the Executive Officer/Air Pollution Control Officer is hereby authorized and empowered to execute on behalf of the Air District grant agreements with CARB, agreements with other California air quality districts for the collaborative implementation of the Carl Moyer Program, and all other necessary documents to implement and carry out the purposes of this resolution.

The foregoing resolution was duly and regularly introduced, passed, and adopted at a public meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of _____, seconded by _____, on the ____ day of _____, 2025, by the following vote of the Board:

AYES:

NOES:

ABSTAIN

ABSENT:

Lynda Hopkins
Chairperson of the Board of Directors

ATTEST:

Marcy Hiratzka
Clerk of the Boards

DRAFT

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION No. 2025 -

**Resolution Accepting Fiscal Year 2025-2026
Community Air Protection Incentives Program Grant Funding
from the California Air Resources Board**

WHEREAS, Assembly Bill (AB) 617 directed the California Air Resources Board (CARB), in conjunction with local air districts, to establish the Community Air Protection (CAP) Incentives Program in order to provide a community-focused framework to improve air quality and reduce exposure to criteria air pollutants and toxic air contaminants in communities most impacted by air pollution;

WHEREAS, the Bay Area Air Quality Management District (Air District) has successfully implemented the CAP Incentives Program since its inception in 2017;

WHEREAS, the Air District will apply for up to \$50 million in CAP Incentives Program funds to implement the Fiscal Year (FY) 2025-2026 cycle of the CAP Incentives Program;

WHEREAS, the Air District maintains a current CAP Incentives Program Policies and Procedures Manual that meets the requirements of CARB's CAP Incentives Program Guidelines;

WHEREAS, the Air District will implement emission reduction projects pursuant to CARB's CAP Incentives Program Guidelines, allocating funding to projects consistent with priorities identified by affected communities in a transparent, meaningful public process;

WHEREAS, eligible projects are described in CARB's CAP Incentives Program Guidelines;

WHEREAS, the Air District may use a percentage of the funds it receives to pay the reasonable costs of administering the incentive program, in accordance with legislative and applicable program requirements;

WHEREAS, the Air District may be invited to accept CAP Incentive Program funds through inter-district transfer.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors hereby approves the Air District's acceptance of FY 2025-2026 CAP Incentives Program funds to be awarded to eligible projects and used for program administration in accordance with legislative and applicable program requirements.

BE IT FURTHER RESOLVED, the Executive Officer/Air Pollution Control Officer is hereby authorized and empowered to draft, revise, update and maintain a CAP Incentives

Policies and Procedures Manual that meets the requirements of CARB's CAP Incentives Program Guidelines.

BE IT FURTHER RESOLVED, the Executive Officer/Air Pollution Control Officer is hereby authorized and empowered to execute on behalf of the Air District grant agreements with CARB, agreements with other California air quality districts to accept CAP Incentives Program funding, and all other necessary documents to implement and carry out the purposes of this resolution.

The foregoing resolution was duly and regularly introduced, passed and adopted at a public meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of _____, seconded by _____, on the ____ day of _____, 2025, by the following vote of the Board:

AYES:

NOES:

ABSTAIN:

ABSENT:

Lynda Hopkins
Chairperson of the Board of Directors

ATTEST:

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR DISTRICT
Memorandum

To: Chairperson Lynda Hopkins and Members
of the Board of Directors

From: Philip M. Fine
Executive Officer/APCO

Date: October 1, 2025

Re: Authorization to Accept Clean Air Act Section 103 Grant Program Revenues
from the United States Environmental Protection Agency for Fine Particulate
Matter Monitoring Activities

RECOMMENDED ACTION

Authorize the Executive Officer/APCO to accept, obligate, and expend up to \$351,550 in Clean Air Act Section 103 grant funds from the United States Environmental Protection Agency to support fine particulate matter monitoring in the Bay Area from April 1, 2025, to March 31, 2026.

BACKGROUND

Section 103 of the Federal Clean Air Act (CCA) authorizes the United States Environmental Protection Agency (US EPA) to make grants for implementing programs to maintain fine particulate matter (PM_{2.5}) monitoring networks. US EPA has historically provided Section 103 grant funds to the Air District annually to support PM_{2.5} monitoring in the Bay Area. These funds can be used to support collection and sharing of quality assured data on ambient air concentrations of PM_{2.5}.

DISCUSSION

US EPA has approved a total assistance amount of \$406,278, for the CAA Section 103 grant funds for Federal Fiscal Year (FY) 2025. The Air District received the Notice of Award (Attachment 1) of this funding on September 2, 2025. Of the \$406,278 in total assistance, \$351,550 is a direct award of grant funds and the other \$54,728 is in-kind support from US EPA to a contract laboratory for speciation sample analysis.

Air District staff are requesting authorization to accept obligate and expend the \$351,550 in direct grant funds under this grant award. The \$54,728 in in-kind support is not part of this request because that portion of the total grant award will go to a contract laboratory and not to the Air District directly. The \$351,550 in direct grant funds will be spent on labor costs and related expenditures to perform work in supporting the Air

District's PM_{2.5} monitoring network, as outlined in detail in the Work Plan submitted to EPA with the application for this grant (Attachment 2).

The Notice of Award shows a project period of April 1, 2023 – March 31, 2026 because US EPA updated the amount for FY 2025 as an amendment to a FY 2023 to 2024 grant agreement (Attachment 3). The "Total Project Period Cost" listed in the FY 2025 Notice of Award (\$1,088,821) includes the previously awarded amount across FY 2023 and FY 2024 (\$682,543).

BUDGET CONSIDERATION/FINANCIAL IMPACT

The projected US EPA 103 grant funding was included in the Fiscal Year Ending 2025-2026 Approved Budget.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Ila Perkins and Danica Winston
Reviewed by: Ranyee Chiang

ATTACHMENT(S):

1. Notice of Award for US EPA Section 103 Grant for Fiscal Year 2025
2. Bay Area Air District Section 103 Grant Work Plan for Fiscal Year 2025
3. Notice of Award for US EPA Section 103 Grant for Fiscal Year 2023-2024

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment	GRANT NUMBER (FAIN): 98T59501 MODIFICATION NUMBER: 4 PROGRAM CODE: PM	DATE OF AWARD 09/02/2025
		TYPE OF ACTION: Augmentation: Increase	MAILING DATE 09/05/2025
		PAYMENT METHOD: ASAP	ACH# 90049
		RECIPIENT TYPE: Special District	
RECIPIENT: Bay Area Air Quality Management District 375 Beale St, Suite 600 San Francisco, CA 94105-2066 EIN: 94-1622746		Send Payment Request to: Contact EPA RTPFC at: rtpfc-grants@epa.gov	
PROJECT MANAGER Ranyee Chiang 375 Beale Street, Suite 600 San Francisco, CA 94105-2066 Email: rchiang@baaqmd.gov Phone: 415-749-8621		EPA PROJECT OFFICER Asia Yeary 75 Hawthorne Street, AIR-1-1 San Francisco, CA 94105 Email: yeary.asia@epa.gov Phone: 808-342-5675	EPA GRANT SPECIALIST Veronica Adams Grants Branch, MSD-6 75 Hawthorne Street San Francisco, CA 94105 Email: adams.veronica@epa.gov Phone: 415-972-3677
PROJECT TITLE AND EXPLANATION OF CHANGES PM2.5 Monitoring Network The purpose of this grant agreement is to maintain fine particulate matter (PM2.5) monitoring networks. The primary objective of this project is to collect quality assured data on ambient air concentrations of PM2.5 as well as chemical composition and precursors. Data will be used for: (1) providing air pollution data to the general public in a timely manner, (2) PM2.5 National Ambient Air Quality Standards (NAAQS) comparisons, (3) development and tracking of implementation plans, (4) assessments of regional haze, and (5) assistance for health studies and other ambient aerosol research activities. The PM2.5 monitoring network design addresses these four program objectives through a combination of siting and instrumentation strategies. This assistance amendment provides the total federal funding in the amount of \$406,278.00 which includes \$54,728.00 set-aside for EPA in-kind service. The budget and project period end dates remain the same.			
BUDGET PERIOD 04/01/2023 - 03/31/2026	PROJECT PERIOD 04/01/2023 - 03/31/2026	TOTAL BUDGET PERIOD COST \$ 1,088,821.00	TOTAL PROJECT PERIOD COST \$ 1,088,821.00
NOTICE OF AWARD Based on your Application dated 07/11/2025 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$ 406,278.00. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$ 1,088,821.00. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.			
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS U.S. EPA, Region 9, U.S. EPA, Region 9 Grants Branch, MSD-6 75 Hawthorne Street San Francisco, CA 94105		ORGANIZATION / ADDRESS U.S. EPA, Region 9, Air and Radiation Division, AIR-1 R9 - Region 9 75 Hawthorne Street San Francisco, CA 94105	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY			
Digital signature applied by EPA Award Official Ellen Blake - Acting Grants Management Officer			DATE 09/02/2025

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 587,671	\$ 351,550	\$ 939,221
EPA In-Kind Amount	\$ 94,872	\$ 54,728	\$ 149,600
Unexpended Prior Year Balance	\$ 0	\$ 0	\$ 0
Other Federal Funds	\$ 0	\$ 0	\$ 0
Recipient Contribution	\$ 0	\$ 0	\$ 0
State Contribution	\$ 0	\$ 0	\$ 0
Local Contribution	\$ 0	\$ 0	\$ 0
Other Contribution	\$ 0	\$ 0	\$ 0
Allowable Project Cost	\$ 682,543	\$ 406,278	\$ 1,088,821

Assistance Program	Statutory Authority	Regulatory Authority
66.034 - Surveys-Studies-Investigations-Demonstrations and Special Purpose Activities relating to the Clean Air Act	Clean Air Act: Sec. 103	2 CFR 200, 2 CFR 1500 and 40 CFR 33

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	2509M6S011	25	E1	09M2	000A04XPM	4183	-	-	\$ 351,550
									\$ 351,550

Budget Summary Page

Table A - Object Class Category (Non-Construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$ 515,526
2. Fringe Benefits	\$ 284,644
3. Travel	\$ 6,000
4. Equipment	\$ 74,571
5. Supplies	\$ 9,644
6. Contractual	\$ 149,600
7. Construction	\$ 0
8. Other	\$ 48,836
9. Total Direct Charges	\$ 1,088,821
10. Indirect Costs: 0.00 % Base	\$ 0
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %)	\$ 1,088,821
12. Total Approved Assistance Amount	\$ 1,088,821
13. Program Income	\$ 0
14. Total EPA Amount Awarded This Action	\$ 406,278
15. Total EPA Amount Awarded To Date	\$ 1,088,821

Administrative Conditions

The general terms and conditions are revised. Terms and conditions A-D are reiterated.

General Terms and Conditions

The General Terms and Conditions of this agreement are updated in accordance with the link below. However, these updated conditions apply solely to the funds added with this amendment and any previously awarded funds not yet disbursed by the recipient as of the award date of this amendment. The General Terms and Conditions cited in the original award or prior funded amendments remain in effect for funds disbursed by the recipient prior to the award date of this amendment.

The recipient agrees to comply with the current EPA general terms and conditions available at: <https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2024-or-later>

These terms and conditions are binding for disbursements and are in addition to or modify the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at: <https://www.epa.gov/grants/grant-terms-and-conditions#general>.

A. Federal Financial Reporting (FFR)

For awards with cumulative project and budget periods greater than 12 months, the recipient will submit an annual FFR (SF 425) covering the period from "project/budget period start date" to **September 30** of each calendar year to the EPA Finance Center in Research Triangle Park, NC. The annual FFR will be submitted electronically to rtpfc-grants@epa.gov no later than **December 30** of the same calendar year. Find additional information at <https://www.epa.gov/financial/grants>. (Per 2 CFR § 200.344(b), the recipient must submit the Final FFR to rtpfc-grants@epa.gov within 120 days after the end of the project period.)

B. Procurement

The recipient will ensure all procurement transactions will be conducted in a manner providing full and open competition consistent with 2 CFR § 200.319. In accordance with 2 CFR § 200.324, the recipient and subawardee(s) must perform a cost or price analysis in connection with applicable procurement actions, including contract modifications. ***State and Tribal government entities must follow procurement standards as outlined in 2 CFR § 200.317.***

C. Indirect Costs

The Cost Principles under 2 CFR Part 200, Subpart E apply to this award. Since there are no indirect costs included in the assistance budget, they are not allowable under this Assistance Agreement.

D. Reporting of EPA In-Kind Amount

This agreement includes funds for EPA in-kind services. Invoices will not be provided to the recipient for recording of actual in-kind cost, however, the total in-kind amount shall be reflected as an expenditure on

the Federal Financial Report(s). If applicable, the recipient must satisfy the cost share requirement for the EPA in-kind amount.

Programmatic Conditions

The programmatic terms and conditions (a-e) are reiterated and terms and conditions (f-h) are added.

a. PERFORMANCE REPORTING AND FINAL PERFORMANCE REPORT

Performance Reports: In accordance with 2 CFR 200.328, the recipient agrees to inform EPA as soon as problems, delays, or adverse conditions which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan are known.

Performance Reports - Frequency: The recipient agrees to submit **quarterly** reports electronically in the form of quality assured and certified data entered timely into EPA's national Air Quality System (AQS) database.

b. Cybersecurity Condition

(a) The recipient agrees that when collecting and managing environmental data under this assistance agreement, it will protect the data by following all applicable State or Tribal law cybersecurity requirements.

(b) (1) EPA must ensure that any connections between the recipient's network or information system and EPA networks used by the recipient to transfer data under this agreement, are secure. For purposes of this Section, a connection is defined as a dedicated persistent interface between an Agency IT system and an external IT system for the purpose of transferring information. Transitory, user-controlled connections such as website browsing are excluded from this definition.

If the recipient's connections as defined above do not go through the Environmental Information Exchange Network or EPA's Central Data Exchange, the recipient agrees to contact the EPA Project Officer (PO) no later than 90 days after the date of this award and work with the designated Regional/Headquarters Information Security Officer to ensure that the connections meet EPA security requirements, including entering into Interconnection Service Agreements as appropriate. This condition does not apply to manual entry of data by the recipient into systems operated and used by EPA's regulatory programs for the submission of reporting and/or compliance data.

(2) The recipient agrees that any subawards it makes under this agreement will require the subrecipient to comply with the requirements in (b)(1) if the subrecipient's network or information system is connected to EPA networks to transfer data to the Agency using systems other than the Environmental Information Exchange Network or EPA's Central Data Exchange. The recipient will be in compliance with this condition: by including this requirement in subaward agreements; and during subrecipient monitoring deemed necessary by the recipient under 2 CFR 200.332(d), by inquiring whether the subrecipient has contacted the EPA Project Officer. Nothing in this condition requires the recipient to contact the EPA Project Officer on behalf of a subrecipient or to be involved in the negotiation of an Interconnection Service Agreement between the subrecipient and EPA.

c. Competency Policy

In accordance with Agency Policy Directive Number FEM-2012-02, Policy to Assure the Competency of Organizations Generating Environmental Measurement Data under Agency-Funded Assistance Agreements, the Recipient agrees, by entering into this agreement, that it has demonstrated competency

prior to award, or alternatively, where a pre-award demonstration of competency is not practicable, Recipient agrees to demonstrate competency prior to carrying out any activities under the award involving the generation or use of environmental data. Recipient shall maintain competency for the duration of the project period of this agreement and this will be documented during the annual reporting process. A copy of the Policy is available online at <https://www.epa.gov/sites/production/files/2015-03/documents/competency-policy-aaia-new.pdf> or a copy may also be requested by contacting the EPA Project Officer for this award.

d. Quality Assurance

Authority: Quality Assurance applies to all assistance agreements involving environmental information as defined in [2 C.F.R. § 1500.12](#) Quality Assurance.

Quality assurance documents are current for five years. BAAQMD and EPA approved a Quality Management Plan (QMP) on January 27, 2023, and a Quality Assurance Program Plan (QAPP) was conditionally approved on November 17, 2016. BAAQMD revised the QAPP and EPA reviewed and commented on the draft on September 10, 2019. The revised QAPP was due September 29, 2017 and should be updated. These quality assurance documents cover measurement activities proposed to take place in FY23.

For Reference:

- [Quality Management Plan \(QMP\) Standard](#) and [EPA QA/R-5: EPA Requirements for Quality Assurance Project Plans](#); contain quality specifications for EPA and non-EPA organizations and definitions applicable to these terms and conditions.
- [EPA QA/G-5: Guidance for Quality Assurance Project Plans](#), Appendix C provides a QAPP Checklist.
- [EPA's Quality Program](#) website has a [list of QA managers](#), and [Non-EPA Organizations Quality Specifications](#).
- The Office of Grants and Debarment [Implementation of Quality Assurance Requirements for Organizations Receiving EPA Financial Assistance](#).

e. Green/Environmentally Sustainable Practices

Consistent with local, state, and federal grant procurement rules, recipient shall, when feasible, purchase environmentally preferable products/services and hold conferences/meetings using environmentally preferable measures. Environmentally preferable products/services and environmentally preferable measures include those that have a lesser or reduced effect on the environment when compared with competing products, services, or measures that serve the same purpose. This comparison may consider raw material acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product or service. In addition, environmentally preferable measures for conferences/meetings apply to large gatherings of ten or more persons.

f. Geospatial Data Standards

All geospatial data created must be consistent with Federal Geographic Data Committee (FGDC) endorsed standards. Information on these standards may be found at <https://www.fgdc.gov/>.

g. EPA In-Kind Reporting

This action awards federal funds in the amount of \$406,278. Of this, \$54,728 is being awarded as in-kind assistance. EPA will direct the in-kind funding to pay for the analysis of speciation samples from the San Jose - Jackson Street STN site by an EPA contract laboratory.

h. Equipment Disposition

In accordance with 2 CFR 200.313, when equipment acquired under this agreement is no longer needed for the original project, program, or for other activities currently or previously supported by EPA, the recipient or subrecipient must request disposition instructions from the EPA Project Officer or pass-through entity. Disposition instructions will be one of the following:

- (1) Equipment with a current fair market value of \$10,000 or less (per unit) may be retained, sold, or otherwise disposed of with no further obligation to the EPA or pass-through entity.
- (2) Except as provided in 2 CFR 200.312(b), or if EPA or the pass-through entity fails to provide requested disposition instructions within 120 days, items of equipment with a current fair market value in excess of \$10,000 (per unit) may be retained or sold by the recipient or subrecipient. EPA is entitled to an amount calculated by multiplying the percentage of the EPA's contribution towards the original purchase by the current market value or proceeds from the sale. If the equipment is sold, EPA or the pass-through entity may permit the recipient or subrecipient to retain, from the Federal share \$1,000 of the proceeds, to cover expenses associated with the selling and handling of the equipment.
- (3) The recipient or subrecipient may transfer title to the property to the Federal Government or to an eligible third party provided that the recipient or subrecipient must be entitled to compensation for its attributable percentage of the current fair market value of the property.
- (4) In cases where a recipient or subrecipient fails to take appropriate disposition actions, EPA or the pass-through entity may direct the recipient to take disposition actions.

--End of Document--

EPA Section 103 PM_{2.5} Air Monitoring Network Workplan Fiscal Year 2025 (FY 25)

Grantee Name: Bay Area Air Quality Management District

Budget Period: April 1, 2023 – March 31, 2026

Amount of Funding Requested for FY25: \$406,278.00

Project Objectives:

The primary objective of this project is to collect quality assured data on ambient air concentrations for fine particulate matter (PM_{2.5}) and its precursors within the Bay Area Air Quality Management District's (Air District) jurisdiction. As described in the Air District's Annual Network Plan updated annually in July, the data will be used for

1. Provide air pollution data to the public in a timely manner
2. PM_{2.5} **National Ambient Air Quality Standards (NAAQS) comparisons**
3. Development **and tracking of implementation plans**
4. Assessments of regional haze
5. Assistance for health studies and other ambient aerosol research activities

The Air District's PM_{2.5} monitoring network design addresses these four program objectives through a combination of siting and instrumentation strategies.

This project supports EPA's **Pillar 1: Clean Air, Land, and Water for Every American** in Administrator Lee Zeldin's 5 pillars detailed in the "Powering the Great American Comeback" initiative.

Background

The Bay Area Air Quality Management District (Air District) currently operates two filter based PM_{2.5} Federal Reference Method (FRM) samplers. One is located at the Air District's San Jose Jackson Street site which is collocated with a Federal Equivalent Method Beta Attenuation Monitor (BAM). The second is located at the Air District's Concord site and is also collocated with a FEM BAM. The Air District operates FEM

BAMs at 17 locations, including (1) one collocated FEM BAM pair at the Vallejo location. The purpose of this equipment is to determine the concentration of particulate matter at or below 2.5 micros in ambient air in the San Francisco/San Jose metropolitan area. FRM and FEM equipment are used to determine the compliance status and designation of the air basin. In addition, FEM BAMs are used for forecasting and to broaden the spatial understanding of PM_{2.5} concentrations and impacts. The Air District also operates a Speciation Trends Network (STN) site in San Jose. Additionally, the Air District Laboratory continues to provide all gravimetric analysis of filters for the Air District site as well as for two other California air quality agencies.

The Air District began sampling PM_{2.5} in January 1999. As required and discussed above, (1) one FRM sampler is currently collocated at the Air District's San Jose Jackson Street station as a quality control and verification measure as well as to ensure acceptable agreement between the different methods. The FRM sampler operates on a one-in-three-day schedule to determine the PM coarse as required by NCore. There are (2) two collocated PM_{2.5} FEM BAMS at the Vallejo location to ensure acceptable agreement between the two equivalent FRM methods.

Please see the Air District's Annual Network Plan to view PM_{2.5} measurement equipment located in the air monitoring network.

Notably, integration of field data with laboratory data has been an issue, as flowrate and associated meteorological information is required to determine final gravimetric and speciation concentrations. Currently, this is performed manually which can lead to transcription errors. The Air District is proposing to continue to modernize and digitize data management to automate calculations, reporting, and retention while maintaining documentation storage systems for field and analytical information. All the work detailed in this workplan is completed by the Air District internally.

The Air District is undertaking several projects as part of our commitment to strengthening program integrity and aligning with the objectives of the 103 EPA grant. Over time, changes in staffing, procedures, and data systems have led to inconsistencies in implementation and documentation across the program. By reassessing and updating our current processes and infrastructure, we aim to re-establish a strong foundation that ensures compliance with the 103-grant requirements, improves data quality and transparency, and enhances our capacity to meet the goals outlined in the grant. This strategic reset supports long-term sustainability and effectively positions the program to deliver measurable outcomes.

Objectives

As a recipient of the EPA PM_{2.5} Monitoring grant, Bay Area Air Quality Management District agrees to:

- Operate, maintain, and analyze the PM_{2.5} monitoring network in accordance with EPA requirements for:
 - Continuous PM_{2.5} FEM analyzers throughout the Air District's jurisdiction.
 - Cartridge-based PM_{2.5} speciation samples for (1) Chemical Speciation Network sampler at San Jose-Jackson
 - Filter-based PM_{2.5} FRM samples and complete gravimetric analysis for San Jose-Jackson and Concord
- Develop a centralized data management platform that consolidates field and laboratory data, facilitating real-time calculations, analysis and interactive visualization.
- Compile and compare resulting data for PM_{2.5} FRM and continuous FEM instrumentation where applicable.
- Participate in Air Quality Index (AQI) forecasting for those areas with continuous PM_{2.5} monitoring and report all continuous PM_{2.5} data into AQS and to the PM_{2.5} mapping program (AirNow)
- Review and update the quality assurance project plan and standard operating procedures in accordance with Region 9 policies
- 2021 TSA Update – As a result of the July 2021 TSA, the Air District is working to address and resolve corrective actions related to the PM_{2.5} network, providing regular status updates to EPA Region 9. See Attachment 1 for a summary of corrective actions for the 2021 TSA and the status of those actions as of July 10, 2025.
- 2024 TSA Update – EPA Region 9 conducted a TSA during the week of July 15, 2024. The Air District has not received the TSA findings and will develop a corrective action plan after receiving the TSA findings.

Objectives (cont.)

EPA 103 Grant – PM_{2.5} Sample/Analyzer Run Schedule

The following table outlines the EPA Section 103 Grant Run Schedule for the Air District's PM_{2.5} monitoring activities for the 2025 Workplan.

Manual PM _{2.5} (FRM)		Continuous PM _{2.5} (FEM)		Speciated PM _{2.5} (CSN)	
Site	Run Schedule	Site	Run Schedule	Site	Run Schedule
Concord	1 in 12	Berkeley Aquatic	Continuous-Hourly	San Jose - Jackson	1 in 3
San Jose – Jackson	1 in 3	Concord	Continuous-Hourly	Blank	Blank
Blank	Blank	Gilroy	Continuous-Hourly		
		Laney	Continuous-Hourly		
		Livermore	Continuous-Hourly		
		Napa – 1732 Jefferson – <i>pending relocation</i>	Continuous-Hourly		
		Oakland East	Continuous-Hourly		
		Oakland West	Continuous-Hourly		
		Pleasanton	Continuous-Hourly		
		Redwood City	Continuous-Hourly		
		San Francisco -	Continuous-Hourly		
		Arkansas	Continuous-Hourly		
		San Jose - Jackson	Continuous-Hourly		
		San Jose - Knox	Continuous-Hourly		
		San Pablo	Continuous-Hourly		
		San Rafael	Continuous-Hourly		
		Sebastopol	Continuous-Hourly		
		Vallejo - Primary	Continuous-Hourly		
		Vallejo - Collocated	Continuous-Hourly		

Outputs

Output	Target Completion Date
Sample and analyze PM _{2.5} FRM filter based on the EPA established sample run calendar for San Jose Jackson and Concord site	Ongoing
Sample and analyze PM _{2.5} speciation samples for (1) CSN site in San Jose Jackson	Ongoing
Operate and maintain continuous PM _{2.5} FEM samplers	Ongoing
Procure (2) new continuous PM _{2.5} FEM samplers as replacements into the District's network	March 31, 2026
Submit all PM _{2.5} data into AQS	March 31, 2026
Submit semi-annual reports on PM _{2.5} workplan to EPA	September 1, 2025 and March 1, 2026
Complete and submit the Bay Area Air Quality Management District Quality Assurance Project Plan for EPA Approval	End of Q4 2025
Catch-up on backlog that accumulated while Air District was updating data review processes. Submit and resubmit 2022 – 2024 PM _{2.5} data by the end of August 2025	End of August 2025
Catch-up on backlog that accumulated while Air District was updating data review processes. Submit Quarters I and II 2025 PM _{2.5} data by end of December 2025	End of Q4 2025
Catch-up on backlog that accumulated while Air District was updating data review processes. Submit Quarters III and IV PM _{2.5} data by March 2026,	End of Q1 2026
After backlog is completed, submit PM _{2.5} data and associated quality	90 days from end of calendar quarter,

Bay Area Air Quality Management District PM_{2.5} Monitoring
Network Workplan FY25

assurance data to AQS	ongoing starting from March 31, 2026
Certify calendar year PM2.5 FRM data in the State and Local Air Monitoring Station (SLAMS) Annual Report. Submit the Annual certification letter and SLAMS Annual Report	May 1, 2026
Meet 75% minimum data recovery requirements for the PM2.5 network monitors. Report all monitors that do not meet this requirement providing the reason that monitor did not meet the 75% data recovery and the corrective action(s) taken.	Report due to R9 <75% data requirements to EPA within 30 days of AQS entry
Submit the Annual Performance Report that covers the period of January 1 to December 31, 2025 to the EPA Technical Officer	March 31, 2026
Update of SOPs for PM2.5 network, expected to be completed by 2025.	As of July 2025, the Air District is working with a contractor to update a select list of SOPs, including the BAM 1020 and Thermo 2025i. The select list of SOPs are scheduled for completion by the end of 2025.

Outcomes

The anticipated short-term outcome for this project is to provide accessibility to data decision makers and users regarding the character and extent of PM_{2.5} in the ambient air. The long-term outcome is to comply with the NAAQS as set forth in the Clean Air Act.

Budget

A budget breakdown of actual costs is provided in this application packet with separate columns providing budget amounts based on the total award.

Name: Ranyee Chiang, Ph.D.

Position: Director, Meteorology and Measurement Division

Agency: Bay Area Air Quality Management District

Attachment 1: Status of PM2.5-related Corrective Actions in response to 2021 TSA. Updates about the progress of these Corrective Actions are being shared and coordinated with EPA Region 9.

Finding	ACTIVITY	PERCENT COMPLETE (as of July 10, 2025)
2	QUALITY MANAGEMENT TASKS NOT FULLY IMPLEMENTED	
2	Develop data validation and review SOP, including level III	30%
2 & 15*	Implement data quality evaluation, include in SOP	20%
2 & 7*	Develop and track QA specific training, including documentation, methods, and common findings	10%
2	Memo on: QAO and management	100%
2	Memo on: Integrating QAO on major purchases and contracts	100%
2	Memo on: QAO involvement in QA/QC decisions for new programs and procedures	0%
2	Data Package implementation	15%
2	Data review/resubmission form for MQA to track changes in DMS and AQS	0%
2	Network site evaluation (PEG) procedure, checklist and SOP	5%
2	Internal TSA checklist/forms, SOP, and training	10%
3	UNAPPROVED QAPPS FOR AIR MONITORING ACTIVITIES	
3	Criteria QAPP	40%
4	SOP UPDATES AND DEVELOPMENT	
4	Develop SOP status and tracking list	80%
4	Implement the SOP List to track current and upcoming SOPs.	0%
15	INCOMPLETE LEVEL 2 AND 3 DATA VALIDATION	
15 & 2*	Implement data quality evaluation, include in SOP	0%
15 & 16*	Develop SOP for data quality validation, including instructions on review of AQS reports, application of EPA qualifier codes, QS reports review, steps for (re)certification	0%
15	Test procedures and hone SOP	0%

15	Finalize official SOP and implement procedures	0%
16	INCOMPLETE OR INACCURATE DATA UPLOADED TO AQS	
16	Review data from 2021 through Present for completeness and quality; recertifying where necessary	20%
16	Review PM filter data that didn't meet pre-sample hold time criteria, update associated DaPIT as necessary	100%
16 & 15*	Develop SOP for data quality validation, including instructions on review of AQS reports, application of EPA qualifier codes, QS reports review, steps for (re)certification	0%
16	Recertification letters and data packets as needed	0%
17	CORRECTIVE ACTIONS REPORT PROCESS NOT FULLY IMPLEMENTED	
17	Develop form entry for DaPITs alongside tracking system using MS Lists	0%
17	Gather feedback on electronic entry and tracking systems from section leads	0%
17	Update DaPIT SOP as necessary to incorporate new sytem and processes	0%
17	Train staff on new system, including examples of when to use the DaPIT	0%
19	ANNUAL SITE EVALUATIONS NOT PERFORMED AND DOCUMENTED	
19	Document current practice for systematic and siting criteria review by PEG and AMO, respectively	100%
19	Develop siting criteria evaluation for for AMO to document once a year	10%
19	Develop SOP for site evaluations and Internal Technical Systems Audits	0%
19	Update QAPP to reflect the new SOP	0%

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment	GRANT NUMBER (FAIN): 98T59501 MODIFICATION NUMBER: 2 PROGRAM CODE: PM		DATE OF AWARD 07/02/2024
		TYPE OF ACTION Augmentation: Increase		MAILING DATE 07/08/2024
		PAYMENT METHOD: ASAP		ACH# 90049
		RECIPIENT TYPE: Special District		
RECIPIENT: Bay Area Air Quality Management District 375 Beale St, Suite 600 San Francisco, CA 94105-2097 EIN: 94-1622746		PAYEE: Bay Area Air Quality Management District 375 Beale St, Suite 600 San Francisco, CA 94105-2097		
PROJECT MANAGER Ranyee Chiang 375 Beale Street, Suite 600 San Francisco, CA 94105-2066 Email: rchiang@baaqmd.gov Phone: 415-749-8621		EPA PROJECT OFFICER Asia Yeary 75 Hawthorne Street, AIR-1-1 San Francisco, CA 94105 Email: yeary.asia@epa.gov Phone: 808-342-5675		EPA GRANT SPECIALIST Veronica Adams Grants Branch, MSD-6 75 Hawthorne Street San Francisco, CA 94105 Email: adams.veronica@epa.gov Phone: 415-972-3677
PROJECT TITLE AND EXPLANATION OF CHANGES PM2.5 Monitoring Network The purpose of this grant is to maintain fine particulate matter (PM2.5) monitoring networks. The primary objective of this project is to collect quality assured data on ambient air concentrations of PM2.5 as well as chemical composition and precursors. Data will be used for: (1) providing air pollution data to the general public in a timely manner, (2) PM2.5 National Ambient Air Quality Standards (NAAQS) comparisons, (3) development and tracking of implementation plans, (4) assessments of regional haze, and (5) assistance for health studies and other ambient aerosol research activities. The PM2.5 monitoring network design addresses these four program objectives through a combination of siting and instrumentation strategies. This amendment provides full federal funding in the amount of \$378,849.00, which includes \$54,728.00 set aside for EPA in-kind service. The budget and project period remains the same.				
BUDGET PERIOD 04/01/2023 - 03/31/2025	PROJECT PERIOD 04/01/2023 - 03/31/2025	TOTAL BUDGET PERIOD COST \$ 682,543.00	TOTAL PROJECT PERIOD COST \$ 682,543.00	
NOTICE OF AWARD Based on your Application dated 05/10/2024 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$ 378,849.00. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$ 682,543.00. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.				
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS U.S. EPA, Region 9, U.S. EPA, Region 9 Grants Branch, MSD-6 75 Hawthorne Street San Francisco, CA 94105		ORGANIZATION / ADDRESS U.S. EPA, Region 9, Air and Radiation Division, AIR-1 R9 - Region 9 75 Hawthorne Street San Francisco, CA 94105		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY				
Digital signature applied by EPA Award Official Carolyn Truong - Grants Management Officer				DATE 07/02/2024

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 263,550	\$ 324,121	\$ 587,671
EPA In-Kind Amount	\$ 40,144	\$ 54,728	\$ 94,872
Unexpended Prior Year Balance	\$ 0	\$ 0	\$ 0
Other Federal Funds	\$ 0	\$ 0	\$ 0
Recipient Contribution	\$ 0	\$ 0	\$ 0
State Contribution	\$ 0	\$ 0	\$ 0
Local Contribution	\$ 0	\$ 0	\$ 0
Other Contribution	\$ 0	\$ 0	\$ 0
Allowable Project Cost	\$ 303,694	\$ 378,849	\$ 682,543

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.034 - Surveys-Studies-Investigations-Demonstrations and Special Purpose Activities relating to the Clean Air Act	Clean Air Act: Sec. 103	2 CFR 200, 2 CFR 1500 and 40 CFR 33

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	2409M6S015	24	E1	09M2	000A04XPM	4183	-	-	\$ 324,121
									\$ 324,121

Budget Summary Page

Table A - Object Class Category (Non-Construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$ 336,602
2. Fringe Benefits	\$ 188,025
3. Travel	\$ 6,000
4. Equipment	\$ 20,571
5. Supplies	\$ 5,702
6. Contractual	\$ 94,872
7. Construction	\$ 0
8. Other	\$ 30,771
9. Total Direct Charges	\$ 682,543
10. Indirect Costs: 0.00 % Base	\$ 0
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %)	\$ 682,543
12. Total Approved Assistance Amount	\$ 682,543
13. Program Income	\$ 0
14. Total EPA Amount Awarded This Action	\$ 378,849
15. Total EPA Amount Awarded To Date	\$ 682,543

Administrative Conditions

The Administrative terms and conditions remain in full force and effect.

General Terms and Conditions

The General Terms and Conditions of this agreement are updated in accordance with the link below. However, these updated conditions apply solely to the funds added with this amendment and any previously awarded funds not yet disbursed by the recipient as of the award date of this amendment. The General Terms and Conditions cited in the original award or prior funded amendments remain in effect for funds disbursed by the recipient prior to the award date of this amendment.

The recipient agrees to comply with the current EPA general terms and conditions available at: <https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2023-or-later>.

These terms and conditions are binding for disbursements and are in addition to or modify the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at: <https://www.epa.gov/grants/grant-terms-and-conditions#general>.

Programmatic Conditions

The Programmatic terms and conditions remain in full force and effect.

--End of Document--

BAY AREA AIR DISTRICT
Memorandum

To: Chairperson Lynda Hopkins and Members
of the Board of Directors

From: Philip M. Fine
Executive Officer/APCO

Date: October 1, 2025

Re: Authorization to Accept Clean Air Act Section 105 Grant Program Revenues
from the United States Environmental Protection Agency to Support Various
Clean Air Regulatory Programs

RECOMMENDED ACTION

1. Authorize the Executive Officer/APCO to accept, obligate, and expend up to \$2,350,000 in Clean Air Act Section 105 grant funds, which the Air District staff have applied for to support various Air District regulatory programs for the federal fiscal year from October 1, 2025, to September 30, 2026, as described in the United States Environmental Protection Agency's invitation letter to apply for the 105 grant funds for Fiscal Year 2026 and Work Plan (Attachments 1 & 2);
2. Authorize the Executive Officer/APCO to execute a memorandum of understanding with the California Air Pollution Control Officers Association (CAPCOA) to pass through up to \$620,000 of these grant funds to CAPCOA for CAPCOA's Region 9 Pilot Program (Attachment 3); and
3. Authorize the Executive Officer/APCO to pass through up to an additional \$200,000 of the grant funds to CAPCOA to support CAPCOA administration under an existing 2021 memorandum of understanding with CAPCOA (Attachment 4).

BACKGROUND

Section 105 of the federal Clean Air Act (CAA) authorizes the United States Environmental Protection Agency (US EPA) to make grants for implementing programs for prevention and control of air pollution or implementation of the national ambient air quality standards. US EPA has historically provided CAA Section 105 grant funding to the Air District annually to support these types of programs in the Bay Area. These grant funds are primarily used to pay for Air District staff costs for work related to implementation of federal CAA requirements across various Air District regulatory

programs, including planning, permitting, monitoring, enforcement, and compliance assurance, as well as equipment, supplies and other expenditures necessary to support these programs.

DISCUSSION

On July 10, 2025, US EPA notified the Air District that an estimated \$2,350,000 in CAA Section 105 grant funds would be available to the Air District for Federal Fiscal Year (FY) 2026 and invited the Air District to apply. (Attachment 1.) These funds would be awarded as a new grant starting on October 1, 2025 and ending on September 30, 2026.

Air District staff submitted an application for these grant funds on August 1, 2025. To support the application, the Air District submitted a detailed Work Plan outlining the Work Plan goals and the outputs that the Air District would achieve with the grant funds. (Attachment 2.) As detailed in the application and Work Plan, the Air District plans to use the grant funds to support staff efforts in implementing various programs related to Section 105 of the CAA, including air emissions reporting under the State Implementation Plan, New Source Review permitting, ambient air monitoring, rulemaking, air toxics reporting, transportation conformity and air quality coordination, inspections and enforcement, recordkeeping, and program evaluation. The application also includes \$16,752 for the Air District's membership dues for the National Association of Clean Air Agencies. Air District staff expect that US EPA will award these grant funds after the new federal fiscal year starts on October 1, 2025, although the final award may differ from the anticipated \$2,350,000 amount based on the amount actually appropriate by Congress. Air District staff seek authorization from the Board of Directors to accept these grant funds once awarded, and to obligate and expend them consistent with the Air District's budget and the Work Plan.

In addition, of the total \$2,350,000 in grant funds staff have applied for, a portion of the total funding (up to \$620,000) is designated to be passed through to CAPCOA to continue supporting smaller participating air districts in California with CAA Section 105 funding, through a program known as the Region 9 Pilot Program. CAPCOA is responsible for passing the funding to several smaller air districts, ensuring that these air districts adhere to the requirements of the grants, and reviewing and submitting workplans and reports to US EPA. Air District staff are requesting authorization to sign a Memorandum of Understanding (MOU) with CAPCOA (Attachment 3) for the pass-through of this funding to CAPCOA for the Region 9 Pilot Program. As with the total grant award, the final amount approved by US EPA to pass through to CAPCOA will be determined based on the level of funding authorized by Congress.

Finally, an additional portion of the grant funds applied for (up to \$200,000) is designated to be passed through to CAPCOA for administration, which supports CAPCOA with its cost of operations. Staff also seek authorization to pass these administration funds through to CAPCOA. If authorized, staff would pass them through to CAPCOA under a separate MOU approved by the Board in 2021 governing how

these US EPA 105 administrative funds are passed through based on qualified invoices (Attachment 4). This 2021 MOU continues until terminated by either the Air District or CAPCOA.

As noted above, the \$2,350,000 in total grant funds available, and the amounts that may be allocated to pass through to CAPCOA, are estimates. The final FY 2026 grant amounts will be determined by the appropriations bill ultimately enacted by Congress and issued through the grant award from US EPA. If the final level and distribution of FY 26 grant funds are lower than this estimate, the Air District will be asked to submit revised budget spreadsheets to US EPA reflecting the final enacted amount of funding.

There are no requirements for the Air District to contribute matching funding for this grant.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The \$2,350,000 projected grant funding was included in the Fiscal Year Ending 2025-2026 Approved Budget. The pass-through payments to CAPCOA will only be disbursed once US EPA awards the grant funds to the Air District.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Ranyee Chiang and Barry Young
Reviewed by: Pamela Leong, Danica Winston, and Stephanie Osaze

ATTACHMENT(S):

1. Please Apply Letter from US EPA for Section 105 Grant for Fiscal Year 2026
2. Bay Area Air District Section 105 Grant Work Plan for Fiscal Year 2026
3. Draft Federal Fiscal Year 2025-2026 Memorandum of Understanding with CAPCOA for the Region 9 Pilot Project
4. 2021 Memorandum of Understanding with CAPCOA for 105 Grant Pilot Project Administration



REGION 9

SAN FRANCISCO, CA 94105

July 10, 2025

Dr. Philip M. Fine
Air Pollution Control Officer
Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105

Dear Dr. Fine:

The U.S. Environmental Protection Agency (EPA) invites you to apply for **\$2,350,000** of Clean Air Act (CAA) Section 105 grant funds for Fiscal Year 2026 (FY26). Please be advised that this FY26 target amount is only an estimate, based on the level of funding passed by Congress for Federal Fiscal Year 2025. Your final FY26 amount will be determined by the appropriations bill ultimately enacted by Congress. If the final level and distribution of FY26 grant funds are lower than this estimate, you will be asked to submit revised budget spreadsheets reflecting the final enacted amount of funding.

When preparing your FY26 work plan, you must clearly identify the activities and tasks supported by this grant (remember, title V activities are not allowable). Please continue to give careful attention to your proposed expenditure of non-Federal funds, since the maintenance of effort (MOE) level must be maintained. A decrease in your proposed expenditures could jeopardize EPA financial assistance. Please be sure to provide full budget detail as described in the application instructions for each budget category and notify EPA immediately if the non-Federal contribution to the grant will decrease in your FY26 application.

The Environmental Protection Agency (EPA) is developing the FY 2026-2030 Strategic Plan, which is expected to be published by February 2026 per requirement of the Government Performance and Results Modernization Act of 2010. The next Strategic Plan will align with Administrator Lee Zeldin's 5 pillars detailed in the "Powering the Great American Comeback" Initiative. See <https://www.epa.gov/planandbudget/strategicplan>. Please note that given the absence of a current EPA strategic plan, requirements for displaying Strategic Plan Goals and Objectives are currently waived. Negotiated work plans and associated grant progress reports must still prominently display workplan commitments plus time frame. We will alert your agency when a new strategic plan is available, along with guidance for any requirements to modify workplans or report submittals.

Please apply for **\$2,350,000** to be awarded under Section 105 of the Clean Air Act through **Grants.gov**. Search for application packages using Funding Opportunity Number (FON) **EPA-CEP-01**. The Assistance Listing Number for this grant is **66.001**. Your final application, including an approved work plan, is due no later than **August 1, 2025**.

Please review the attached *EPA Region 9 Grants Handbook (Revised April 14, 2025), 2025 R9 Application Guide*, and Air MOE Checklist for more information on completing your application. Federal Regulations, new EPA requirements, and other additional resources are located at <http://www.epa.gov/grants>. We suggest you forward these materials to your Project Manager, Financial Officer, and any other personnel in your organization requiring this information.

The Grants.gov registration process can take up to 30 days to complete. Therefore, it is highly recommended that EPA applicants complete their registration on Grants.gov now. Your organization must register and be active in SAM.gov using a UEI number before utilizing Grants.gov. If it appears that the grants.gov registration process may prevent you from submitting your application by the due date, then please contact Support@grants.gov or call 1-800-518-4726. You should also notify your Project Officer before the application due date to request an extension.

Please note that consideration for any new or additional federal funding is contingent on meeting all terms and conditions for existing EPA grants or cooperative agreements. This includes, but is not limited to, timely reporting; responding to audits/desk review reports; meeting audit/non-compliance corrective action plan milestones, and/or submitting final closeout reports within 120 days from the date a grant or cooperative agreement expires.

Questions regarding administrative or fiscal matters should be referred to your EPA Grants Management Specialist, Veronica Adams, at 415-972-3677. Please call your EPA Project Officer, Asia Yeary at 808-541-2726 with programmatic questions.

Sincerely,

**KENNETH
ISRAELS**

Ken Israels, Manager
Grants and Tribal Section

Digitally signed by
KENNETH ISRAELS
Date: 2025.07.10
14:14:22 -07'00'

Enclosures

cc: Barry Young
Danica Winston
Ranyee Chiang

**CLEAN AIR ACT §105 GRANT COOPERATIVE
AGREEMENT/WORKPLAN**

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

**U.S ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

EPA Fiscal Year 2026

This Work Plan is designed to meet the requirements of the Strategic Plan Goal (*Goal 1 - A Cleaner, Healthier Environment*) and the Strategic Plan Objective (*Objective 1.1 – Improve Air Quality*).

The Bay Area Air Quality Management District (Air District), the state's first regional agency dealing with air pollution, was created by the California Legislature in 1955. The Air District's jurisdiction encompasses all of seven counties -- Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara and Napa, as well as the southwestern portion of Solano County and the southern portion of Sonoma County. The Air District is governed by a 24-member Board of Directors, made up of publicly elected officials apportioned according to the population of the represented counties. The Board has the authority to develop and enforce regulations for the control of air pollution within its jurisdiction.

The Air District projects a workforce of 525 full-time-equivalent positions for FYE 2026 and a projected General Fund revenue of \$165 million. The largest portion of Air District revenue is derived from permit fees and county property taxes. Penalties, state subvention monies, general fund interest, and other miscellaneous fees, subscriptions and revenues generate the remaining funds.

AIR DISTRICT WORK PLAN GOALS

The Bay Area Air Quality Management District is committed to protect and improve public health and air quality. Toward this end, the Air District has established the following core goals:

- Air District programs and policies are founded on science, developed with technical expertise, and executed with quality.
- The Air District will be at the forefront of air quality improvement and will pioneer new strategies to achieve healthy air.
- The Air District strives to involve, listen to, and engage all stakeholders, including partner agencies, to create broad acceptance for healthy air solutions.
- The Air District employs committed staff that live and believe the Air District's mission.

With these goals in mind and in consultation with EPA Region IX, the Air District has formulated this Cooperative Agreement consisting of the following objectives as part of the 105 Grant Program for Federal FY 2026.

The Air District is undertaking several projects as part of our commitment to strengthening program integrity and aligning with the objectives of the 105 EPA grant. Over time, changes in staffing, procedures, and data systems have led to inconsistencies in implementation and documentation across the program. By reassessing our current processes and infrastructure, we aim to re-establish a strong foundation that ensures compliance with the 105 grant requirements, improves data quality and transparency, and enhances our capacity to meet the goals outlined in the grant. This strategic reset supports long-term sustainability and effectively positions the program to deliver measurable outcomes.

NON-RECURRENT ACTIVITY: CAPCOA and NACAA

As requested by the California Air Pollution Control Officers Association (CAPCOA) and approved by EPA Region 9, the Bay Area Air Quality Management District will pass-through \$611,936 to CAPCOA to continue the Region 9 Pilot Grant Recipients Project for another year and \$188,078 is for CAPCOA administration. CAPCOA has agreed to assume the sole responsibility for ensuring that the air districts receiving the pass-through grant funding adhere to the requirement of the grants including, but not limited to: collecting work plans for pilot grantees, receiving and compiling invoices from them, processing checks to them, compiling, reviewing, and submitting reports to EPA Region 9, addressing EPA Region 9 suggestions on the reports, and ensuring that the pilot grantee districts will use the pilot funding for air activities covered by the 105 Grant Program. In addition, the Air District requested that EPA not deduct or bill the Bay Area Air Quality Management District for the annual CAPCOA membership dues and to send a 2026 dues bill directly to the Bay Area Air Quality Management District for the National Association of Clean Air Agencies.

Program Name	No.	Description of Output	Due Date	BAAQMD Contact	EPA Contact												
State Implementation Plan	1	Air Emissions Reporting: The Air District will provide updated emissions data for criteria and toxic pollutants to the California Air Resources Board to meet State reporting requirements as specified under federal regulation 40 CFR Part 51, Subpart A - Air Emissions Reporting Requirements	9/30/26 PM2.5 SIP Inventory was provided to CARB on 6/30/2025	Virginia Lau (415/749-4696)													
New Source Review	1	Authorities to Construct: At least 30 days prior to issuance, the Air District will submit to EPA all proposed Authorities to Construct or permit modifications for major facilities whose emission increases are equal to or greater than the following emission rates or that are located within 10km of a Class I area. <table><tr><td><u>Criteria Pollutant</u></td><td><u>TPY</u></td></tr><tr><td>HC:</td><td>25</td></tr><tr><td>NO_x:</td><td>25</td></tr><tr><td>SO_x:</td><td>25</td></tr><tr><td>PM₁₀:</td><td>15</td></tr><tr><td>CO:</td><td>100</td></tr></table> BAAQMD will include accompanying public notices (if applicable) and support technical/engineering evaluations.	<u>Criteria Pollutant</u>	<u>TPY</u>	HC:	25	NO _x :	25	SO _x :	25	PM ₁₀ :	15	CO:	100	Concurrent with release of 30- day public notice	Pamela Leong (415/749-5186)	
<u>Criteria Pollutant</u>	<u>TPY</u>																
HC:	25																
NO _x :	25																
SO _x :	25																
PM ₁₀ :	15																
CO:	100																
New Source Review	2	Authorities to Construct: The Air District will submit all draft Authorities to Construct or permit amendments for new/modified stationary sources that propose to use on site emission reductions to net out of review from federal NSR/PSD.	Concurrent with release of 30- day public notice	Pamela Leong (415/749-5186)													
New Source Review	3	Authorities to Construct: The Air District will submit all final Authorities to Construct issued under NSR Outputs 1 and 2 above, along with responses to EPA comments (if provided).	Concurrent with release of 30- day public notice	Pamela Leong (415/749-5186)													
New Source Review	4	Authorities to Construct: The Air District will submit all draft banking credit certifications that trigger public notices and supporting technical/engineering evaluations.	Concurrent with release of 30- day public notice	Pamela Leong (415/749-5186)													

Program Name	No.	Description of Output	Due Date	BAAQMD Contact	EPA Contact
New Source Review	5	Authorities to Construct: Prior to deeming a permit application complete, the Air District will notify EPA of all new major stationary sources and major modifications that may be subject to the following portion of the federal PSD regulation 40 CFR 52.21: Sources with stack heights over 65 meters	Within 30 days of receipt of application	Pamela Leong (415/749-5186)	
New Source Review	6	Notification of Federal Land Manager and Fish and Wildlife Service: The Air District will notify the Air Quality Division of the National Park Service, the USDA Regional Forester and the Fish and Wildlife Service of any new major stationary source or major modification. In addition, the appropriate federal land manager must be notified when any minor modification of a major source occurs within 10 km of a Federal Class I area. The Air District will submit to EPA a copy of the notification.	Within 30 days of receipt of application	Pamela Leong (415/749-5186)	
New Source Review	7	Authorities to Construct: The Air District will report updated RACT/BACT/ LAER determinations to the RACT/BACT/LAER Clearinghouse as required by the 1990 CAA. CARB will compile the California submittal. Submit to CARB on the appropriate forms, a summary of all RACT/BACT/LAER determinations for new and modified sources.	Within 60 days of the change	Pamela Leong (415/749-5186)	
New Source Review	8	Reporting Requirements: The Air District will include the following information in the semi-annual reports submitted to Air Grants Contact: a. A list of all authorities to construct/modify issued. The list will identify the stationary source name, the application number and the process equipment subject to the permit. b. A list of all banking credits/ERCs issued identifying stationary source name, pollutant and emissions certified. Any outstanding or interesting NSR issues that BAAQMD would like to bring to EPA's attention.	Semi-Annually	Pamela Leong (415/749-5186)	

Program Name	No.	Description of Output	Due Date	BAAQMD Contact	EPA Contact
Ambient Air Monitoring	1	The Air District will submit an annual network plan as required by 40 CFR 58.10 and obtain written EPA approval for adding, relocating, or discontinuing any SLAMS.	7/1/26	Kate Hoag (415/749-4619)	
Ambient Air Monitoring	2	The Air District will update site information in the EPA AQS database following additions, relocations, and major modifications impacting site status.	Within 90 days of change	Charley Knoderer (415/749-4613)	
Ambient Air Monitoring	3	The Air District will notify EPA if any SLAMS sites are not operating for more than 14 consecutive calendar days.	As required	Ila Perkins (415/749-8448)	
Ambient Air Monitoring	4	The Air District will submit quarterly SLAMS ambient air quality data, and precision and accuracy data to the EPA AQS database.	Within 90 days of quarter	Charley Knoderer (415/749-4613)	
Ambient Air Monitoring	5	If data for any site are less than 75% complete for a quarter, the Air District will submit written explanation to EPA Region IX MAS contact at the time of data submittal.	As required	Charley Knoderer (415/749-4613)	
Ambient Air Monitoring	6	The Air District will submit annual SLAMS data certification letter for calendar year 2025 to EPA Region IX	5/1/26	Lilian R. Turcios-Metho (415/793-8275)	
Ambient Air Monitoring	7	The Air District will participate in EPA system audits, and performance audits, including the NPAP and PEP audits required by 40 CFR 58 Appendix A.	As required	Lilian R. Turcios-Metho (415/793-8275)	
Ambient Air Monitoring	8	The Air District will report all air pollution episode occurrences during FYE 2025 to EPA.	Within 60 days of the end of quarter	Kate Hoag (415/749-4619)	
Ambient Air Monitoring	9	If no episodes occur during FYE 2026, report no episodes occurred during the preceding year in each Annual Network Review Plan year.	As required	Kate Hoag (415/749-4619)	
Ambient Air Monitoring	10	The Air District will address Technical Systems Audit (TSA) findings by following actions in EPA-approved corrective action plans, including submitting quality assurance documentation for EPA's approval	As required	Lilian R. Turcios-Metho (415/793-8275)	

Program Name	No.	Description of Output	Due Date	BAAQMD Contact	EPA Contact
Stationary Source Rulemaking	1	Schedule: Rulemaking activity will be posted on the Air District's web site and updated regularly.	Ongoing	David Joe (415/749-8623)	
Stationary Source Rulemaking	2	Notice Requirements: The Air District will submit drafts of all federally required rules, workshop notices, and public hearing notices 30 days in advance of any workshop or public hearing.	30 days prior to event	David Joe (415/749-8623)	
Stationary Source Rulemaking	3	Revisions: When submitting rules as a formal revision to a rule previously approved by EPA as a part of the Air District's Attainment and Maintenance Plan, the Air District will ensure that the rule will adhere to any applicable EPA criteria for approval	30 days following Board approval	David Joe (415/749-8623)	
Stationary Source Rulemaking	4	The rule development staff will be available to facilitate and respond to any inquiry or concern brought by EPA regarding the rulemaking as it relates to the obligations of the Air District pursuant to the 1990 Clean Air Act Amendments.	As requested	David Joe (415/749-8623)	
Stationary Source Rulemaking	5	Area Source Rules & Standards: The Air District will submit a list of area source rules and standards, if any, for which the Air District intends to seek approval under Section 112(l) of the CAA for adopted NESHAPs.	9/30/2026	Ariana Husain (415/749-8433)	
Stationary Source Rulemaking	6	Air Toxics: If the Air District intends to submit any air toxics rule as equivalent to the federal standard, submit draft equivalency demonstrations for review and comment at least 60 days before submittal of a Section 112(l) application.	60 days prior to submittal	Ariana Husain (415/749-8433)	
Air Toxics Reporting	1	Emission Inventory and Monitoring: Provide EPA with the air toxics emission inventory for calendar year 2023.	1/30/26	Ariana Husain (415/749-8433)	
Air Toxics Reporting	2	Air Toxics: Submit any initial notifications and/or compliance certifications for area sources within 30 days after initial notification and/or compliance certification deadline provided for in each individual Section 112 standard.	Within 30 days following initial notification	Ariana Husain (415/749-8433)	

Program Name	No.	Description of Output	Due Date	BAAQMD Contact	EPA Contact
Mobile Sources	1	Conformity/Transportation: The Air District will work in partnership with MTC and ABAG on any revisions to the SIP that will be necessary to address transportation conformity regulatory activity by EPA. Coordinate work with Caltrans and ARB as needed.	As mandated in regulation	Andrea Gordon (415/749-4940)	
Mobile Sources	2	Conformity/Transportation and General: The Air District will provide consultation to federal agencies regarding general conformity determinations, and to transportation agencies regarding transportation conformity determinations.	Ongoing	Andrea Gordon (415/749-4940)	
Mobile Sources	3	Transportation/Air Quality Coordination: The Air District will review and, if necessary, comment on the Regional Transportation Plan, MPO Overall Work Program, and Transportation Improvement Program.	Within 30 days of receipt	Andrea Gordon (415/749-4940)	
Stationary Source Inspections	1	Major Source Inspections: The results from all Title V inspections will be reported to ICIS-Air in accordance with the Air District's CMS Plan with EPA.	Ongoing	Tracy Lee (415/749-4699)	
Stationary Source Inspections	2	Minor Source Inspections: The compliance status pertaining to minor source inspections will be stored in the Air District's data bank.	Ongoing	Tracy Lee (415/749-4699)	
Stationary Source Inspections	3	Inspection Health and Safety Equipment: The Air District will continue to require the proper health and safety equipment for inspectors to conduct compliance inspections at any stationary source within the Air District's jurisdiction.	Ongoing	Tracy Lee (415/749-4699)	
Acid Rain Continuous Emissions Monitoring	1	Relative Accuracy Testing Audits: Affected facilities are required to conduct relative accuracy testing audits (RATA) for Acid Rain and submit an RAT report for review and approval. When a RATA is required, an outside contractor is hired to do the testing. The Air District will review all outside contractor tests submitted and recommend acceptability of such.	Within 60 days of test	Jeff Aaseth (415/749-4968)	

Program Name	No.	Description of Output	Due Date	BAAQMD Contact	EPA Contact
Acid Rain Continuous Emissions Monitoring	2	Training: The Air District will participate in EPA sponsored training with other agencies and affected facilities in the Air District.	As scheduled by EPA	Jeff Aaseth (415/749-4968)	
Continuous Emissions Monitoring Systems - Excess Emissions Reporting	1	Continuous Emission Monitors: The Meteorology, Measurement & Rules Division will provide EPA with a list of all federally required EER and CEMS sources if requested by EPA.	Within 10 days of request	Jeff Aaseth (415/749-4968)	
Asbestos Inspection	1	Record Request: The Air District will supply all enforcement and notification support documentation for a particular case if requested by EPA.	Within 30 days of request	Sal Rueda (415/749-5067)	
Asbestos Inspection	2	Ongoing Inspection: The Air District will continue to implement the targeted inspection strategy negotiated between the Air District and EPA until a new strategy is negotiated.	Ongoing	Sal Rueda (415/749-5067)	
Asbestos Inspection	3	Ongoing Inspection: The Air District will meet all Cal-OSHA requirements for asbestos inspections, including respiratory and health and safety requirements.	Ongoing	Sal Rueda (415/749-5067)	
Asbestos Enforcement	1	Asbestos NESHAP Enforcement: The Air District's Asbestos NESHAP Coordinator will attend the Asbestos NESHAP Workgroup meetings. These meetings will be held in the state and there will be no more than two per year.	As scheduled	Sal Rueda (415/749-5067)	
Asbestos Enforcement	2	Asbestos NESHAP Enforcement: The Air District will initiate timely and appropriate enforcement actions against violators.	Ongoing	Sal Rueda (415/749-5067)	
Compliance and Enforcement	1	Compliance Assistance: These activities will be reported to EPA quarterly via the Air District's web site and Board of Director's Report.	12/31/25, 3/31/26, 6/30/26, 9/30/26	Tracy Lee (415/749-4699)	

Program Name	No.	Description of Output	Due Date	BAAQMD Contact	EPA Contact
Compliance and Enforcement	2	Training: Enforcement Division training records will be maintained at the Air District offices.	Ongoing	Tracy Lee (415/749-4699)	
Compliance and Enforcement	3	A staff member will attend the monthly ICIS-Air conference calls/webinars.	Ongoing	Tracy Lee (415/749-4699)	
District Counsel & Legal	1	Mutual Settlement Program: Statistics of this program will be maintained at the Air District.	As requested by EPA	Alexander Crockett (415/749-4920) Stacey Pon (415/749-5180)	
District Counsel & Legal	2	The Air District will report monthly to ICIS-Air all Notices of Violations issued to Title V and Synthetic Minor facilities in accordance with the Air District's CMS Plan with EPA.	Within 15 days following end of the month	Tracy Lee (415/749-4699) Alexander Crockett (415/749-4920) Stacey Pon (415/749-5180)	
Hearing Board	1	Reports: Hearing Board decision reports will be updated and sent to ARB monthly.	Within 30 days of decision	Marcy Hiratzka (415/749-5073)	
Record-keeping	1	The Air District will maintain the following records: Compliance and Enforcement - source inspections, NOV's and other reportable compliance activities. Engineering - Permit application and source listings. Legal – Variances, accusations, permit appeals. These files will be made available to EPA upon request.	Ongoing	Tracy Lee (415/749-4699) Pamela Leong (415/749-5186) Marcy Hiratzka (415/749-5073)	

Program Name	No.	Description of Output	Due Date	BAAQMD Contact	EPA Contact
Program Evaluation	1	On-site Evaluations: The Air District will participate in on-site evaluations conducted by EPA by providing requested information and scheduling interviews with key staff as requested.	As requested	Barry Young (415/749-4721)	
Program Evaluation	2	Corrective Action Plan: The Air District will prepare a corrective action plan (CAP) that addresses deficiencies identified in EPA's program evaluation and include a schedule of implementation, if needed.	As requested	Barry Young (415/749-4721)	

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
CALIFORNIA AIR POLLUTION CONTROL OFFICERS ASSOCIATION
AND THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT
FOR EPA GRANT PASSTHROUGH PROJECT

The California Air Pollution Control Officers Association (“CAPCOA”) and the Bay Area Air Quality Management District (“AIR DISTRICT”) (hereafter referred to as the “Parties”) hereby enter into this Memorandum of Understanding (“MOU”), which shall be effective as of October 1, 2025 to September 30, 2026.

RECITALS

WHEREAS, CAPCOA has requested and received US Environmental Protection Agency (“EPA”) Region 9 approval for the AIR DISTRICT to pass through an estimated amount of \$611,936 to CAPCOA for a pilot air grant reallocation project to assist six to eight small California air districts that do not currently receive Clean Air Act funding to support certain aspects of their air pollution control programs;

WHEREAS, the AIR DISTRICT has agreed to act in this role as the fiscal agent for the distribution of federal grant funds to other air districts in the State of California;

WHEREAS, as between the Parties, CAPCOA has agreed to assume sole responsibility for ensuring that the air districts receiving the grant funding (hereinafter referred to as “grant recipients”) adhere to the requirements of the EPA grant;

NOW, THEREFORE, in consideration of the terms, conditions, and covenants set forth herein, and for other good and valuable consideration, receipt of which is hereby acknowledged, the Parties agree as follows:

AGREEMENT

1. CAPCOA assumes sole responsibility for ensuring that the grant recipients adhere to the requirements of the EPA grant.
2. AIR DISTRICT will, upon receipt of grant funds from EPA for a pilot air grant reallocation project in the estimated amount of \$611,936, or other specified amount by EPA based on the level of funding passed by Congress for the fiscal year, under this MOU, pass the funds to CAPCOA.
3. CAPCOA will submit comprehensive work plans for grant recipients, receive and compile invoices from them, process checks to them, and compile information and submit reports to the AIR DISTRICT as outlined in the EPA grant.
4. CAPCOA will take reasonable action to require that the grant recipients use the grant funding for air activities such as strategic planning and evaluation, compliance assistance, developing state implementation plans, monitoring air and emissions, rulemaking, operating permits, and other air pollution control program-related activities as outlined in

the EPA grant. Grant funding includes reimbursement of designated air districts' costs of travel to National Emission Standards for Hazardous Air Pollutants (NESHAPS) meetings that will be held by EPA Region 9.

5. AIR DISTRICT will not be responsible for any oversight of the work or the work product of the grant recipients.
6. AIR DISTRICT will provide to EPA all reports required by EPA for the project as attachments to the AIR DISTRICT's 105 grant reports.
7. CAPCOA will indemnify and hold harmless AIR DISTRICT for any liability arising out of AIR DISTRICT's pass through of funds to CAPCOA under this MOU. In particular, and without limiting the preceding sentence, CAPCOA will reimburse AIR DISTRICT for any such pass-through funds that AIR DISTRICT may have to repay to EPA under the EPA grant.
8. ASSIGNMENT – No party shall assign, sell, license, or otherwise transfer any rights or obligations under this MOU to a third party without the prior written consent of the other party, and any attempt to do so shall be void upon inception.
9. WAIVER – No waiver of a breach, of failure of any condition, or of any right or remedy contained in or granted by the provisions of this MOU shall be effective unless it is in writing and signed by the party waiving the breach, failure, right, or remedy. No waiver of any breach, failure, right, or remedy shall be deemed a waiver of any other breach, whether or not similar, nor shall any waiver constitute a continuing waiver unless the writing so specifies. Further, the failure of a party to enforce performance by the other party of any term, covenant, or condition of this MOU, and the failure of a party to exercise any rights or remedies hereunder, shall not be deemed a waiver or relinquishment by that party to enforce future performance of any such terms, covenants, or conditions, or to exercise any future rights or remedies.
10. ATTORNEYS' FEES – In the event any action is filed in connection with the enforcement or interpretation of this MOU, each party shall bear its own attorneys' fees and costs.
11. SEVERABILITY – If a court of competent jurisdiction holds any provision of this MOU to be illegal, unenforceable or invalid in whole or in part for any reason, the validity and enforceability of the remaining provisions, or portions of them will not be affected.
12. HEADINGS – Headings on the sections and paragraphs of this MOU are for convenience and reference only, and the words contained therein shall in no way be held to explain, modify, amplify, or aid in the interpretation, construction, or meaning of the provisions of this MOU.
13. COUNTERPARTS/FACSIMILES/SCANS – This MOU may be executed and delivered in any number of counterparts, each of which, when executed and delivered, shall be deemed an original, and all of which together shall constitute the same MOU. The parties may rely upon a facsimile copy or scanned copy of any party's signature as an original for all purposes.

14. GOVERNING LAW – Any dispute that arises under or relates to this MOU shall be governed by California law, excluding any laws that direct the application of another jurisdiction’s laws. Venue for resolution of any dispute that arises under or relates to this MOU, including mediation, shall be San Francisco, California.
15. MODIFICATION –This MOU may only be amended by mutual agreement of the parties in writing and signed by both parties. No party has been induced to enter into this MOU by, nor is any party relying upon, any representation or warranty outside those expressly set forth herein.

IN WITNESS WHEREOF, this MOU has been executed by the parties hereto.

BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

CALIFORNIA AIR POLLUTION
CONTROL OFFICERS ASSOCIATION

Dr. Philip M. Fine, Executive Officer/APCO

Samir Sheikh, President

Date

Date

Approved as to form by:

Alexander G. Crockett, General Counsel

Date: _____

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
CALIFORNIA AIR POLLUTION CONTROL OFFICERS ASSOCIATION
AND THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT
FOR EPA GRANT PASSTHROUGH ADMINISTRATIVE FUNDS

This Memorandum of Understanding (MOU) is between the **Bay Area Air Quality Management District** (District), a California local public agency, and the **California Air Pollution Control Officers Association** (CAPCOA).

1.0 Recitals

- 1.1** The United State Environmental Protection Agency (EPA) annually invites agencies to apply for Clean Air Act Section 105 grant funds. Historically, EPA 105 grant funds, representing contributions from California Air Districts, have been awarded annually by EPA to support CAPCOA operations.
- 1.2** CAPCOA is not eligible to receive the funding directly from EPA and requires an approved agency to receive the monies from EPA, under an active grant, and administer the disbursement of the funds as a pass-through to CAPCOA.
- 1.3** The District is an approved agency and agrees to provide the grant administrative function for CAPCOA in order to support CAPCOA.
- 1.4** On September 1, 2021, the District Board of Directors passed a motion to authorize the Executive Director/Air Pollution Control Officer (APCO) to execute an MOU with CAPCOA related to the administration of pass-through EPA 105 grant funds designated for CAPCOA.

NOW, THEREFORE, in consideration of the mutual promises hereafter set forth, District and CAPCOA agree as follows:

2.0 Terms and Conditions

2.1 Purpose of MOU

The purpose of this MOU is to set forth the expectations of CAPCOA and the District regarding the District's role of fiscal agent for federal funds passed through to CAPCOA under the EPA 105 grant. A description of the Scope of Services for each party under this MOU is set forth in Exhibit A, attached and incorporated herein.

2.2 Term of MOU

The term of this MOU will commence upon full execution and will continue until terminated by either party as provided in section 2.4.

2.3 Indemnification

- A. District will indemnify and defend CAPCOA, its officers, agents and employees from and against all claims, demands, losses, damages, liability, costs, and expenses of whatever nature including court costs and attorney fees, whether for damages or loss of property, injury to or death of person, or economic or consequential loss arising

from or related to or claimed or alleged to have arisen from or been related to the negligence of District in the performance of its obligations under this MOU.

- B. CAPCOA will indemnify and defend District, its officers, agents and employees from and against all claims, demands, losses, damages, liability, costs, and expenses of whatever nature including court costs and attorney fees, whether for damages or loss of property, injury to or death of person, or economic or consequential loss arising from or related to or claimed or alleged to have arisen from or been related to the negligence of CAPCOA in the performance of its obligations under this MOU.

2.4 **Termination**

Either party may terminate this MOU for any reason by giving the other party 30-day written notice.

2.5 **Communication**

Any communication between the parties that is required under the provisions of this MOU must be in writing, and be either: (i) personally delivered, (ii) sent by prepaid, certified first class mail, return receipt requested, or (iii) sent by electronic mail (provided confirmation of delivery is confirmed via read receipt). Communications must be addressed to the parties as follows:

To CAPCOA	To District
Tung T. Le Executive Director California Air Pollution Control Officers Association 1107 Ninth Street, Suite 801 Sacramento, CA 95814 Phone: (916) 441-5700 Email: tung@capcoa.org	Jeff McKay Chief Financial Officer Bay Area Air Quality Management District 375 Beale Street, Suite 600 San Francisco, CA 94105 Phone (415) 749-4629 Email: jmckay@baaqmd.gov

- A. **Change of Mailing and/or Email Addresses:** Either party may change the mailing and/or email addresses for service by giving 15 days advance written notice to the other party.
- B. **Effective Date:** All notices will be effective upon receipt and will be deemed received (i) upon delivery, if personally delivered, (ii) on the 5th day following deposit in the mail, if sent by certified mail, or (iii) upon the date stated in the facsimile and/or email delivery confirmation, if sent by email.

2.6 **Audit of Records**

With regard to this MOU, both parties will maintain appropriate financial records and each party may demand access to these financial records to perform an audit. Both parties must make these records available to the requesting party within thirty (30) days of receiving the request for the records. Both parties must maintain records for five (5) years after the termination of the MOU.

2.7 **Severability**

If any provision of this MOU is held invalid or unenforceable, its invalidity or

unenforceability will not affect any other provisions of this MOU, and this MOU will be construed and enforced as if such provision had not been included.

2.8 Payments that Contravene the Law

District has no liability for payments that are found to contravene law. CAPCOA will reimburse District for any payments made by District to CAPCOA and later determined to contravene federal, state or local laws and regulations.

2.9 Waiver of MOU Provisions

No waiver or modification of this Contract will be binding upon either party unless made in writing and signed by a duly authorized representative of that party and no failure or delay in enforcing any right will be deemed a waiver. A waiver of a particular breach, or default, will not be deemed to be a waiver of any other subsequent breach or default.

2.10 Alteration

No alteration or variation of the terms of this MOU is valid unless made in writing and signed by both parties.

2.11 Counterparts

This MOU may be executed in multiple counterparts, each of which will constitute an original, and all of which taken together will constitute one and the same instrument. Signatures transmitted via facsimile or portable document format (pdf) to other parties to this MOU will be deemed equivalent to original signatures on counterparts.

2.12 Successors

This MOU will bind the successors of District and CAPCOA in the same manner as if they were expressly named.

2.13 Entire Agreement

This MOU constitutes the entire agreement between District and CAPCOA. Both parties revoke all prior or contemporaneous oral or written agreements between them that are inconsistent with this Contract. In the event of a dispute between the parties regarding the MOU, this MOU will be deemed to have been drafted by the parties in equal parts so that no presumptions or inferences concerning its terms or interpretation may be construed against any party to this MOU. This MOU includes the following documents, which are incorporated as though fully set forth herein:

A. Exhibit A – Scope of Services

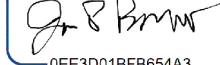
2.14 Authority to Bind

The persons signing on behalf of the parties to this MOU warrant that they have the legal authority to execute this MOU.

Executed by:

**Bay Area Air Quality Management
District**

DocuSigned by:



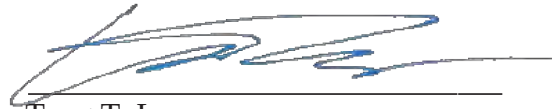
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Jack P. Broadbent

Executive Officer/APCO

Date: 9/21/2021

**California Air Pollution Control
Officers Association**



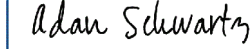
Tung T. Le

Executive Director

Date: 9/23/2021

Reviewed by:

DocuSigned by:



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BAAQMD District Counsel

Date: 9/14/2021

EXHIBIT A: SCOPE OF SERVICES

The scope of work for each party is described as follows:

District's Responsibilities

1. **Fiscal Agent:** The District is the fiscal agent for each EPA grant term; the EPA grant term is a Federal Fiscal Year from October 1 to September 30.
2. **Award Amount:** District to provide EPA Invitation to Apply letter (estimate of award) and Final Award letter (approved award) to CAPCOA within 30 days after the District confirms the award amount. No expenses will be reimbursed to CAPCOA until after the Final Award letter is received by the District.
3. **Invoicing:**
 - A. Invoice Review – District will review and approve all qualified CAPCOA invoices within 30 days of the submission of a complete invoice package. A complete invoice package includes the CAPCOA invoice and all receipts to support the invoiced amounts. District will approve for payment all reasonable and supported expenses. Any items not resolved or supported in a given invoice will not be paid at that time. Once resolved these items may be included in future invoices.
 - B. Invoice Payment – District will pay approved CAPCOA invoices within 30 days of approval. Payments will be made to CAPCOA once the Final Award letter is received by the District.
 - C. Allowable Costs – District will follow 2 CFR 200 Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Award costs. Under this guidance, costs must be necessary and reasonable for the performance of the award and be allocable. Only allowable costs will be approved for reimbursement.
4. **Reporting:**
 - A. EPA Reporting – District will provide to EPA all reports required by EPA for the EPA 105 grant reports.
 - B. Schedule of Expenditures of Federal Awards (SEFA) Reporting – District to assist CAPCOA with SEFA reporting as required by the EPA and external Certified Public Accountants (CPA).

CAPCOA's Responsibilities

1. **Invoicing:**
 - A. Basis of Invoiced Expenses - Amounts will be invoiced on a reimbursement basis (i.e., expenditures made prior to request for reimbursement).
 - B. Invoice Submission– CAPCOA to submit grant invoices with all required supporting documentation for eligible expenses within 20 days of the end of each month for which reimbursement of expenses is being sought. The CAPCOA invoice will include complete supporting documentation.

- C. Invoice Format – The CAPCOA invoice package may be submitted either electronically to the District’s SharePoint link or in hard copy. CAPCOA will e-mail District designated Finance staff notifying them when an invoice is submitted/sent.
 - D. Invoice Information Requests – CAPCOA will respond to District requests for information to support monthly invoices on a timely basis, not to exceed 10 business days.
 - E. Invoice Award Limit – Invoices will be submitted in a total amount not to exceed the annual EPA grant award identified in the Formal EPA Award letter.
 - F. Timing of Expenses - Expenditures submitted for reimbursement must occur within the term of the applicable annual federal fiscal year (FFY).
 - G. Allowable Costs – CAPCOA will follow 2 CFR 200 Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Award costs. Under this guidance costs must be necessary and reasonable for the performance of the award and be allocable. CAPCOA will only submit allowable costs for reimbursement.
- 2. **Audited financial statements:** CAPCOA to provide to the District the audited annual financial statements 60 days after financial statements are issued by the external CPA.
 - 3. **Annual Budget:** CAPCOA to provide to the District the annual budget for the CAPCOA EPA 105 funding within 60 days after Board approval.
 - 4. **Response to Audit Requests:** CAPCOA to provide timely response in not more than 10 business days to requests from the District for documents to support audit requests for documents not previously provided (i.e., EPA audits, external CPA audits, etc.).
 - 5. **SEFA Reporting:** CAPCOA to assist the District with SEFA reporting as required by the EPA and external CPAs.

BOARD MEETING DATE: October 1, 2025

REPORT: Policy, Grants, and Technology Committee

SYNOPSIS: The Policy, Grants, and Technology Committee (Committee) held a meeting on Wednesday, September 17, 2025. The following is a summary of the meeting.

RECOMMENDED ACTION:

This item is provided for the Board's information and awareness; no action is requested at this time.

Vicki Veenker, Chair
Policy, Grants, and Technology Committee

VV:mh

CALL TO ORDER:

Opening Comments: Policy, Grants, and Technology Committee (Committee) Chairperson, Vicki Veenker, called the meeting to order at 10:02 a.m.

Roll Call:

Note: Effective September 16, 2025, one day prior to this meeting, Sergio Lopez resigned from the Air District's Board of Directors, and consequently any Board committees on which he served, including the Policy, Grants, and Technology Committee.

Present, In-Person (Bay Area Metro Center (375 Beale Street, 1st Floor Board Room, San Francisco, California, 94105): Committee Chairperson Vicki Veenker; Vice Chair Juan González; and Director Ken Carlson.

Present, In-Person Satellite Location (Alameda County Board of Supervisors District 3, Office of Supervisor Lena Tam, 101 Callan Avenue, Suite #103, San Leandro, CA 94577): Director Lena Tam.

Present, In-Person Satellite Location (San Mateo County Board of Supervisors, 500 County Center, 5th Floor, Redwood City, CA 94063): Directors Rico E. Medina and Ray Mueller.

Present, In-Person Satellite Location (Office of Santa Clara County, 1st Floor Conference Room, 70 W. Hedding Street, San Jose, CA 95110): Director Otto Lee.

Present, In-Person Satellite Location (Palo Alto Courthouse, 1st Floor, 270 Grant Avenue, Palo Alto, CA 94306): Director Margaret Abe-Koga.

Present, In-Person Satellite Location (Napa County Administration Building, 1195 Third Street, Suite 310, County Executive's Office, Napa, CA 94559): Director Joelle Gallagher.

Present, In-Person Satellite Location (Everline Resort and Spa, Lake Tahoe, Pyramid Peak Conference Room, 400 Resort Road, Olympic Valley, CA, 96146): Director David Haubert.

Absent: None.

For additional details of the Policy Grants, and Technology Committee Meeting, please refer to the webcast, which can be found [here](#). Please use the webcast's index to view specific agenda items.

CONSENT CALENDAR

3. **APPROVAL OF THE DRAFT MINUTES OF THE POLICY, GRANTS, AND TECHNOLOGY COMMITTEE MEETING OF JULY 16, 2025**

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director Carlson made a motion, seconded by Director Lee, to **approve** the Draft Minutes of the Policy, Grants, and Technology Committee Meeting of July 16, 2025; and the motion **carried** by the following vote of the Committee:

AYES:	Abe-Koga, Carlson, Gallagher, González, Haubert, Lee, Medina, Mueller, Tam, Veenker.
NOES:	None.
ABSTAIN:	None.
ABSENT:	None.

INFORMATIONAL ITEM

4. **STATE AND FEDERAL LEGISLATIVE UPDATES**

Viet Tran, Deputy Executive Officer of Public Affairs, and Greg Nudd, Deputy Executive Officer of Science and Policy, gave the staff presentation *State and Federal Legislative Updates*, including: outline; State Legislative update; Co-sponsored bill: Assembly Bill (AB) 14 (Hart); Board-approved position bills: AB 339 (Ortega), AB 546 (Caloza), AB 907 (Chen), AB 914 (Garcia), Senate Bill (SB) 34 (Richardson), SB 712 (Grove); additional bills if interest: AB 604 (Aguiar-Curry), SB 280 (Cervantes), Assembly Constitutional

Amendment (ACA) No. 8 (Rivas); State Budget Fiscal Year (FY) 2025-26 update; and Federal Legislative update.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed the following:

Regarding AB 14 (Hart) – Coastal resources: Protecting Blue Whales and Blue Skies Program: congratulations to the Air District Legislative staff members whose efforts, over the years, contributed to the passing of this bill, hopefully to be signed by the Governor.

Regarding SB 34 (Richardson) – Air pollution: South Coast Air Quality Management District: mobile sources: Ports of Long Beach and Los Angeles: whether the Governor would sign this bill.

Regarding the FY 2025-2026 State Budget: recent updates on potential funding for AB 617 (2017), the Community Air Protection Program, whether the funding would be contingent upon future Greenhouse Gas Reduction Fund auction revenues, and whether the Air District has a contingency plan if funding is not restored to the program; the level of the Air District's concern regarding some of its partner organizations losing State funding; and whether the removal of the impact of fuel efficiency standards would result in an increase of sales of dirtier, heavier, less-efficient vehicles, and how the Air District can we continue to advance just transition despite the protection of the market for fossil fuels.

Regarding federal updates: whether waivers that the Environmental Protection Agency (EPA) had already been granted to California for its stricter vehicle emissions standards may be disapproved by Congress via the Congressional Review Act; and concern regarding the termination of satellite programs and cut research funding related to climate change, as well as Trump administration's attempts to dismantle climate regulations, standards, programs, and Clean Air Act.

Committee Action

No action taken.

OTHER BUSINESS

5. PUBLIC COMMENT ON NON-AGENDA MATTERS

No requests received.

6. COMMITTEE MEMBER COMMENTS

Chair Veenker announced that the City of Palo Alto's Climate Action and Sustainability Committee recently discussed the City's role in facilitating compliance with Air District Zero nitrogen oxides (NOx) requirements for water heaters. She also said that she recently gave a report to the Cities Association of Santa Clara County, the agency which appointed her to the Air District's Board, on the Air District's recent activities.

7. TIME AND PLACE OF NEXT MEETING

Wednesday, October 15, 2025, at 10:00 a.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Policy, Grants, and Technology Committee members and members of the public will be able to either join in-person or via webcast.

Adjournment

The meeting was adjourned at 11:00 a.m.

Attachments

#3 – Approval of the Draft Minutes of the Policy, Grants, and Technology Committee Meeting of July 16, 2025

#4 – State and Federal Legislative Updates

BOARD MEETING DATE: October 1, 2025

REPORT: Finance and Administration Committee

SYNOPSIS: The Finance and Administration (Committee) held a meeting on Wednesday, September 17, 2025. The following is a summary of the meeting.

RECOMMENDED ACTION:

This item is provided for the Board's information and awareness; no action is requested at this time.

Lynda Hopkins, Chair
Finance and Administration Committee

LH:mh

CALL TO ORDER:

Finance and Administration Committee (Committee) Vice Chairperson, Tyrone Jue, called the meeting to order at 1:01 p.m.

Roll Call:

Note: Effective September 16, 2025, one day prior to this meeting, Sergio Lopez resigned from the Air District's Board of Directors, and consequently any Board committees on which he served, including the Finance and Administration Committee.

Present, In-Person (Bay Area Metro Center (375 Beale Street, 1st Floor Board Room, San Francisco, California, 94105): Vice Chairperson Tyrone Jue; and Directors Juan González III, and Vicki Veenker.

Present, In-Person Satellite Location (Santa Rosa Junior College Campus, Doyle Library, Room 148, 1501 Mendocino Ave., Santa Rosa, CA, 95401): Chairperson Lynda Hopkins.

Present, In-Person Satellite Location (Everline Resort and Spa, Lake Tahoe, Pyramid Peak Conference Room, 400 Resort Road, Olympic Valley, CA, 96146): Director David Haubert.

Present, In-Person Satellite Location (San Mateo County, Board of Supervisors Offices, 500 County Center, 5th Floor, Redwood City, CA 94063): Director Noelia Corzo.

Absent: None.

For additional details of the Finance and Administration Committee Meeting, please refer to the webcast, which can be found [here](#). Please use the webcast's index to view specific agenda items.

CONSENT CALENDAR

3. Approval of the Draft Minutes of the Finance and Administration Committee Meeting of July 10, 2025
4. Authorization to Attend the United Nations Framework Convention on Climate Change Conference of the Parties 30 and Related Events, and Enter into a Sponsorship Agreement with The Climate Registry

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director González made a motion, seconded by Director Corzo, to **approve** the Consent Calendar, Items 3 - 4, inclusive; and the motion **carried** by the following vote of the Committee:

AYES:	Corozo, González, Haubert, Hopkins, Jue, Veenker.
NOES:	None.
ABSTAIN:	None.
ABSENT:	None.

INFORMATIONAL ITEM

5. **PROPOSED CHANGES TO THE ADMINISTRATIVE CODE - PERSONNEL SECTION III**

Clif Brady, Human Resources Manager gave the staff presentation *Proposed Changes to Administrative Code – Personnel Section III*, including: agenda; background: Administrative Code Divisions I, II, and III; Administrative Code Division current state; stakeholder feedback; Baker Tilly Consultants; consultant recommendations; Administrative Code proposed changes: overview, new language, retained language, removed language, details changed by section; Personnel Policy Manual: structure, general administration, personnel conduct and standards, recruitment and selection, employment practices; and next steps.

Public Comments

No requests received.

Committee Comments

The Committee and Air District staff discussed the ratio of represented vs unrepresented Air District employees; the development of, and appreciation for, the four new proposed sections of the Personnel Policy Manual; the suggestion of providing language clarification on Board oversight of the Air District's Employee Association; the timeline of when the Finance and Administration Committee, and the then Board, would recommend these proposed changes for approval; and how frequently the Administrative Code would be reviewed, moving forward.

Committee Action

No action taken.

OTHER BUSINESS

6. PUBLIC COMMENTS ON NON-AGENDA MATTERS

No requests received.

7. COMMITTEE MEMBER COMMENTS

None.

8. TIME AND PLACE OF NEXT MEETING

Wednesday, October 15, 2025, at 1:00 p.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Finance and Administration Committee members and members of the public will be able to either join in-person or via webcast.

Adjournment

The meeting was adjourned at 1:42 p.m.

Attachments

#3 – Approval of the Draft Minutes of the Finance and Administration Committee Meeting of July 10, 2025

#4 – Authorization to Attend the United Nations Framework Convention on Climate Change Conference of the Parties 30 and Related Events, and Enter into a Sponsorship Agreement with The Climate Registry

#5 – Proposed Changes to the Administrative Code - Personnel Section III

BAY AREA AIR DISTRICT
Memorandum

To: Chairperson Lynda Hopkins and Members
of the Board of Directors

From: Philip M. Fine
Executive Officer/APCO

Date: October 1, 2025

Re: Public Hearing to Consider Adoption of Proposed Amendments to Regulation
6: Particulate Matter, Rule 3: Wood-Burning Devices and Regulation 5: Open
Burning

RECOMMENDED ACTION

Adopt the attached draft Resolutions to do the following:

- Amend Regulation 6, Rule 3: Wood-Burning Devices (Rule 6-3);
- Amend Regulation 5: Open Burning; and
- Determine that the adoption of these amendments is exempt from the requirements of the California Environmental Quality Act.

BACKGROUND

In 2024, Air District staff began evaluating potential updates to Regulation 6: Particulate Matter, Rule 3: Wood-Burning Devices (Rule 6-3) and Regulation 5: Open Burning (Regulation 5). These updates would further the Air District's goal of reducing harmful fine particulate matter (PM_{2.5}) pollution in the Bay Area by strengthening controls on wood-burning emissions and improving access to prescribed fire for wildfire risk reduction.

Wood-burning emissions are a major source of wintertime PM_{2.5}, especially during cold, stagnant weather. These emissions have been consistently identified by communities participating in the Air District's Assembly Bill 617 Community Health Protection Program as air quality and health concerns. The proposed amendments to Rule 6-3 aim to reduce woodsmoke exposure and better protect public health. PM_{2.5} exposure is linked to serious health impacts including asthma, heart attacks, and premature death. There is no known safe level of exposure to PM_{2.5}, and research shows that even small reductions can provide meaningful health benefits.

At the same time, increased wildfire activity across California has intensified regional PM_{2.5} pollution. From 2020 to 2024, 27 of the 30 highest daily PM_{2.5} concentrations in the Bay Area were driven by wildfire smoke. Prescribed fire is a proven tool for reducing

fuel loads and mitigating wildfire risk. However, nonprofit organizations and land managers have cited administrative and financial barriers to conducting burns. The proposed amendments to Regulation 5 are designed to support the responsible use of prescribed fire by expanding the prescribed fire fee exemption to nonprofit organizations and private landowners and improving program accessibility.

To provide early transparency and solicit feedback, Air District staff presented an overview of potential rulemaking concepts to the Stationary Source Committee in May 2024. In November 2024, Air District staff released a Woodsmoke White Paper outlining proposed policy directions and soliciting early feedback, initiating a 75-day public comment period that informed the development of draft rule amendment concepts. Of the 37 public comments received, 32 (86 percent) expressed support for increased limitations on burning and five opposed.

Air District staff made a second presentation to the Stationary Source Committee in February 2025 to provide an update on these efforts and initiate rule development through discussion of rule amendment concepts. Public workshops were subsequently held in June 2025 to share the draft amendments and gather additional feedback from stakeholders, including community members and public agencies. There were sixteen external attendees at the Regulation 5 draft amendments public workshop, primarily fire professionals, who expressed strong support for the amendments and asked specific questions around implementation. Thirteen community members attended the Rule 6-3 amendments public workshop and raised detailed concerns about the health impacts of residential wood burning, neighborhood-level air quality concerns, and enforcement gaps.

Air District staff released the proposed amendments to Rule 6-3 and Regulation 5, initial Staff Report, Socioeconomic Impact Analyses, Notice of Public Hearing, and other supporting documents in July 2025 for public review and comment. These materials are [available on the Air District's website](#).

The written public comment period for the proposed amendments and related materials was open from July 14, 2025, until August 13, 2025. Air District staff received written input from 14 commenters. Several commenters addressed both Rule 6-3 and Regulation 5, while others focused on only one of the two. Commenters included community-based organizations, nonprofit environmental organizations, and individual members of the public. Overall, nine commenters expressed support for the proposed amendments to Rule 6-3 and one expressed opposition. For Regulation 5, three commenters expressed support and four expressed opposition. Comments addressed a wide range of issues, including general support for the proposals, as well as concerns related to enforcement of Rule 6-3, woodsmoke impacts outside of Spare the Air days, potential health risks from prescribed burning, and alternatives to prescribed burning. Air District staff prepared a Response to Comments document for all comments received during the written comment period, which can be referenced in Appendix F of the Final Staff Report.

DISCUSSION

Proposed Amendments to Rule 6-3

Rule 6-3 regulates the use of wood-burning devices (such as fireplaces and wood heaters) and allows the Air District to issue Mandatory Burn Bans when air quality is forecast to exceed a specified 24-hour PM_{2.5} threshold. Based on Air District estimates, residential wood burning contributes approximately 14 percent of the region's total direct PM_{2.5} emissions from human-related sources and can average nearly 11 tons per day in the winter season, making it a significant source accounting for approximately one third of total PM_{2.5} emissions in the region in colder months.

The Air District issues a wood-burning curtailment when Air District staff forecasts that 24-hour average PM_{2.5} concentrations will likely exceed a designated threshold, currently set at 35 micrograms per cubic meter (µg/m³). The proposed amendments would lower this 24-hour forecasted PM_{2.5} threshold to 25 µg/m³, allowing the Air District to issue Mandatory Burn Bans when it forecasts conditions will meet this lower threshold. Multiple scientific and regulatory bodies have cited evidence supporting the need for more health-protective measures to curb particulate matter emissions. This change is intended to reduce short-term peaks and long-term averages in fine particulate matter exposure from wood-burning in the Bay Area. The proposed amendments to Rule 6-3 also include administrative changes such as clarifying visible emissions limits, exemption language, and definitions; removing outdated effective dates; and aligning terminology with other Air District regulations.

Air District staff estimates that lowering the burn ban threshold could increase the number of curtailment days from a current average of 15 to between 19 and 41 days per year, with the range reflecting uncertainty in air quality forecasts and variability in meteorological conditions that influence wood-burning curtailment day determinations. Most of the additional curtailment days are expected to occur during winter stagnation events or wildfire smoke episodes. Non-wildfire high PM_{2.5} days typically occur during the winter, when atmospheric conditions trap pollution near the ground and the relative contribution of residential wood burning to overall PM_{2.5} levels is highest. This estimated increase in additional days represents a 1.3 to 2.8 times increase in the number of curtailment days. If all wood burning were curtailed on these additional days, the potential maximum reduction in PM_{2.5} emissions could range from 43 to 155 tons per year, or 0.36 to 1.19 tons per winter day. These figures represent theoretical maximum reductions and do not account for compliance rates. It is important to note that these additional curtailment days apply only to residential wood burning regulated under Rule 6-3. The operational threshold for declaring No Burn Days for outdoor open burning under Regulation 5 remains unchanged. As a result, the number of permissive burn days for prescribed burning will not be affected by the proposed amendments.

If approved, the Air District will issue a press release, social media posts and incorporate messaging about a more health-protective threshold and the anticipated increase in the number of Spare the Air Alerts into media and public messaging.

Proposed Amendments to Regulation 5

Regulation 5 governs open burning for land and vegetation management and establishes requirements for advance notification, smoke management plans, and associated fees to minimize smoke impacts on public health. Prescribed burning conducted under Regulation 5 is a critical land management tool used to reduce hazardous vegetation, restore ecosystem function, and lower the risk of catastrophic wildfire.

The proposed amendments to Regulation 5 will waive operation fees for all persons conducting prescribed burns, expanding the current exemption that applies only to public agencies. This change is intended to reduce administrative barriers and improve operational flexibility for nonprofit organizations and private landowners who may be positioned to carry out prescribed burns in areas where public agency capacity is limited. The proposed expansion of the exemption supports statewide efforts to expand beneficial fire practices for wildfire prevention and land stewardship. Additionally, Air District staff proposes minor clarifications to Regulation 5 to improve implementation and the process for notification of burns for fire training.

Prescribed burning will need to increase in the Bay Area and across California to reduce wildfire risk and meet state directives for wildfire prevention. The Air District anticipates that the overall volume of prescribed burns will rise in coming years regardless of the proposed fee exemption. The purpose of this amendment is to make participation for nonprofit organizations and private landowners, who may be positioned to carry out prescribed burns in areas where public agency capacity is limited, easier by removing this financial and administrative barrier, particularly for smaller or more complex projects where costs per acre are higher.

Socioeconomic Impacts and CEQA Requirements

The Air District evaluated the socioeconomic impacts of the proposed amendments, as required by Health and Safety Code Section 40728.5. The socioeconomic analysis found that the proposed amendments to Rule 6-3 may result in minor sales impacts for a small number of firewood suppliers, but are not expected to significantly affect households, other businesses, or the overall Bay Area economy. Cost-effective alternatives to wood burning—such as natural gas or electric heating—are widely available and more effective for heating, and existing exemptions for households that rely on wood-burning devices as their sole source of heat would remain unchanged.

Air District staff does not expect the proposed Regulation 5 fee amendment to have a socioeconomic impact, as the entities gaining the fee exemption currently represent a small share of collected program revenue—roughly 4 percent of the Air District's open burn program costs.

Air District staff has also reviewed the amendments and determined they are exempt from environmental review under the California Environmental Quality Act (CEQA). If the Board of Directors concurs and adopts the proposed amendments to Rule 6-3 and Regulation 5, staff will file a Notice of Exemption in accordance with the relevant provisions of the State CEQA Guidelines.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Rule 6-3

Air District staff expects the proposed amendments to Rule 6-3 will require expanded public outreach to effectively communicate changes to the Rule and to the Spare the Air program. An increase in the number of Spare the Air Alerts will increase operational and staffing costs. Air District staff anticipates the need for increased budget allocations to support additional public notifications, including contract amendments and expanded media efforts. Estimated costs for public notification contracts range from \$25,000 to \$50,000. Additional budget considerations include overtime pay for after-hours and weekend staffing to support increased outreach activities.

Air District forecasting staff will update air quality forecasting methods to reflect the revised PM_{2.5} threshold for Mandatory Burn Bans. While existing tools allow for immediate implementation upon adoption of the proposed amendments, staff anticipate allocating approximately two months of full-time equivalent staff effort to enhance forecasting models and operational protocols for long-term use. More frequent burn bans will also require additional staff resources to support forecast interpretation and interdepartmental coordination.

An increase in Spare the Air Alerts will lead to more frequent deployment of enforcement staff for woodsmoke patrols. While these additional deployments will require operational flexibility, no significant enforcement challenges are anticipated. Existing program staff has the capacity to prioritize their efforts to implement the proposed changes, and the Air District does not expect to hire additional personnel to support Rule 6-3 amendments.

Regulation 5

Air District staff does not expect the proposed expanded fee exemption for prescribed burn projects to significantly affect program revenue, as fees collected from currently non-exempt entities account for only about 20 percent of total potential revenue and cover approximately 4 percent of the Air District's program implementation costs. This amendment aligns with State priorities to promote beneficial fire practices for wildfire prevention and land management by reducing financial and administrative barriers.

Implementation of the proposed amendments to Regulation 5 will be managed by existing Air District staff and no additional hiring is anticipated.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Julia Luongo
Reviewed by: Jennifer Lam and Victor Douglas

ATTACHMENT(S):

1. Final Staff Report: Proposed Amendments to Regulation 6, Rule 3: Wood-Burning Devices and Regulation 5: Open Burning
2. Appendix A: Proposed Amendments to Rule 6-3 - Redlined Version
3. Appendix B: Proposed Amendments to Regulation 5 - Redlined Version
4. Appendix C: Socioeconomic Impact Analysis of Proposed Amendments to Rule 6-3
5. Appendix D: Socioeconomic Impact Analysis of Proposed Amendments to Regulation 5
6. Appendix E: California Environmental Quality Act (CEQA) Notice of Exemption
7. Appendix F: Response to Comments: Proposed Amendments to Regulation 6, Rule 3 and Regulation 5
8. Draft Board Resolution for Proposed Amendments to Rule 6-3
9. Resolution Attachment A: Proposed Amendments to Rule 6-3
10. Draft Board Resolution for Proposed Amendments to Regulation 5
11. Resolution Attachment A: Proposed Amendments to Regulation 5
12. Proposed Amendments to Rule 6-3 and Reg 5 Presentation

FINAL STAFF REPORT

**PROPOSED AMENDMENTS TO WOODSMOKE RULES
REGULATION 6, RULE 3: WOOD-BURNING DEVICES AND
REGULATION 5: OPEN BURNING**

October 2025

Prepared By

**Julia Luongo, PhD
Principal Air Quality Specialist**

and

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ACKNOWLEDGEMENTS

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APPENDIX A: Proposed Amendments to Regulation 6: Particulate Matter, Rule 3: Wood-Burning Devices

APPENDIX B: Proposed Amendments to Regulation 5: Open Burning

APPENDIX C: Socioeconomic Impact Analysis of Proposed Amendments to Rule 6-3

APPENDIX D: Socioeconomic Impact Analysis of Proposed Amendments to Regulation 5

APPENDIX E: California Environmental Quality Act (CEQA) Notice of Exemption

APPENDIX F: Response to Comments: Proposed Amendments to Regulation 6, Rule 3 and Regulation 5

I. EXECUTIVE SUMMARY

The Bay Area Air Quality Management District (Air District) staff is proposing amendments to one Air District rule: *Regulation 6, Rule 3: Wood-Burning Devices* (Rule 6-3) and one regulation: *Regulation 5: Open Burning* (Regulation 5). These amendments aim to reduce public exposure to harmful woodsmoke emissions by reducing woodsmoke-related air pollution and support wildfire risk reduction through improved use of prescribed burning.

Woodsmoke is a major source of fine particulate matter (PM_{2.5}) in the Bay Area, particularly during colder months. Exposure to PM_{2.5} is associated with serious health impacts, including heart attacks, strokes, asthma attacks, and reduced lung function. Air District modeling indicates that 94 to 210 premature deaths per year are attributable to PM_{2.5} from residential wood burning in the Bay Area. Vulnerable populations such as children, older adults, and people with preexisting health conditions are particularly at risk. There is no known safe level of exposure to PM_{2.5},¹ and research shows that even small reductions can provide meaningful health benefits. Communities with older housing stock and higher rates of wood-burning activity often experience disproportionate exposure.

Several Bay Area communities have identified wood burning as a local air quality concern through the Air District's Assembly Bill 617 Community Health Protection Program. The West Oakland Community Action Plan recommended exploring restrictions on recreational fires,² and the Richmond, North Richmond, and San Pablo "Path to Clean Air" Community Emissions Reduction Plan³ identified measures to reduce woodsmoke exposure through incentive programs and regulatory approaches. While ambient levels of PM_{2.5} can vary seasonally, the region has seen little improvement in the trends of annual average PM_{2.5} concentrations over the past decade despite ongoing emissions mitigation efforts.

Additionally, wildfire activity across California has increased dramatically in frequency and severity, further complicating efforts to reduce PM_{2.5} exposure. From 2020 to 2024, 27 of the 30 highest daily PM_{2.5} concentrations in the Bay Area were driven by wildfire smoke. The growing threat of catastrophic wildfire, including the Los Angeles fires of January 2025, highlight the importance of proactive fire management, including prescribed burning as a key mitigation tool.

A. Summary of Proposed Amendments

1. Rule 6-3

Rule 6-3 regulates wood-burning devices used for residential and recreational purposes within the Air District's jurisdiction. It prohibits visible emissions, establishes requirements for devices sold or installed in the region, and prohibits the use of wood-burning devices when a Mandatory

¹ <https://www.lung.org/clean-air/outdoors/what-makes-air-unhealthy/particle-pollution>

² West Oakland Community Action Plan. <https://www.baaqmd.gov/community-health/community-health-protection-program/west-oakland-community-action-plan>

³ The Path to Clean Air: Richmond, North Richmond& San Pablo Community Emissions Reduction Plan. https://www.baaqmd.gov/~media/files/ab617-community-health/richmond/2024/03252024-draft-final-plan-files/draft-final-ptca-plan-pdf.pdf?rev=290927ece4d64392be5331154929d111&sc_lang=en

Burn Ban is issued during periods of elevated PM_{2.5}. Based on Air District estimates, residential wood burning contributes approximately 14 percent of the region's total direct PM_{2.5} emissions from human-related sources and can average nearly 11 tons per day in the winter season, making it a significant source accounting for approximately one third of total PM_{2.5} emissions in the region in colder months.

Wood-burning curtailment is issued when the Air District forecasts that 24-hour average PM_{2.5} concentrations will likely exceed a designated threshold, currently set at 35 micrograms per cubic meter (µg/m³). The proposed amendments would lower this 24-hour forecasted PM_{2.5} threshold to 25 µg/m³, allowing the Air District to issue Mandatory Burn Bans when it forecasts conditions will meet this lower threshold. This change is intended to reduce short and long-term peaks in fine particulate matter exposure from wood-burning.

Multiple scientific and regulatory bodies have cited evidence supporting the need for more health-protective measures to curb particulate matter emissions. The Clean Air Scientific Advisory Committee (CASAC), which advises the U.S. Environmental Protection Agency (EPA), acknowledged evidence of adverse health effects at short-term PM_{2.5} levels even below 25 µg/m³ over a 24-hour period.⁴ A majority of CASAC members recommended tightening the 24-hour PM_{2.5} standard to 25–30 µg/m³. Similarly, the California Air Resources Board (CARB), the Office of Environmental Health Hazard Assessment (OEHHA), and Cal/OSHA have each identified health risks associated with PM_{2.5} exposure at these levels.

Staff estimates that this change could increase the number of curtailment days from a current average of 15 to between 19 and 41 days per year, with the range reflecting uncertainty in air quality forecasts and variability in meteorological conditions that influence wood-burning curtailment day determinations. Most of the additional curtailment days are expected to occur during winter stagnation events or wildfire smoke episodes. Non-wildfire high PM_{2.5} days typically occur during the winter, when atmospheric conditions trap pollution near the ground and the relative contribution of residential wood burning to overall PM_{2.5} levels is highest. This estimated increase in additional days represents a 1.3 to 2.8 times increase in the number of curtailment days. If all wood burning were curtailed on these additional days, the potential maximum reduction in PM_{2.5} emissions could range from 43 to 155 tons per year, or 0.36 to 1.19 tons per winter day. These figures represent theoretical maximum reductions and do not account for compliance rates. It is important to note that these additional curtailment days apply only to residential wood burning regulated under Rule 6-3. The operational threshold for declaring No Burn Days for outdoor open burning under Regulation 5 remains unchanged. As a result, the number of permissive burn days for prescribed burning will not be affected by the proposed amendments.

2. Regulation 5

Regulation 5 regulates open burning activities within the Air District's jurisdiction, including agricultural operations, forest management, fire training, and other hazard reduction burns. The regulation establishes requirements for advance notification, smoke management plans, and

⁴ CASAC Review of the EPA's Policy Assessment for the Reconsideration of the National Ambient Air Quality Standards for Particulate Matter (External Review Draft – October 2021). Accessed at: <https://www.4cleanair.org/wp-content/uploads/PM-NAAQS-CASAC-Responses-to-EPA-PM-Draft-PA-031822.pdf>

associated fees to minimize smoke impacts on public health. Prescribed burning conducted under Regulation 5 is a critical land management tool used to reduce hazardous vegetation, restore ecosystem function, and lower the risk of catastrophic wildfire.

The proposed amendments to Regulation 5 waive operation fees for all persons conducting prescribed burns, expanding the current exemption that applies only to public agencies. This change is intended to reduce administrative barriers and improve operational flexibility for nonprofit organizations and private landowners who may be positioned to carry out prescribed burns in areas where public agency capacity is limited. The proposed expansion of the exemption supports statewide efforts to expand beneficial fire practices for wildfire prevention and land stewardship.

Prescribed burning will need to increase in the Bay Area and across California to reduce wildfire risk and meet state directives for wildfire prevention. The Air District anticipates that the overall volume of prescribed burns will rise in coming years regardless of the proposed fee exemption. The purpose of this amendment is to make participation easier for nonprofit organizations and private landowners by removing a financial and administrative barrier, particularly for smaller or more complex projects where costs per acre are higher.

B. Public Process and Stakeholder Engagement

In developing these amendments, staff reviewed similar rules from other air districts, conducted technical analyses, and engaged with stakeholders. In November 2024, the Air District released the *Woodsmoke White Paper* identifying regulatory gaps and outlining policy options for reducing woodsmoke emissions. The White Paper was open for public comment for 75 days through January 20, 2025. Staff also presented updates to the Stationary Source Committee in May 2024 and February 2025. In June 2025, the Air District held two public workshops to gather input on the draft amendments. Feedback from these efforts has been incorporated where appropriate. Additionally, staff is working with Regulation 5 stakeholders to improve internal procedures for prescribed burn review, separate from regulatory amendments.

Air District staff released proposed amendments to Rule 6-3 and Regulation 5, along with an initial Staff Report, for a 30-day public review and comment period beginning July 14, 2025. During the public comment period, the Air District received written input from 14 commenters. For Rule 6-3, nine commenters expressed support and one expressed opposition; for Regulation 5, three commenters expressed support and four expressed opposition. In addition to these positions, commenters raised a range of issues including enforcement of Rule 6-3, woodsmoke impacts outside of Spare the Air days, health risks from prescribed burning, and potential alternatives to prescribed burning.

C. Economic Impacts and CEQA Compliance

A socioeconomic analysis conducted by Eastern Research Group, Inc. found that the proposed amendments to Rule 6-3 may result in minor sales impacts for a small number of firewood suppliers, but are not expected to significantly affect households, other businesses, or the overall Bay Area economy. Cost-effective alternatives to wood burning—such as natural gas or electric heating—are widely available and more effective for heating, and existing exemptions for households that rely on wood-burning devices as their sole source of heat would remain unchanged. The Regulation 5 proposed fee amendment is not expected to have a socioeconomic

impact, as the entities gaining the fee exemption currently represent a small share of collected program revenue—roughly four percent of the Air District's open burn program costs.

Staff has also reviewed the amendments and determined they are exempt from the requirements of the California Environmental Quality Act (CEQA). Staff intend to file a Notice of Exemption if the proposed amendments to Rule 6-3 and Regulation 5 are adopted.

D. Recommendation

Air District staff recommends adopting the proposed amendments to Rule 6-3 and Regulation 5 and approving the determination that doing so is exempt from CEQA. Staff will present a final proposal to the Air District Board of Directors for their consideration at a Public Hearing. At the Public Hearing, the Air District Board of Directors will consider the final proposal and receive public input before taking action on these recommendations.

II. BACKGROUND

A. Health Hazards of Fine Particulate Matter (PM_{2.5})

Similar to cigarette smoke, woodsmoke contains hundreds of air pollutants that can cause cancer and other serious health problems. The pollutant of greatest concern is fine particulate matter (PM_{2.5}). These particles consist of tiny solid and liquid fragments resulting from the incomplete combustion of wood. When woodsmoke is present in the air, these fine particles can be inhaled deep into the lungs. PM_{2.5} is small enough to bypass the body's natural defenses in the nose and upper airways, allowing it to reach the lungs and potentially enter the bloodstream.⁵ These particles often carry toxic substances that can persist in the lungs for extended periods, contributing to structural damage and the development of disease.⁶

Research has shown that fine particulate matter from woodsmoke is harmful to health even at low concentrations and is linked to a range of respiratory and cardiovascular effects.⁷ Although anyone can be affected by PM_{2.5} exposure, certain populations are especially vulnerable. These include infants and children, older adults, and individuals with existing heart or lung conditions.^{8,9,10} Healthy individuals may also experience short-term symptoms such as coughing, wheezing, or difficulty breathing, and long-term exposure can increase the risk of more serious health issues. One study examining winter air pollution in Santa Clara County between 1986 and 1992 found a correlation between increased levels of PM₁₀ (particulate matter with a diameter of 10 microns or less, which includes PM_{2.5}) and higher rates of emergency room visits for asthma. Residential wood burning was identified as a major source of PM₁₀ during that period.¹¹

In 2020, the Air District's Advisory Council released a [Particulate Matter Reduction Strategy Report](#) that concluded particulate matter is a primary contributor to health risks associated with air quality in the Bay Area.¹² The Advisory Council also emphasized that there is no known safe

⁵ Environmental Protection Agency, n.d. Particulate Matter (PM) Basics. Accessed December 5, 2023: <https://www.epa.gov/pm-pollution/particulate-matter-pm-basics>

⁶ How Wood Smoke Harms Your Health. Publication #91-br-023 (revised July 2012). <https://apps.ecology.wa.gov/publications/publications/91br023.pdf>

⁷ Naehler, Luke P., et al. "Woodsmoke health effects: a review." *Inhalation toxicology* 19.1 (2007): 67-106.

⁸ Honicky, R. E., Osborne, J. S., 3rd, and Akpom, C. A. (1985). Symptoms of respiratory illness in young children and the use of wood-burning stoves for indoor heating. *Pediatrics* 75, 587–593.

⁹ Johnson, K. G., Gideon, R. A., and Loftsgaarden, D. O. (1990). Montana air pollution study: Children's health effects. *J. Official Stat.* 5, 391–408.

¹⁰ Larson, T. V., and Koenig, J. Q. (1994). Wood smoke: emissions and noncancer respiratory effects. *Annu. Rev. Public Health* 15, 133–156.

¹¹ Lipsett, Michael, Susan Hurley, and Bart Ostro. "Air pollution and emergency room visits for asthma in Santa Clara County, California." *Environmental Health Perspectives* 105.2 (1997): 216-222. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1469790/pdf/envhper00315-0066.pdf>

¹² BAAQMD, 2020. Particulate Matter: Spotlight on Health Protection. *Advisory Council Particulate Matter Reduction Strategy Report*. Available at: https://www.baaqmd.gov/%7E/media/files/board-of-directors/advisory-council/2020/ac_particulate_matter_reduction_strategy_report.pdf?la=en&rev=570867c8b25e4ca0b2f93f80c4c1ef02

threshold for exposure to PM_{2.5} and recommended further efforts to reduce ambient PM levels to protect public health.

Multiple scientific and regulatory bodies have issued similar guidance supporting more health-protective PM_{2.5} standards:¹³

- The Clean Air Scientific Advisory Committee (CASAC), which advises the U.S. Environmental Protection Agency (EPA), found that revisions to the annual PM_{2.5} standard alone may not be sufficient to protect against short-term exposures. A majority of CASAC members recommended tightening the 24-hour standard from the current level of 35 micrograms per cubic meter (µg/m³) to 25–30 µg/m³.¹⁴
- In a joint comment letter, the California Air Resources Board (CARB), the Office of Environmental Health Hazard Assessment (OEHHA), and Cal/OSHA also supported a more protective 24-hour standard of 25 or 30 µg/m³.¹⁵
- The South Coast Air Quality Management District (SCAQMD) revised its burn curtailment threshold in September 2025 to meet Most Stringent Measure (MSM) compliance, using a PM_{2.5} concentration of 25 µg/m³ as the curtailment threshold.¹⁶

The Air District has pursued a range of PM-reduction initiatives to address community-level exposure and advance health-protective standards. These include rule development efforts such as amendments to *Regulation 6: Particulate Matter, Rule 5: Particulate Emissions from Refinery Fluidized Catalytic Cracking Units*; *Regulation 9: Inorganic Gaseous Pollutants, Rule 4: Nitrogen Oxides from Natural Gas-Fired Furnaces* and *Regulation 9: Inorganic Gaseous Pollutants, Rule 6: Nitrogen Oxides Emissions from Natural Gas-Fired Water Heaters*; *Regulation 11: Hazardous Pollutants, Rule 18: Risk Reduction from Air Toxic Emissions at Existing Facilities*; and fugitive dust control amendments to *Regulation 6: Particulate Matter, Rule 1: General Requirements* and *Regulation 6: Particulate Matter, Rule 6: Prohibition of Trackout*. Additional efforts include PM strategies in Assembly Bill (AB) 617 community emissions reduction plans,¹⁷ the [Proposed Methodology for Determining Local Health Risks from Fine Particulate Matter](#), and targeted grant and incentive programs that reduce PM_{2.5} beyond regulatory requirements. While ambient PM_{2.5} levels can vary seasonally, trends in annual average concentrations have shown little improvement over the past decade despite these mitigation efforts.

The proposed amendments to *Regulation 6: Particulate Matter, Rule 3: Wood-Burning Devices* (Rule 6-3) are intended to target reductions in woodsmoke emission and align with public health-protective guidance from multiple scientific and regulatory bodies. The Air District will continue to evaluate whether additional stationary source controls, including further woodsmoke mitigation measures, will be necessary to meet current and future air quality planning obligations.

¹³ The EPA has established primary National Ambient Air Quality Standards (NAAQS) for PM_{2.5} for public health protection. There are two federal primary standards for PM_{2.5} – an annual average standard and a 24-hour average standard. On February 7, 2024, the EPA revised the NAAQS for particulate matter by lowering the primary annual PM_{2.5} standard from 12.0 to 9.0 µg/m³. This action reflects the growing body of evidence indicating health effects at lower concentrations and underscores the importance of more health-protective particulate matter standards.

¹⁴ <https://www.epa.gov/system/files/documents/2024-02/2024-pm-naaqs-final-overview-presentation.pdf>

¹⁵ <https://www.regulations.gov/comment/EPA-HQ-OAR-2015-0072-0975>

¹⁶ SCAQMD PAR 445 Wood-Burning Devices. <https://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/proposed-rules/rule--445>

¹⁷ <https://www.baaqmd.gov/community-health/community-health-protection-program>

B. Residential Wood Burning in the Bay Area

Wood burning is a widespread practice in the San Francisco Bay Area and includes the use of various devices like fireplaces, firepits, wood stoves, manufactured pellet stoves, and recreational fires such as campfires and bonfires. Staff estimated that in 2020 there were approximately one million indoor wood-burning devices in homes across the region. Based on statistical modeling of Spare the Air winter survey data, just over one-third of these (37 percent) were in active use. Among those in use, the majority – about 76 percent – were wood-burning fireplaces.

While the emission of particulate matter is the primary concern associated with wood combustion, woodsmoke also contains toxic air contaminants (TACs) such as benzene, formaldehyde, acrolein, and polycyclic aromatic hydrocarbons (PAHs). Exposure to fine particulate matter and TACs from woodsmoke, even at low levels, is harmful to human health and is associated with a variety of adverse health effects, including respiratory and cardiovascular diseases.¹⁸ Most wood heaters (a wood-burning device intended as a primary source of heat) release far more air pollution, indoors and out, than heaters using other fuels.¹⁹

Woodsmoke is estimated to contribute about 14 percent of the Bay Area's total direct fine particulate matter emissions on an annual basis.²⁰ During colder months of December and January, this proportion increases, with woodsmoke responsible for approximately one-third (34 percent) of direct PM_{2.5} emissions on average—although this can vary from place to place and day to day.²¹ On cold, calm days, woodsmoke tends to get trapped near the ground due to a weather phenomenon called an inversion layer. A layer of warmer air acts like a lid over a colder layer, preventing the dispersion of pollutants and leading to a buildup of pollutants. However, elevated woodsmoke exposure can occur even in the absence of an inversion layer. Individuals may be exposed to higher concentrations if they are downwind of an active wood fire, in a valley where topography limits air movement, or inside a structure near a burning source.

C. Wildfire Risk Considerations

Wildfire smoke, like other wood-burning smoke, is a complex mixture of harmful pollutants with serious public health implications. Wildfire smoke contains many of the same pollutants as woodsmoke but often in higher concentrations and greater complexity. Unlike smoke from wood-burning devices, wildfire smoke can include emissions from burning plastics, treated wood, and other synthetic materials found in buildings and infrastructure if the fire is located in the urban-wildland interface, potentially resulting in a more toxic and chemically diverse mixture.²² Wildfire

¹⁸ <https://www.lung.org/clean-air/outdoors/what-makes-air-unhealthy/particle-pollution>

¹⁹ <https://ww2.arb.ca.gov/resources/documents/woodburning-handbook>

²⁰ Wildfire emissions are excluded from this calculation.

²¹ Please see [Woodsmoke White Paper](#) for model-based estimates of: month-to-month variation in regional emissions (Figure B1.5); 1 km scale variation in winter emissions (Figure B1.7); city-scale variation in annual average emissions per capita (Figure B1.8); and 1 km scale variation in annual average emissions (Figure B1.9).

²² Prunicki, M.; Kelsey, R.; Lee, J.; Zhou, X.; Smith, E.; Haddad, F.; Wu, J.; Nadeau, K. The impact of prescribed fire versus wildfire on the immune and cardiovascular systems of children. *Allergy* 2019, 74 (10), 1989–1991. <https://doi.org/10.1111/all.13825>

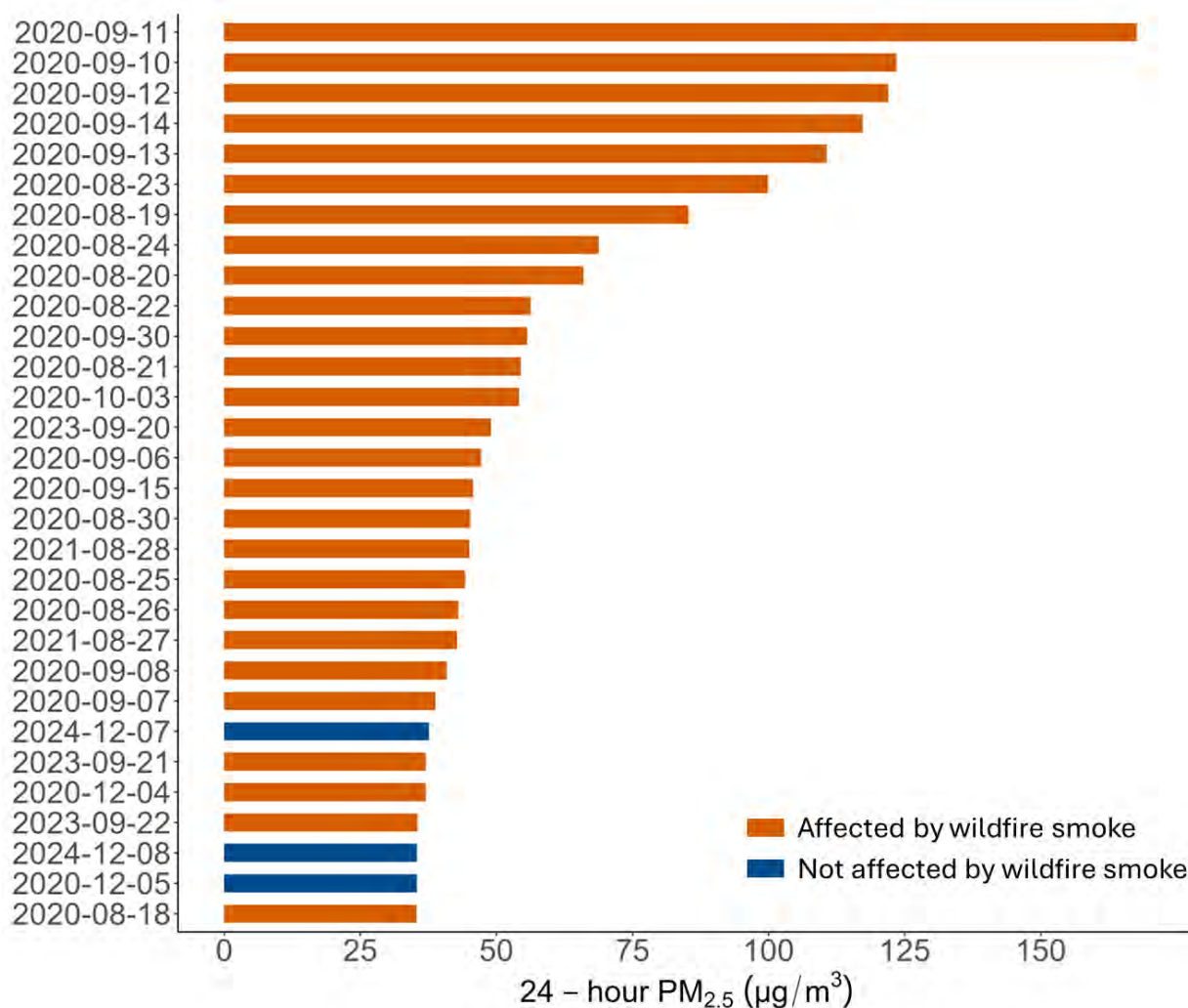
smoke also contains precursor gases that contribute to the formation of ozone and secondary aerosols, further degrading air quality. Additionally, the extreme heat of wildfires can produce smaller particles that penetrate deeper into the respiratory system compared to those from typical residential wood burning. In North America, fires have become a much bigger factor in overall air quality over recent decades. A systematic review and meta-analysis of health effects of wildfire smoke exposure found that wildfire smoke was directly linked to more deaths overall and a rise in hospitalizations and emergency room visits for breathing problems.²³

Wildfire season has become longer and more severe in recent decades, placing additional stress on regulatory efforts focused on reducing anthropogenic sources of woodsmoke pollution. Of the top 30 highest daily (24-hour) PM_{2.5} values measured at Air District monitoring sites between 2020 and 2024, 27 of those days were affected by wildfire smoke (Figure 1). The causes and outlook of this increased severity have been described as follows: “The duration of the wildfire season has increased by as much as 80 days in some parts of the Western United States as a result of increased temperature, earlier snowmelt, and altered precipitation patterns. Higher temperatures, lower summer precipitation, and increased frequency and intensity of droughts are expected to create longer periods during which surface fuels are sufficiently dry to burn. By the mid-21st century, the annual area burned in the US could increase two to three times from the present, depending on the geographic area, ecosystem, and local climate.”²⁴

²³ Gould CF, Heft-Neal S, Johnson M, Aguilera J, Burke M, Nadeau K. Health Effects of Wildfire Smoke Exposure. *Annu Rev Med*. 2024 Jan 29;75:277-292. doi: 10.1146/annurev-med-052422-020909. Epub 2023 Sep 22. PMID: 37738508.

²⁴ Jaffe, D. A.; O'Neill, S. M.; Larkin, N. K.; Holder, A. L.; Peterson, D. L.; Halofsky, J. E.; Rappold, A. G. Wildfire and Prescribed Burning Impacts on Air Quality in the United States. *J. Air Waste Manage. Assoc.* 2020, 70 (6), 583–615. <https://doi.org/10.1080/10962247.2020.1749731>.

Figure 1. Top 30 highest daily (24-hour) PM_{2.5} values measured at Air District monitoring sites between 2020 and 2024.



Detailed Description: The values in Figure 1 represent the highest daily (24-hour) PM_{2.5} concentration in µg/m³ that was measured at Air District monitoring sites throughout the network on a particular day. Each day was either categorized as “affected by wildfire smoke” or “not affected by wildfire smoke” based on whether the Air District called a Spare the Air Alert or issued an Air Quality Advisory for wildfire smoke and corresponding air monitoring data indicated an increase in pollutant concentrations or pollutant ratios that are commonly associated with wildfire smoke.

While there has been a sharp rise in wildfire severity throughout the Western US and California in particular—most recently highlighted by the catastrophic Los Angeles fires of January 2025—wildfire emissions in smaller geographic areas are often episodic. For example, in recent years, wildfire activity in the Air District has been highly variable in both frequency and intensity from year to year. Data from the California Department of Forestry and Fire Protection (CAL FIRE) incident records demonstrate the unpredictable but growing burden of wildfires in Air District

counties, shown in Figure 2 and summarized in Table 1.²⁵ The unpredictability of the health and safety impacts in a given year underscores the importance of proactive preparedness in fire management strategies.

Figure 2. Acres burned and number of incidents from CAL FIRE database of wildfire incidents in the 9 Bay Area counties (Alameda, Contra Costa, Marin, Napa, Santa Clara, San Francisco, San Mateo, Solano, and Sonoma County).

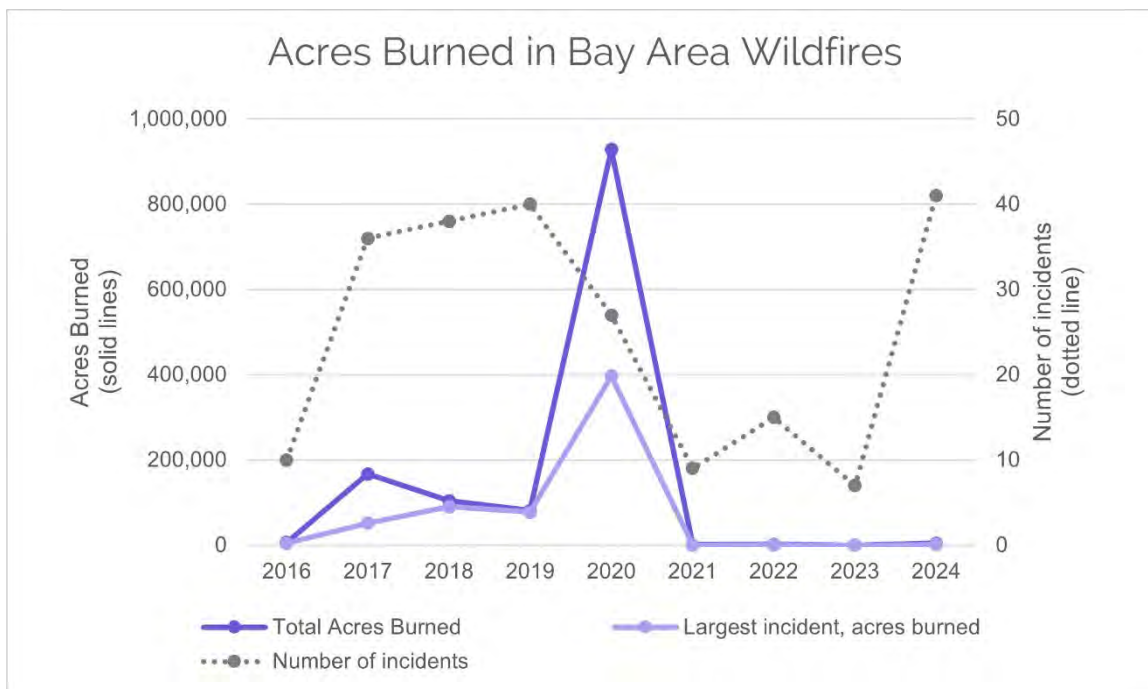


Table 1. CAL FIRE data on incidents in Bay Area Air District counties.

All CAL FIRE Incidents in Bay Area Air District Counties				Largest CAL FIRE Incidents		
Year	Number	Total Acres Burned	Average Acres Burned	Acres Burned	Incident Name	Counties
2016	10	6,658	666	4,474	Loma Fire	Santa Clara
2017	36	166,803	4,633	51,624	Atlas Fire (Southern LNU Complex)	Napa, Solano
				44,573	Nuns / Adobe / Norrbom / Pressley / Patrick Fires /	Napa, Sonoma

²⁵ <https://www.fire.ca.gov/incidents>. Accessed 2025 April 15.

All CAL FIRE Incidents in Bay Area Air District Counties				Largest CAL FIRE Incidents		
Year	Number	Total Acres Burned	Average Acres Burned	Acres Burned	Incident Name	Counties
					Oakmont (Central LNU Complex)	
				36,807	Tubbs Fire (Central LNU Complex)	Napa, Sonoma
2018	38	103,781	2,731	90,000	County Fire	Napa, Yolo
2019	40	81,277	2,032	77,758	Kincade Fire	Sonoma
2020	27	928,542	34,390	396,624	SCU Lightning Complex	Santa Clara, San Joaquin, Contra Costa, Alameda, Stanislaus
				363,220	LNU Lightning Complex	Napa, Solano, Lake, Sonoma, Yolo
2021	9	564	63	132	Newell Fire	Napa
2022	15	2,242	149	570	Old Fire	Napa
2023	7	447	64	103	Snell Fire	Napa
2024	41	4,538	111	1,207	Point Fire	Sonoma

Techniques available to reduce wildfire risk, such as forest thinning, mechanical removal of surface fuels, and prescribed burning, have been used for decades to reduce hazardous fuels in dry forest landscapes. Prescribed burns are planned, controlled application of fire to vegetation to achieve specific natural resource management objectives, including wildfire prevention and ensuring fire safety. However, concerns about the health effects of smoke from prescribed burning on residents must be considered in the application of these preventative measures.

While prescribed burns generate PM emissions, in general they are for shorter time periods, emit significantly less PM per acre due to lower heat and scale,²⁶ and utilize smoke management plans and PM_{2.5} forecasting to ensure burns are timed for meteorological conditions that lessen population exposure to PM_{2.5} than during large, uncontrolled wildfires. The periodic pulses of emissions produced by prescribed burning therefore tend to result in lower ambient concentrations of particulates and other pollutants for a shorter duration than in a large, uncontrolled wildfire.

For example, a previous Air District analysis estimated that in 2017, open burning activities in the Air District resulted in approximately 175 tons of emissions, with only 6.45 tons attributed to

²⁶ Berger C, Fitzgerald SA, Leavell D, Peterson J. 2018. *Fire FAQs – Air quality impacts from prescribed fire and wildfire: How do they compare?* Oregon State University Extension Service, EM 9203, 2p. <https://extension.oregonstate.edu/catalog/pub/em-9203-fire-faqs-air-quality-impacts-prescribed-fire-wildfire-how-do-they-compare>

prescribed burns.²⁷ In contrast, the three largest wildfires in that year collectively produced approximately 49,000 tons of emissions, an amount approximately 7,500 times larger than the amount attributed to prescribed burns. These local data provide insight that prescribed burning is a controlled method to reduce hazardous fuels which plays a key role in limiting the scale and intensity of future wildfires and their emissions impacts on air quality.

A growing body of scientific literature supports the conclusion that strategically applied prescribed fires not only reduce short-term wildfire risk (across a two- to five-year timeframe) but also help improve overall air quality resilience by avoiding more catastrophic events.^{28,29,30} Together, these trends and findings highlight the need to modernize and align woodsmoke and open burning regulations with evolving wildfire risk, public health priorities, and the latest best practices in wildfire mitigation.

D. Air District Woodsmoke and Open Burning Programs

1. Regulation 6, Rule 3: Wood-Burning Devices

Rule 6-3 governs emissions from wood-burning devices in the San Francisco Bay Area, including those used for primary heating, supplemental heating, or ambiance. This Rule prohibits the use of wood-burning devices such as fireplaces, wood stoves, and pellet stoves on days when a Mandatory Burn Ban is in effect (with exemptions, as discussed below). These bans are issued when the Air District forecasts that PM_{2.5} concentrations will exceed the federal 24-hour standard of 35 µg/m³, triggering a Spare the Air Alert.

The Spare the Air Program, launched by the Air District in 1991, was designed to notify the public when air quality is expected to be unhealthy and to provide information on reducing air pollution. Since 2008, the program has also notified residents when the use of wood-burning devices is prohibited due to poor air quality conditions.

In addition to issuing burn bans, Rule 6-3 includes the following key provisions:

- Limits visible smoke emissions during permissible burn periods.
- Prohibits the burning of materials such as garbage, plastics, and other toxic substances.
- Establishes requirements for manufacturers and retailers regarding the sale and installation of wood-burning devices.
- Requires labeling on firewood and other solid fuels sold in the Bay Area.

²⁷ Bay Area Air Quality Management District. Final Staff Report – Proposed Amendments to Regulation 5 and Regulation 6, Rule 3 (with Appendices); 2019. https://www.baagmd.gov/~media/dotgov/files/rules/regulation-6-rule-3/documents/20191120_fsr_0500_0603-pdf.pdf?rev=38aff7bc1b3642678f870b256d577b74&sc_lang=en

²⁸ Kiely, L. T.; Elser, H. J.; Pye, H. O. T.; Hennigan, C. J. California Case Study of Wildfires and Prescribed Burns: PM_{2.5} Emissions, Concentrations, and Implications for Human Health. *Environ. Sci. Technol.* **2024**, *58*, 3092–3102. <https://doi.org/10.1021/acs.est.3c06421>.

²⁹ Fernandes, P. M.; Botelho, H. S. A Review of Prescribed Burning Effectiveness in Fire Hazard Reduction. *Int. J. Wildland Fire* **2003**, *12*, 117–128. <https://doi.org/10.1071/WF02042>.

³⁰ Schweizer, D.; Cisneros, R. Wildland Fire Management and Air Quality in the Southern Sierra Nevada: Using the Lion Fire as a Case Study with a Multi-Year Perspective on PM_{2.5} Impacts and Fire Policy. *J. Environ. Manage.* **2014**, *144*, 265–276. <https://doi.org/10.1016/j.jenvman.2014.05.010>.

Rule 6-3 provides specific exemptions from the Air District's Mandatory Burn Ban. For example, individuals who rely solely on an EPA-certified wood-burning device and lack access to permanently installed natural gas, propane, or electric heating systems may qualify for the "sole source of heat" exemption. Registration with the Air District is required for this exemption. Additional exemptions may apply during heater malfunctions or power outages, provided no other heating options are available. All exemptions are subject to verification by the Air District.

The Rule prohibits the installation of any wood-burning devices—including EPA-certified units and pellet-fueled stoves—in newly constructed buildings throughout the Bay Area. For fireplace or chimney remodels exceeding \$15,000 in cost and requiring a local building permit, the Rule mandates installation of a gas-fueled, electric, or EPA-certified wood-burning device. As of November 1, 2018, rental properties with access to natural gas must provide a permanently installed heat source that does not rely on burning wood or pellets.

In 2019, Rule 6-3 was amended alongside Regulation 5 to extend the applicability of wood-burning bans beyond the winter season. As of 2020, Mandatory Burn Bans may be implemented year-round on any day when a Spare the Air Alert is issued due to elevated PM_{2.5} levels, including during air pollution events such as wildfires or fireworks.

2. Regulation 5: Open Burning

Regulation 5 addresses emissions from open burning activities and is designed to reduce air pollution from such sources while allowing certain necessary exemptions. These exemptions apply to activities like agricultural operations, fire training exercises, hazardous material disposal, and land management objectives such as forest, range, and wildlife habitat maintenance. The regulation identifies 17 types of fires that may be conditionally allowed on designated permissive burn days, which are days with weather conditions favorable for smoke dispersion. Most of these fires are agricultural in nature, but several fall under other categories. The 17 allowable fire types include:

- Disease and Pest
- Crop Replacement
- Orchard Pruning and Attrition
- Double Cropping Stubble
- Stubble
- Hazardous Material
- Fire Training
- Flood Debris
- Irrigation Ditches
- Flood Control
- Range Management
- Forest Management
- Marsh Management
- Contraband
- Wildland Vegetation Management (Prescribed Burning)
- Filmmaking
- Public Exhibition

One type of open burning regulated under this Rule is “prescribed burning.” These burns are designed to be conducted under controlled conditions to minimize smoke and reduce the potential for adverse health impacts. Compared to wildfires—which are unplanned, more intense, and often more destructive—prescribed burns typically produce lower ambient pollutant concentrations and have fewer health and environmental consequences.³¹

Prescribed burning also supports long-term forest health by reducing excess vegetation that has accumulated due to decades of fire suppression. This buildup of fuel has made many forests across California highly vulnerable to large, high-intensity wildfires. Unlike wildfires, which can burn so hot that they destroy soil structure and sterilize ecosystems, prescribed burns help maintain ecological balance and resilience.³²

Under Regulation 5, prescribed burning is permitted and is defined under several categories, including “Wildland Vegetation Management” fires (Regulation 5, Section 5-401.15) and some types of “Crop Replacement” (Section 5-401.2), “Hazardous Material” (Section 5-401.6), “Range Management” (Section 5-401.11), and “Forest Management” (Section 5-401.12) fires. This designation applies to fire types such as Crop Replacement, Range Management, Forest Management, and certain Hazardous Material burns larger than 10 acres.

Anyone conducting a prescribed burn must first submit a Smoke Management Plan for each burn to the Air District at least 30 days in advance of the proposed burn. The Plan must include a smoke management prescription, which outlines conditions under which the burn may proceed. This includes measures to minimize smoke impacts, and may also address factors such as public safety, economic impacts, environmental protection, legal and administrative constraints, and community health. In advance of the requested prescribed burn, the Air District reviews the Smoke Management Plan to determine if it complies with Air District requirements.

The Air District provides year-round forecasting support to assist with the planning and implementation of prescribed burns. Meteorological forecasts are available up to 96 hours in advance to help identify suitable burn windows. Burn managers may submit ignition authorization requests several days prior but no later than 9:00 AM the day before ignition. Acreage allocations for approved burns under Smoke Management Plans are only issued on days when Air District meteorologists determine that conditions meet permissive burn day criteria, based on air quality and smoke dispersion conditions. On the morning of the burn, meteorologists evaluate current weather conditions and, if appropriate, issue a burn allowance confirming the approved acreage. Prescribed burns may proceed only if conditions remain consistent with the approved prescription. Regulation 5 allows prescribed burning throughout the year.

A 2019 amendment to Regulation 5 exempted public agencies from open burning operation fees for prescribed burns.

³¹ Berger C, Fitzgerald SA, Leavell D, Peterson J. 2018. *Fire FAQs – Air quality impacts from prescribed fire and wildfire: How do they compare?* Oregon State University Extension Service, EM 9203, 2p. <https://extension.oregonstate.edu/catalog/pub/em-9203-fire-faqs-air-quality-impacts-prescribed-fire-wildfire-how-do-they-compare>

³² Fernandes and Botelho, 2003. <https://www.publish.csiro.au/wf/wf02042>

E. Regulatory Landscape

1. Rule 6-3

Emissions from wood-burning devices are regulated at the federal level by the EPA and many state and local jurisdictions have their own regulations often building upon or reinforcing the EPA standards. California air districts have adopted stringent rules to address PM_{2.5} pollution from wood-burning devices, with variations in curtailment thresholds, enforcement mechanisms, and exemptions.

At the federal level, the EPA regulates new residential wood heaters through the New Source Performance Standards (NSPS) in 40 CFR Part 60, Subpart AAA. These standards limit emissions of PM and other pollutants and apply to new wood stoves, pellet stoves, and similar devices. Rule 6-3 references these federal standards and requires compliance with EPA certification requirements in several provisions, including those for manufacturers, retailers, property transfers, and exemptions for sole source heating.

Several other California air districts also regulate wood-burning emissions through dedicated rules. Common features include prohibiting burning on days with poor air quality, requiring certified devices for retrofit installations, or prohibiting installation in new construction. These air districts also utilize compliance strategies similar to those used by the Air District. The Air District conducts woodsmoke patrols during periods of more active residential burning—typically during the beginning and end of staff shifts—with patrols focused on maximizing surveillance coverage in areas with recent woodsmoke complaints, in AB 617 communities, or where elevated impacts are known. Key burn curtailment details from a selection of regional air district rules are summarized Table 2 below.

Table 2. Summary of a Selection of California Air District Burn Curtailment Measures.

Agency / Rule	Applicability	Curtailment Threshold
South Coast AQMD / Rule 445	All counties and wood-burning device types	25 µg/m ³
San Joaquin Valley APCD / Rule 4901	<u>Counties of Madera, Fresno and Kern (hot-spot counties)</u>	
	Level 1 for all wood-burning devices except registered devices	Level 1: 12 µg/m ³ Level 2: 35 µg/m ³
	Level 2 for all wood-burning devices	
	<u>Counties of San Joaquin, Stanislaus, Merced, Kings, and Tulare</u>	
	Level 1 for all wood-burning devices except registered devices	Level 1: 20 µg/m ³ Level 2: 65 µg/m ³

	Level 2 for all wood-burning devices	
Sacramento Metro AQMD / Rule 421	Stage 1 for all wood-burning devices except EPA-certified devices Stage 2 for all wood-burning devices	Voluntary Curtailment: 25 µg/m ³ Stage 1: 31 µg/m ³ Stage 2: 35 µg/m ³

Local jurisdictions may also adopt ordinances to address community-level woodsmoke exposure. For example, the cities of Berkeley³³ and Oakland³⁴ have enacted rules reinforcing or expanding upon Air District regulations. In 2012, the Air District developed a Model Wood Smoke Ordinance to guide Bay Area cities and counties in adopting localized protections tailored to community needs.³⁵

2. Regulation 5

Emissions from open burning are not regulated at the federal level by the EPA. Open burning is regulated by air districts across California to minimize smoke impacts and reduce emissions of fine particulate matter, volatile organic compounds, and other pollutants. These rules govern when and how open burns—such as agricultural burns, land management burns, and prescribed fires—can occur and are designed to protect air quality while accommodating essential fire use for land stewardship and wildfire prevention.

Title 17 of the California Code of Regulations outlines the state’s requirements for prescribed and agricultural burning, including smoke management practices and air district responsibilities.³⁶ These regulations, implemented by CARB, form the backbone of California’s statewide approach to managing open burning and minimizing smoke impacts on air quality. Local air district rules are developed and implemented in alignment with Title 17 requirements and may include more stringent provisions to address regional air quality needs.

Several other California air districts maintain open burning rules with similar structures to the Air District’s Regulation 5 but differ in allowable burn types, seasonal restrictions, and planning requirements. Key features from a selection of regional air district open burning rules are summarized Table 3 below.

³³ City of Berkeley Woodsmoke Rules. <https://berkeleyca.gov/cityservices/livable-neighborhoods/wood-smoke-rules>

³⁴ City of Oakland Code of Ordinances Chapter 8.19 – Wood-Burning Appliances. https://library.municode.com/ca/oakland/codes/code_of_ordinances?nodeId=TIT8HESA_CH8.19WORNAP

³⁵ 2012 Air District Model Woodsmoke Ordinance. https://www.baaqmd.gov/~/_media/files/communications-and-outreach/wood-smoke/model-ordinance-updated-final-3-16-2012.pdf

³⁶ Cal. Code Regs. tit. 17, § 80100. Available at: <https://www2.arb.ca.gov/sites/default/files/2021-06/Title17.pdf>

Table 3. Summary of a Selection of California Air District Open Burning Rules.

Agency / Rule	Applicability	Key Features
South Coast AQMD / Rule 444: Open Burning	Applies to open burning for agriculture, range improvement, forest management, prescribed burning, fire training, hazard reduction/prevention, disposal, beach burning, and residential burning.	Prior notification required. Smoke Management Plans required for prescribed burning. Permissive burn days based on meteorological forecasts.
San Joaquin Valley APCD / Rule 4106: Prescribed Burning and Hazard Reduction Burning	Applies to prescribed burning and fire hazard reduction projects. Open burning (such as agricultural burning) is covered by a different rule (Rule 4103).	Requires Smoke Management Plans. Monitoring requirements for large projects.
Sacramento Metro AQMD / Rule 501: Agricultural Burning	Applies to agricultural and prescribed burning.	Requires burn permits. Smoke Managements Plans required for larger projects. Limits burning to permissive burn days determined by CARB or District.

III. TECHNICAL REVIEW

This section summarizes current information on wood-burning activity, emissions, exposures, and associated health impacts across the Bay Area, based on existing Rule 6-3 and Regulation 5 program data. These analyses provide contextual background and a baseline for evaluating the proposed amendments. Impacts of the proposed changes are not discussed here.

A. Rule 6-3

This subsection presents an overview of available data on the population of wood-burning devices in the region, associated PM_{2.5} emissions, modeled air quality and health impacts, and findings from air monitoring and Spare the Air Alerts. Additional technical details and methodologies on the information provided in this section can be found in the [Woodsmoke White Paper](#) that the Air District published in November 2024.

1. Wood-Burning Device Population and Emissions Inventory

The Air District estimates there are approximately one million indoor wood-burning devices installed in Bay Area homes as of 2020. Based on the results from the winter Spare the Air survey,

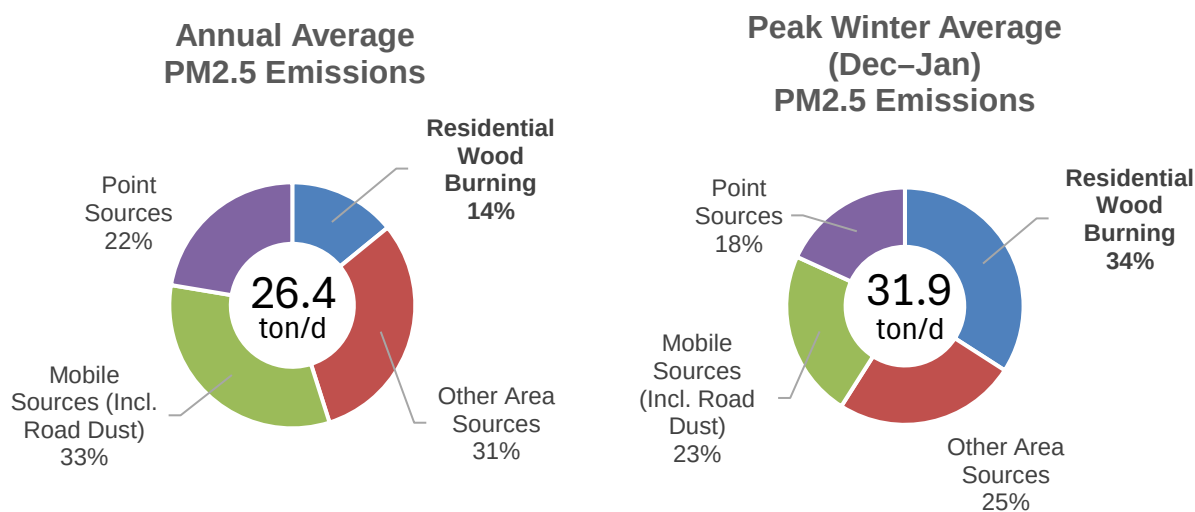
staff estimated roughly 37 percent of these devices are in active use. Among active devices, about 76 percent are traditional wood-burning fireplaces.

The Spare the Air survey distinguishes among three general device types:

- Wood-burning fireplaces,
- Pellet stoves,
- Wood stoves and inserts.

Using this device population data, staff estimates that residential indoor wood burning contributes approximately 1,360 tons of PM_{2.5} emissions annually (or 3.7 tons per day on average). This represents about 14 percent of the region's total direct PM_{2.5} emissions from human-related sources. During peak winter months—December and January—emissions from wood burning can average nearly 11 tons per day, accounting for approximately one third of total anthropogenic PM_{2.5} emissions in the region during that time (Figure 3).

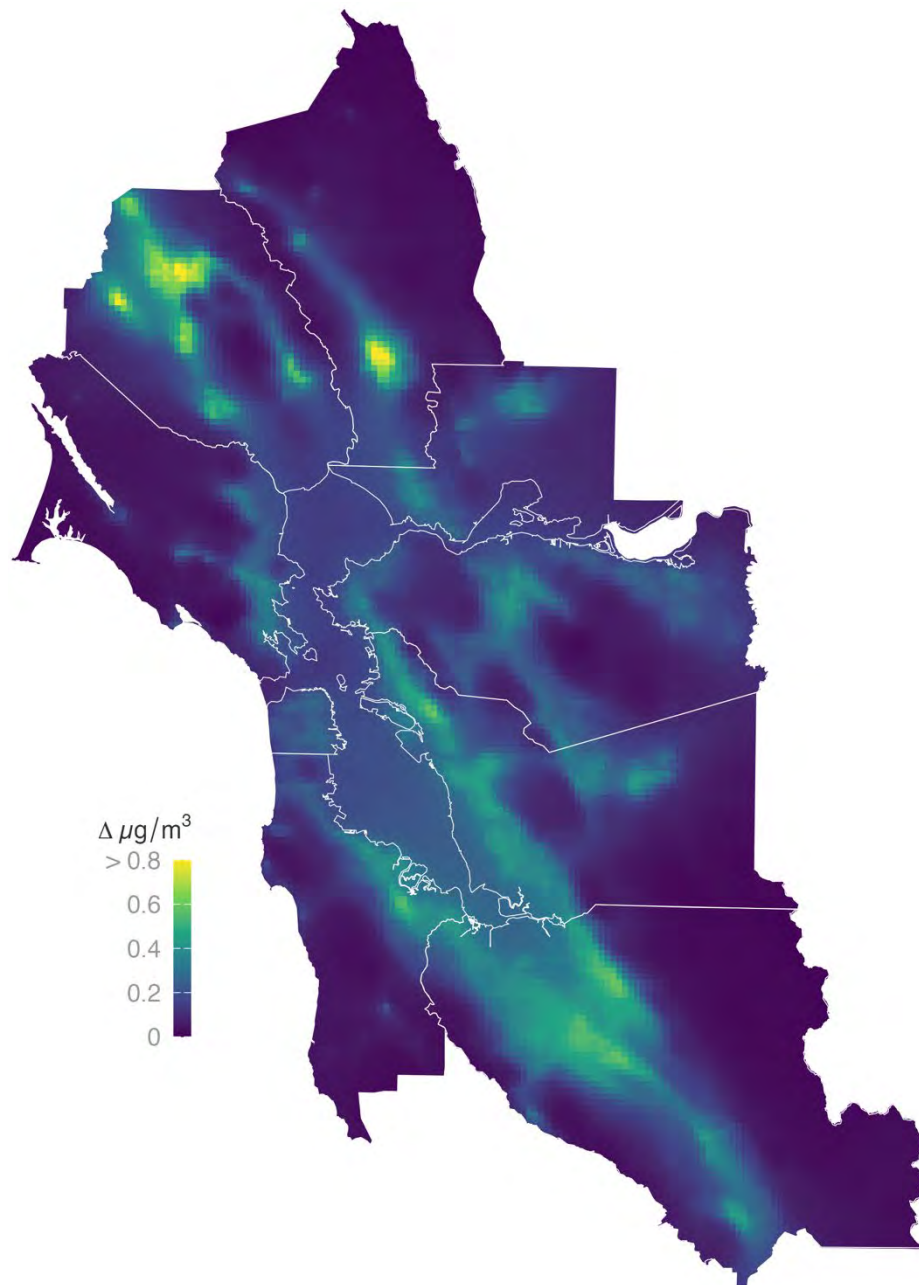
Figure 3. Bay Area PM_{2.5} Modeled Emissions for 2020. Left panel: Modeled PM_{2.5} emissions by source sector for an entire year. Right panel: Modeled PM_{2.5} emissions during peak wood-burning months (December and January).



In terms of geographic variability of emissions, there is wide variability in wood-burning activity across the Bay Area, and even within the same county. Urban areas such as San Francisco show the lowest emissions per capita, while higher emissions per capita are found in rural areas, particularly north of the Carquinez Strait, in counties such as Sonoma and Napa.

Modeled annual average PM_{2.5} contributions from residential wood burning varied from near zero to 0.85 µg/m³. The highest contributions (between 0.6 µg/m³ and 0.8 µg/m³) occur in Sonoma and Napa counties, especially around the cities of Santa Rosa, Sebastopol, Rohnert Park, and Napa. Areas with contributions between 0.5 and 0.6 µg/m³ include parts of Oakland, San Jose, and Redwood City (Figure 4).

Figure 4. Modeled contributions from residential wood burning to annual average PM_{2.5} concentrations across the Bay Area.



2. Estimating Health Impacts

To assess the broader health and exposure impacts of wood burning, Air District staff also conducted air quality modeling under two scenarios:

- A baseline scenario including current wood-burning emissions, and

- A control scenario with all indoor wood-burning emissions removed.³⁷

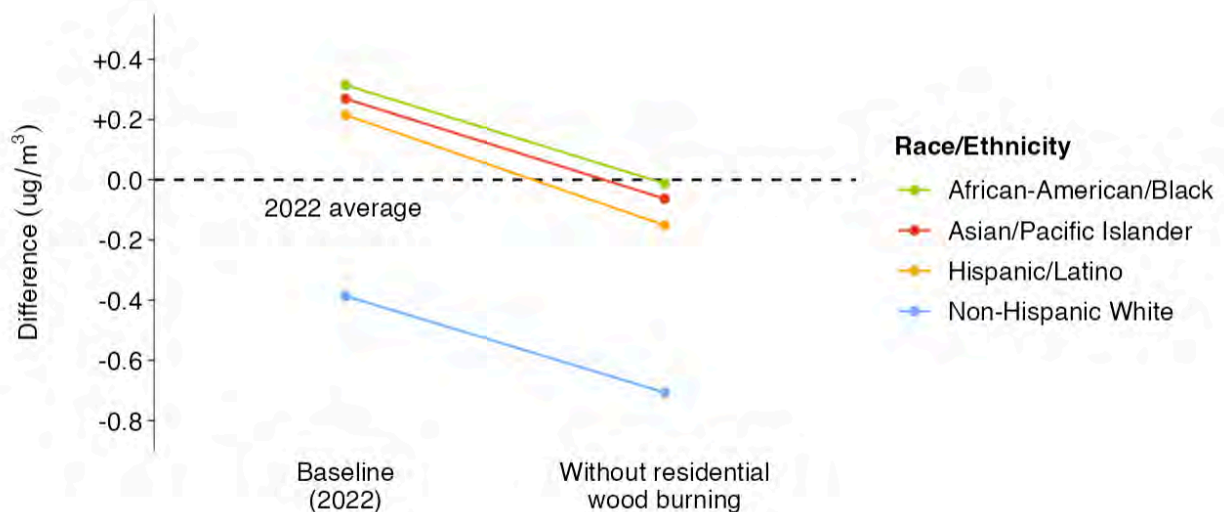
These simulations were run using one square kilometer resolution population data from 2020 and evaluated exposure across four racial/ethnic groups: Hispanic/Latino, non-Hispanic White, African-American/Black, and Asian/Pacific Islander.

In the baseline scenario, people of color were exposed to 0.6 to 0.7 $\mu\text{g}/\text{m}^3$ more $\text{PM}_{2.5}$ on average than non-Hispanic White residents (Figure 5, left side). This baseline exposure disparity results from the combination of all sources of $\text{PM}_{2.5}$ in the world as it exists today. This disparity remained essentially unchanged in the control scenario without wood burning, indicating that residential woodsmoke reductions alone would not significantly alter current exposure disparities (Figure 5, right side).

On average, removing wood-burning emissions would reduce annual $\text{PM}_{2.5}$ exposure by 0.34 $\mu\text{g}/\text{m}^3$ across the population, with similar benefits across all racial and ethnic groups. The disparity between the most-exposed group (African-American/Black) and the least-exposed (non-Hispanic White) would not change (0.7 $\mu\text{g}/\text{m}^3$).

Using the U.S. EPA's BenMAP model, staff estimated that 94 to 210 premature deaths per year are attributable to $\text{PM}_{2.5}$ from residential wood burning in the Bay Area. Additional information on health impact modeling can be found in the [Woodsmoke White Paper](#).

Figure 5. Differences in modeled annual average $\text{PM}_{2.5}$ exposures (annual average ambient concentrations, weighted by residential population).

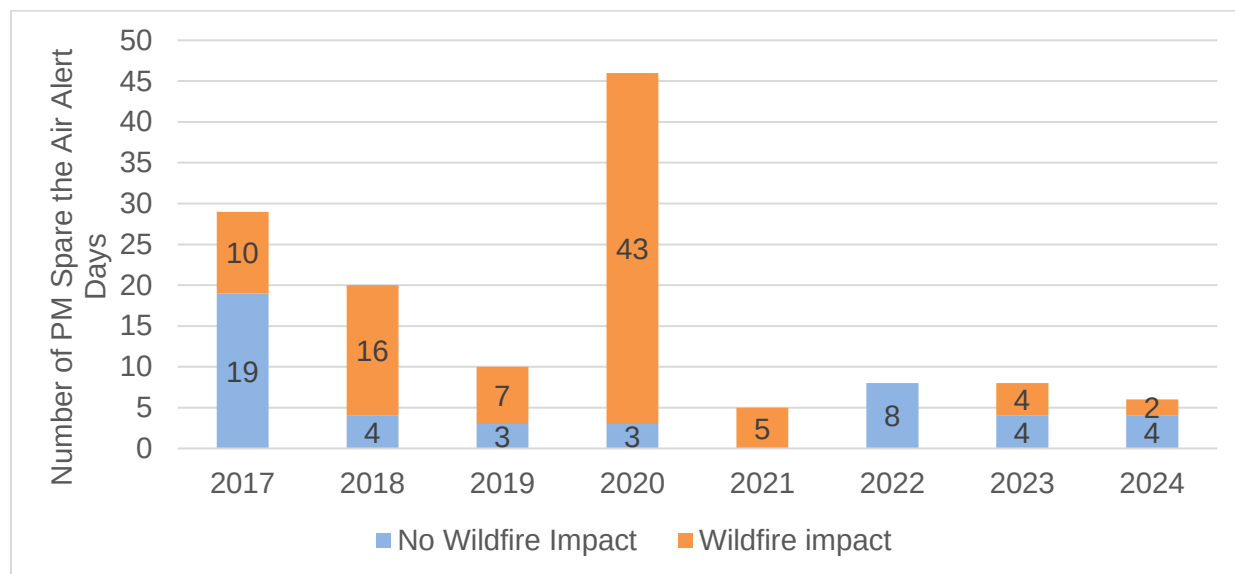


3. [Air Quality Monitoring and Spare the Air Alert Data](#)

Currently, Spare the Air Alerts for $\text{PM}_{2.5}$ are issued when the Air District forecasts that 24-hour average $\text{PM}_{2.5}$ concentrations will exceed 35 $\mu\text{g}/\text{m}^3$. However, in recent years, measured 24-hour average $\text{PM}_{2.5}$ concentrations have only exceeded 35 $\mu\text{g}/\text{m}^3$ on about two days per year outside of wildfire smoke periods (Figure 6). Some Spare the Air Alerts are called on days that do not ultimately exceed the threshold, due to forecast uncertainty.

³⁷ Wood-burning emissions from outdoor devices (which could not be adequately quantified), and wood-burning emissions originating outside the Air District's jurisdiction, were not removed.

Figure 6. Total number of particulate matter Spare the Air Alerts by year, categorized by days that were impacted by wildfire smoke (orange) and days that were not impacted by wildfire smoke (blue).



Days with PM_{2.5} concentrations above the proposed lower threshold of 25 µg/m³ were also relatively uncommon, with an average of about ten days per year. The San Jose – Jackson, San Jose – Knox, Vallejo, Oakland – West, Oakland – Laney, and San Pablo monitoring sites recorded more days with relatively higher levels of PM_{2.5} (24-hour averages above 25 µg/m³ or above 35 µg/m³) as compared to other monitoring sites (Table 4).

Table 4. Average annual number of days with 24-hour PM_{2.5} levels above different thresholds over five years (2018-2022) by monitoring site and across all sites. The values shown for ‘All sites’ are greater than for any individual monitoring site because different monitoring sites may record PM_{2.5} levels above a given threshold on different days.

Monitoring Site	Average annual number of non-fire days with 24-hr PM _{2.5} > 25 µg/m ³ (2018-2022)	Average annual number of non-fire days with 24-hr PM _{2.5} > 35 µg/m ³ (2018-2022)
Sebastopol	0.6	0
Napa	0.4	0
San Rafael	1.4	0.2
Vallejo	3.4	0.2
San Pablo	2.6	0.4
Concord	1.6	0.4
San Francisco	1.8	0.2
Berkeley	1	0
Oakland – West	3.2	0.2
Oakland – Laney	3.2	0.6
Oakland – East	1.2	0
Pleasanton	0.8	0
Livermore	1.2	0.2
Redwood City	0.7	0
San Jose – Jackson	5.4	0.8
San Jose – Knox	4.8	0.6
Gilroy	0	0
All Sites	9.8	1.8

Detailed Description: The values in the table above were calculated after removing days that may have been affected by wildfire and represent days when measured PM_{2.5} concentrations were estimated to be largely anthropogenic. Days above 35 µg/m³ now occur infrequently outside wildfire smoke periods (largely due to overall reductions in woodsmoke and other emissions that contribute to PM_{2.5} since the time the Rule was first implemented), with an average of only about two days per year across all monitors. Days with PM_{2.5} concentrations above a lower threshold of 25 µg/m³ were also relatively uncommon, with an average of about 10 days per year.

These data suggest that days triggering Spare the Air Alerts have become infrequent due to reductions in PM_{2.5} from wood burning and other sources since the Rule was first adopted. However, relying on the current threshold limits the Rule’s ability to address short-term spikes in woodsmoke.

Woodsmoke emissions are episodic and can result in sharp increases in PM_{2.5} concentrations over short time periods. While these daily peaks contribute to annual average concentrations, their localized and variable nature can make their health impacts less apparent in broader regional trends. Curtailment strategies targeting lower PM_{2.5} levels offer an opportunity to reduce exposure to these short-term peaks and contribute to reductions in long-term, cumulative exposure as well.

Recent updates to the federal annual PM_{2.5} NAAQS and the Air Quality Index (AQI) moderate category emphasize the health importance of reducing daily PM_{2.5} concentrations within the 9 to

35 µg/m³ range. These concentrations are commonly observed across all Bay Area monitoring sites and continue to present a public health concern.

Lowering the curtailment threshold would help reduce emissions on days with both moderate and elevated PM_{2.5} levels, providing health benefits associated with reductions in both short-term and long-term exposures.

B. Regulation 5

Any person seeking to conduct a prescribed burn must submit a smoke management plan and pay the applicable operation fee prior to burn ignition. These fees are established in Regulation 5, Section 411 (Open Burning Operation Fees), which refers to *Regulation 3: Fees*, Schedule V for specific amounts. For prescribed burns conducted under Section 401.15 (Prescribed Burning), the fee is determined based on the proposed acreage of the burn project:

- \$796 for projects of 50 acres or less
- \$1,079 for projects greater than 50 acres and up to 150 acres
- \$1,404 for projects greater than 150 acres

The prescribed burning operation fee is valid for the duration of the project approval period, as determined by the Air District.

Between 2022 and 2024, the Air District received 107 Smoke Management Plans for prescribed burns. Public agencies submitted the majority—approximately 75 percent—while private landowners and nonprofit organizations submitted a combined 18 percent (14 and 12 plans, respectively).

In 2018, the Governor directed state agencies to increase fuel reduction efforts—including prescribed burns, fuels treatment, and forest thinning—and encouraged regulatory agencies to support this statewide priority.³⁸ This directive was reinforced in 2022 when the California Wildfire and Forest Resilience Task Force released its *Strategic Plan for Expanding the Use of Beneficial Fire*, which aims to broaden the use of prescribed and cultural burning to improve forest and community resilience across the state.³⁹ On March 1, 2025, under Executive Order N-25-25, Governor Newsom proclaimed a State of Emergency in California because of the increased risk of wildfires statewide, specifically citing that the most-costly wildfires have occurred in the Wildland Urban Interface including recently the January 2025 firestorms in Los Angeles County.⁴⁰ The State of Emergency Proclamation was issued in order to expedite fuels reduction projects that protect communities and reduce severe risks of catastrophic wildfire.

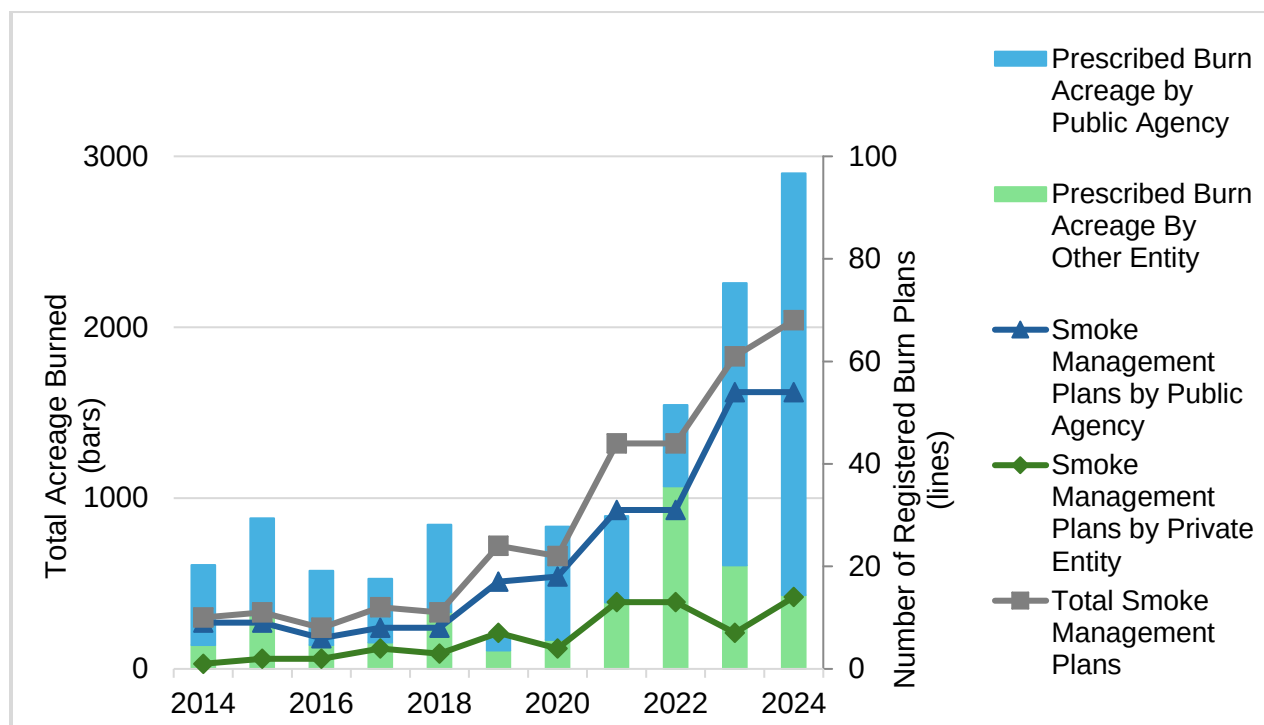
³⁸ Governor Brown issued [Executive Order B-52-18](#) in May 2018 to improve forest and community resilience to wildfire and other climate impacts. Available at: <https://archive.gov.ca.gov/archive/gov39/wp-content/uploads/2018/05/5.10.18-Forest-EO.pdf>

³⁹ California's Strategic Plan for Expanding the Use of Beneficial Fire. March 2022. Available at: <https://34c031f8-c9fd-4018-8c5a-4159cdf6b0d-cdn-endpoint.azureedge.net/-/media/calfire-website/what-we-do/natural-resource-management/prescribed-fire/california-strategic-plan-for-prescribed-fires.pdf?rev=e39597dc24ac4d6ba5fd3e4fa371cf3a>

⁴⁰ Executive Department of the State of California. 2025. Executive Order N-25-25, Wildfire Prevention Projects. March 1. Available at: <https://www.caloes.ca.gov/wp-content/uploads/Legal-Affairs/Documents/Proclamations/3.1.2025-fast-track-critical-wildfire-prevention-projects-statewide.pdf>.

In recent years, the Air District has observed a steady increase in both the number of Smoke Management Plans submitted and the total acreage burned through prescribed burning within the region (Figure 7). Strong collaboration with prescribed burners has supported a notable rise in activity throughout the Bay Area.

Figure 7. Acreage Burned and Smoke Management Plans for Prescribed Burns between 2014 and 2024.



Nonprofit organizations have long advocated for a prescribed burn fee exemption, including during the 2019 amendment to Regulation 5, when the current exemption for public agencies was established. At that time, the Air District committed to evaluating the potential impacts of extending the exemption to nonprofits in the future. These organizations play a key role in supporting wildfire mitigation by conducting prescribed burns in areas where public agency capacity may be limited. The current operational fee can pose a barrier to the flexibility needed to organize prescribed burn projects, particularly smaller-scale burns, where resource constraints and higher costs per acre can limit participation. Removing this fee is intended to reduce these barriers and enhance the ability of nonprofit and private partners to contribute to statewide fire management goals.

The proposed fee exemption for all prescribed burning is not expected to affect ignition authorizations or daily acreage allocations. These allocations are determined by forecasted atmospheric conditions, particularly wind patterns and vertical mixing. On days with favorable dispersion conditions, such as strong vertical mixing, full acreage allocations may be granted, while allocations may be reduced when conditions are only acceptable or marginal. From 2014 to 2024, approximately 67 percent of days were classified as permissive burn days. With continued coordination and careful planning, prescribed burning is expected to remain a viable and effective tool for wildfire mitigation in the Bay Area.

IV. PROPOSED RULE AMENDMENTS

Air District staff is presenting proposed amendments to Rule 6-3 and Regulation 5 in this Staff Report to achieve two distinct goals: (1) reducing woodsmoke exposure to support public health and (2) supporting wildfire risk mitigation efforts to reduce the threat of catastrophic wildfires and associated unhealthy exposure to woodsmoke. These proposed amendments include, for Rule 6-3, lowering the Mandatory Burn Ban threshold from 35 to 25 $\mu\text{g}/\text{m}^3$ and for Regulation 5, waiving fees for all persons conducting prescribed burns, expanding the existing exemption for public agencies. Additionally, staff proposes minor clarifications to Regulation 5 to improve implementation and the process for notification of burns for fire training. The details of these amendments are discussed below.

A. Proposed Amendments to Rule 6-3

Proposed amendments to Rule 6-3 are included in this report as Appendix A. The key changes are summarized below.

1. Mandatory Burn Ban (Rule 6-3, Section 211 and Section 301)

Currently, Rule 6-3 defines “Mandatory Burn Ban” as any period during which the Air District forecasts that air quality in the Bay Area will be unhealthy due to ambient levels of fine particulate matter exceeding 35 $\mu\text{g}/\text{m}^3$ averaged over a 24-hour period and burning wood or any solid fuels is illegal in the Bay Area. The definition also specifies that a Mandatory Burn Ban is announced through a Spare the Air Alert.

Air District staff proposes to amend Rule 6-3 by: 1) moving the Mandatory Burn Ban $\text{PM}_{2.5}$ concentration threshold from Section 6-3-211 to Section 6-3-301; 2) removing the term “unhealthy” from the definition of Mandatory Burn Ban in Section 6-3-211; and 3) lowering the Mandatory Burn Ban threshold in Section 6-3-301 from 35 $\mu\text{g}/\text{m}^3$ to 25 $\mu\text{g}/\text{m}^3$.

6-3-211 Mandatory Burn Ban: Any period so declared to the public by the APCO during which ~~the air quality is forecast by the District to be unhealthy due to ambient levels of particulate matter exceeding 35 $\mu\text{g}/\text{m}^3$ and~~ burning wood or any solid fuels is illegal within District boundaries in the Bay Area. A Mandatory Burn Ban is announced through a Spare the Air Alert.

6-3-301 Burning Prohibited During Mandatory Burn Ban: No person shall operate or combust wood or solid-fuel products in any wood-burning device during a Mandatory Burn Ban. A Mandatory Burn Ban is so declared by the APCO when forecasted ambient 24-hour average $\text{PM}_{2.5}$ concentration is expected to exceed 25 $\mu\text{g}/\text{m}^3$ for any area within District boundaries.

2. Administrative Emissions Rating Updates (Rule 6-3, Section 6-3-302 and 6-3-404.1)

Section 6-3-302 establishes requirements for wood heater manufacturers and retailers selling, supplying, or installing wood-burning devices within Air District boundaries. Sections 6-3-302.1 through 6-3-302.3 specify the applicable emissions rating requirements that have previously been updated to reflect U.S. EPA's adoption of more stringent standards. To streamline future implementation, staff proposes revising Section 6-3-302 to reference the most current emissions

standards in Title 40, Code of Federal Regulations, Part 60, Subpart AAA and remove references to specific emissions ratings. This change would eliminate the need for future rule amendments each time the EPA updates its emissions standards. Should the standards in Title 40, Code of Federal Regulations, Part 60, Subpart AAA change to be less protective, Staff will consider approaches that ensure local health protections are preserved.

- 6-3-302 Requirements for Wood Heater Manufacturers and Retailers:** No manufacturer or retailer shall advertise, sell, offer for sale or resale, supply, install or transfer a new or used wood-burning device intended for use within District boundaries unless the device meets or exceeds the applicable requirements ~~of in~~ Title 40 Code of Federal Regulations, Part 60, Subpart AAA, ~~which are as follows:~~
- ~~**302.1** Effective May 15, 2015, any wood heater that is manufactured must be certified to meet the 4.5 g/hr emissions rating specified in 40 C.F.R. § 60.532(a).~~
- ~~**302.2** Effective December 31, 2015, any wood heater that is sold at retail must be certified to meet the emissions rating of 4.5 g/hr as specified in 40 C.F.R. § 60.532(a).~~
- ~~**302.3** Effective May 15, 2020, any wood heater that is manufactured or sold at retail must meet an emissions rating of 2.5 g/hr if crib tested, or 2.0 g/hr if cordwood tested, as specified in 40 C.F.R. § 60.532(b) and (c).~~

Section 6-3-404 sets eligibility for registration of EPA-Certified wood heaters seeking to claim the sole source of heat exemption in Section 6-3-110. Staff proposes updating the performance emission standard of 7.5 g/hr in Section 6-3-404.1 to meet the performance and emission standards set forth in Title 40 Code of Federal Regulations, Part 60, Subpart AAA in effect at the time of registration of the EPA-Certified wood heater.

- 6-3-404 Registration of EPA Certified Wood Heaters:** Effective November 1, 2016, any person seeking to claim the exemption provided in Section 6-3-110 must have previously registered their EPA certified wood heater in the District's registration program and must maintain documentation that the device is operated according to manufacturer's specifications. The following wood heaters are eligible to be registered:
- 404.1** Wood heaters that are EPA Certified to meet performance and emission standards set forth in Title 40 Code of Federal Regulations (CFR), Part 60, Subpart AAA in effect at the time of registration of 7.5 g/hr or less.
- 404.2** A pellet-fueled wood heater exempt from EPA certification requirements pursuant to the requirements in Title 40 Code of Federal Regulations (CFR), Part 60, Subpart AAA at time of purchase or installation.

3. Removal of Obsolete Effective Dates (Rule 6-3, Sections 6-3-110, 111, 303, 304, 305, 306, 307, 308, and 404)

Several provisions in Rule 6-3 include effective dates that were established as part of the 2015 amendments. These dates applied to updates such as revisions to the Sole Source of Heat exemption and requirements related to the sale, resale, transfer, or installation of wood-burning devices. Additional provisions adopted in 2015 included exemptions for non-functional heaters, disclosure requirements for real property transactions, heating standards for rental properties, and requirements for new building construction and fireplace or chimney remodeling. As all relevant effective dates have now passed, the proposed amendments would remove these obsolete references to improve clarity and streamline rule language.

- 6-3-110 Limited Exemption, Sole Source of Heat:** ~~Until October 31, 2016, the requirements of Section 6-3-301 shall not apply to any person whose sole source of heat is a wood-burning device.~~

~~110.1 Effective November 1, 2016, t~~The requirements of Section 6-3-301 shall not apply to any person whose sole source of heat is an EPA certified wood-burning device that is registered with the District per the requirements of Sections 6-3-404 and 405 and who does not have available to them a permanently-installed natural gas, propane or electric heating device. Qualification for exemption is subject to verification.

~~110.21 Effective November 1, 2018, r~~Rental properties subject to Section 6-3-305 located in areas with natural gas service do not ~~longer~~ qualify for this exemption ~~in Section 6-3-110.1.~~

- 6-3-111 Limited Exemption, Non-functional, Permanently Installed Heater:** ~~Effective November 1, 2015, t~~The requirement of Section 6-3-301 shall not apply to any person whose only non-wood-burning, permanently-installed source of heat is non-functional and requires repair to resume operation. A dwelling may qualify for a 30-day exemption if there is no alternate form of heat and the non-functional heater is repaired to resume function within 30 days. Qualification for this exemption is subject to verification and must be supported by documentation of repair, which must be submitted to the District within 10 days of a receipt of a request for such records.
- 6-3-303 Sale, Resale, Transfer or Installation of Wood-Burning Devices:** ~~Effective December 1, 2015, n~~No person shall advertise, sell, offer for sale or resale, supply, install or transfer a new or used wood-burning device intended for use within District boundaries unless the device meets or exceeds the applicable requirements ~~of in~~ Title 40 Code of Federal Regulations, Part 60, Subpart AAA. This requirement does not apply if a wood-burning device is an installed fixture included in the sale or transfer of any real property.
- 6-3-304 Disclosure Requirements for Real Property:** ~~Effective June 1, 2016, a~~Any person selling, renting or leasing real property shall provide sale or rental disclosure documents that describe the health hazards of PM_{2.5} from burning wood or any solid fuel as a source of heat. Disclosure documents must disclose PM_{2.5} health hazards in accordance with guidance made available on the District's website.
- 6-3-305 Requirements for Rental Properties:** ~~Effective November 1, 2018, a~~All real property offered for lease or rent in areas with natural gas service shall have a permanently-installed form of heat that does not burn solid fuel.
- 6-3-306 Requirements for New Building Construction:** ~~Effective November 1, 2016, n~~No person or builder shall install a wood-burning device in a new building construction.
- 6-3-307 Requirements for Remodeling a Fireplace or Chimney:** ~~Effective November 1, 2016, n~~No person shall remodel a fireplace or chimney unless a gas-fueled, electric, or EPA certified device is installed that meets applicable requirements in Title 40 Code of Federal Regulations, Part 60, Subpart AAA. This requirement is triggered by a fireplace or chimney remodel where a total cost exceeds \$15,000 and requires a local building permit. The total cost excludes the cost of a building permit.
- 6-3-308 Visible Emissions Limitation:** ~~Effective November 1, 2015, n~~No person shall cause or allow a visible emission from any wood-burning device in any building or structure that exceeds No. 1 on the Ringelmann Chart or 20 percent opacity for a period or periods aggregating more than 3 minutes in any hour. Visible emissions from the startup of a new fire shall not be subject to this provision for a period not to exceed twenty consecutive minutes, and not more than once in any ~~consecutive~~ four-hour period ~~are not subject to this provision.~~
- 6-3-404 Registration of EPA Certified Wood Heaters:** ~~Effective November 1, 2016, a~~Any person seeking to claim the exemption provided in Section 6-3-110 must have previously registered their EPA certified wood heater in the District's registration program and must maintain

documentation that the device is operated according to manufacturer's specifications. The following wood heaters are eligible to be registered:

4. Applicability (Rule 6-3, Section 6-3-102)

Section 6-3-102 is proposed to clarify the applicability of Rule 6-3. This section specifies that the rule applies to:

- Any person who owns or operates a wood-burning device within the Air District, as defined in Section 6-3-229;
- Wood heater manufacturers and retailers;
- Any person who advertises, sells, offers for sale or resale, supplies, installs, or transfers a new or used wood-burning device;
- Any person selling, renting, or leasing real property;
- Any person or builder constructing new buildings; and
- Any person who sells, offers for sale, or supplies any wood intended for use in a wood-burning device.

This addition is intended to improve clarity regarding the scope of the rule and whom it regulates.

6-3-102 Applicability: This Rule applies to:

102.1 Any person who owns or operates any wood-burning device for use within the District as defined in Section 6-3-229.

102.2 Wood heater manufacturers and retailers.

102.3 Any person who advertises, sells, offers for sale or resale, supplies, installs or transfers a new or used wood-burning device.

102.4 Any person selling, renting or leasing real property.

102.5 Any person or builder building new construction, or

102.6 Any person who sells, offers for sale, or supplies any wood intended for use in a wood-burning device.

5. Clean-up of Definitions (Rule 6-3, Section 200)

Staff proposes revisions to streamline and improve consistency in the definitions section of Rule 6-3. Two unused definitions—"Uncertified Wood Heater" and "Visible Emissions"—are proposed for removal. Several existing definitions have been revised to align with terms defined in *Regulation 6: Particulate Matter – Common Definitions and Test Methods*. These include "Particulate Matter (PM)", "PM_{2.5}", and "Ringelmann Chart", which have been edited for consistency and now reference their definitions in Regulation 6. As a result of these changes, subsequent definitions in Section 200 have been renumbered accordingly.

6-3-216 **Particulate Matter (PM):** As defined in Regulation 6, Section 6-206 – Any material that is emitted as liquid or solid particles, or as gaseous material that becomes liquid or solid particles at the testing temperatures specified in the source test method, excluding uncombined water vapor, water mist or steam.

6-3-217 **PM_{2.5}:** ~~PM_{2.5} has an aerodynamic diameter equal to or less than 2.5 microns.~~ As defined in Regulation 6, Section 6-206.3 – Particulate matter with an aerodynamic diameter equal to 2.5 microns or less, including both filterable solid or liquid particles with a diameter of 2.5 microns or less, and gaseous emissions that condense to form such particles at ambient temperatures. These liquid and/or solid particles are identified using EPA Test Method 201A and 202. If necessary, alternate approved test methods may be used as described in Regulation 2-1-603.

- 6-3-221 Ringelmann Chart:** ~~A numerical ranking system whereby graduated shades of gray varying by five equal steps between white and black are visually compared to the density of smoke. The chart, as distributed by the United States Bureau of Mines, provides the graduated shades 1, 2, 3, 4 and 5, which are known as Ringelmann No. 1, 2, 3, 4 and 5, respectively. The system is used in determining whether emissions of smoke are within limits or standards of opacity. As defined in Regulation 6, Section 6-207 – The chart used to measure opacity published by the United States Bureau of Mines.~~
- ~~**6-3-226 Uncertified Wood Heater:** A wood heater that is not certified by the U.S. EPA to meet requirements in Title 40 Code of Federal Regulations, Part 60, Subpart AAA.~~
- ~~**6-3-227 Visible Emissions:** Emissions which are visually perceived by an observer. Restrictions on visible emissions in District regulations are expressed as numbers on the Ringelmann Chart, as published by the United States Bureau of Mines.~~
- 6-3-228⁶ Wood Heater:** An enclosed wood-burning device capable of and intended for space heating such as a wood stove, pellet-fueled wood heater, or wood-burning fireplace insert. [\[Formerly Section 6-3-228\]](#)
- 6-3-229⁷ Wood-burning Device:** Any wood heater, fireplace, or any indoor permanently installed device used to burn any solid fuel for space-heating or aesthetic purposes. [\[Formerly Section 6-3-229\]](#)

6. Visible Emissions Limitation (Rule 6-3, Section 6-3-308)

Staff proposes revisions to the visible emissions limitation standard to improve clarity. Section 6-3-308 includes an exception for visible emissions that occur during the startup of a new fire. The proposed amendments clarify the language to better reflect the intent of this provision and ensure consistent interpretation.

- 6-3-308 Visible Emissions Limitation:** ~~Effective November 1, 2015, n~~No person shall cause or allow a visible emission from any wood-burning device in any building or structure that exceeds No. 1 on the Ringelmann Chart or 20 percent opacity for a period or periods aggregating more than 3 minutes in any hour. Visible emissions from the startup of a new fire [shall not be subject to this provision](#) for a period not to exceed twenty consecutive minutes, [and not more than once](#) in any ~~consecutive~~ four-hour period ~~are not subject to this provision~~.

B. Proposed Amendments to Regulation 5

Proposed amendments to Regulation 5 are included in this report as Appendix B. The key changes are summarized below.

1. Prescribed Burning Limited Exemption (Reg 5, Section 5-113 and Section 5-401.15)

Currently, Regulation 5 includes a limited exemption in Section 5-113 that waives operational fees for prescribed burns conducted by public agencies for the purpose of wildfire prevention, subject to Air District approval. The proposed amendment would expand this exemption to apply to all prescribed burns, regardless of the person performing the burn. To improve clarity, the exemption would be renamed from “Wildfire Prevention” to “Prescribed Burning” and would reference the

definition of “Prescribed Burning” provided in Section 5-219. Additionally, the requirement about requesting the exemption would be removed, as it does not reflect current implementation practices of submittal of smoke management plans. For consistency with the expanded exemption, a reference to prescribed burning by a public agency in Section 5-401.15 would also be removed.

5-113 Limited Exemption, ~~Public Agency Wildfire Prevention~~ Prescribed Burning: Any ~~public agency person~~ conducting a prescribed burn ~~as defined in Section 5-219 for the purpose of wildfire prevention~~, pursuant to a smoke management plan approved by the APCO, is exempt from the operation fees requirement of Section 5-411. ~~A public agency seeking to rely on this exemption shall request that it be applicable upon submittal of the smoke management plan required by Section 5-401.15.~~

5-401 Allowable Fires: The following fires may be allowed on permissive burn days:

401.15 Wildland Vegetation Management (Prescribed Burning): The planned, controlled application of fire to vegetation to achieve a specific natural resource management objective(s) on land areas selected in advance of that application. ~~Prescribed burning by a public agency, or through a cooperative agreement or contract involving a public agency.~~ Any prescribed burning shall comply with the requirements of Section 5-408 and receive written approval of the smoke management plan by the APCO prior to any burn and comply with the smoke management plan during the burn. Prescribed burns are permissible year-round. Fires may only be conducted on a permissive burn day.

2. Fire Training (Reg 5, Section 5-401.7)

To reduce barriers to the instruction of firefighting methods, Air District staff proposes reducing advance notice requirements for fire training burns. For burns conducted on non-permissive burn days, the required notice would be shortened from two weeks to three working days. Similarly, for burns conducted outside of designated burn hours, notice would be reduced from seven calendar days to three working days.

5-401 Allowable Fires: The following fires may be allowed on permissive burn days:

401.7 Fire Training: Fires set for the exclusive purpose of instruction of either public or industrial employees in fire fighting methods. The fire must be set or allowed by the public fire official having jurisdiction, in the performance of official duty, and must be, in the opinion of the public fire official~~his opinion~~, necessary. Notwithstanding contrary provisions of Section 5-111, a fire fighting agency may set one fire per quarter calendar year for the purpose of training volunteer or seasonal fire fighters. This may be done on a day other than a permissive burn day if the APCO is notified in writing ~~or facsimile~~ at least three working days~~two weeks~~ in advance. Fires may be conducted outside of the burn hour limits in subsections 5-111.1 and 111.2 if the APCO is notified in writing ~~or facsimile~~ at least three~~seven~~ working~~calendar~~ days in advance. Prior reporting pursuant to Section 5-406 must also be made to the APCO for other fire training by the person setting the fire.

3. Definitions (Reg 5, Section 5-200)

To improve clarity and readability, Air District staff proposes to reorganize the definitions in Section 5-200 into alphabetical order. In addition, the following definitions were added for clarity:

- **Calendar Day:** “Consecutive days that include every day on the calendar, including weekends and holidays.”

- **Liquefied Petroleum Gas (LPG):** “A compressed fuel gas composed of one or more of the following flammable hydrocarbons: propane, n-butane, isobutane, propylene, and butylenes.”
- **Open Burning:** “The ignition and combustion of any material in an outdoor environment where the products of combustion are emitted directly into the atmosphere.”
- **Person:** “As defined in Regulation 1, Section 1-221 – Any natural person, corporation, government agency, public officer, association, joint venture, partnership or any combination of such or such entities as are included in Section 39047, California Health and Safety Code.”
- **Working Day:** “Any day the Air District is open for business. The Air District operates Monday through Friday, excluding weekends and holidays.”

Any definitions in Regulation 5 that are also defined in *Regulation 1: General Provisions & Definitions* have been clarified by referencing Regulation 1 at the beginning of the definition.

Due to the length of the revised Definitions section and the extent of reordering and formatting updates, the full proposed amendments are not reproduced here. Please refer to Appendix B for the complete rule language.

The definition of “Mandatory Burn Ban” in Regulation 5 has been revised to align with the corresponding definition in Rule 6-3. Additionally, a reference to the Rule 6-3 definition has been added to the Mandatory Burn Ban for Recreational Fires provision in Section 5-302.

- 5-223** ~~**Mandatory Burn Ban:** Any period so declared to the public by the APCO when negative impact upon public health is anticipated from burning, as defined in Regulation 6, Rule 3: Wood-Burning Devices, Section 6-3-211.~~
- 5-214** **Mandatory Burn Ban:** Any period so declared to the public by the APCO during which burning wood or any solid fuels is illegal within District boundaries, as defined in Regulation 6, Rule 3: Wood-Burning Devices, Section 6-3-211. [Formerly Section 5-223]
- 5-302** **Mandatory Burn Ban for Recreational Fires:** No person shall ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any recreational fires during Mandatory Burn Ban periods, as defined in Regulation 6, Rule 3: Wood-Burning Devices, Section 6-3-301.

4. Prior Open Burn Notification (Reg 5, Section 5-406)

Currently, Section 5-406, titled “Prior District Notification,” outlines the notification requirements for certain allowable fire types that must use the Open Burn Notification Form available on the Air District’s website. Other allowable fire types may satisfy notification requirements through the submittal of a Smoke Management Plan or other forms of notification, such as burn petitions. To improve clarity and align with terminology commonly used in implementation, the proposed amendments would rename Section 5-406 to “Prior Open Burn Notification.” This change is intended to reduce confusion and make clear that these fire types are subject to the prior notification requirements through the Open Burn Notification Form on the Air District’s website.

- 5-406** **Prior ~~District~~ Open Burn Notification;** Disease and Pest, Crop Replacement, Orchard Pruning and Attrition, Double Cropping Stubble, Forest Management, Flood Debris, Fire Training, Flood Control, Irrigation Ditches, Range Management, Hazardous Material, and Contraband: The person setting the fire shall provide electronic, typewritten, legibly

handwritten, or computer printed notification to the District prior to the burn on a District-approved form ~~or facsimile thereof~~...

- 5-411 Open Burning Operation Fees:** The Open Burning Operation Fees contained in Regulation 3, Schedule V shall be paid prior to burning by any person subject to the requirements of (1) Section 5-406 Prior ~~District~~ Open Burn Notification; (2) Section 5-401.13 Marsh Management; (3) Section 5-401.15 Wildland Vegetation Management (Prescribed Burning); (4) Section 5-401.16 Filmmaking or Section 5-401.17 Public Exhibition; or (5) the acreage burning allocation pursuant to Section 5-401.5 Stubble.

5. Wildland Vegetation Management (Prescribed Burning) Burn Requirements (Reg 5, Section 5-401.1)

Section 5-408.1i currently requires that a submitted smoke management plan include certification by a qualified resource ecologist, biologist, or forester confirming that the proposed burning is necessary to meet specific management objectives. The proposed amendment removes the reference to those specific professions to broaden eligibility and better reflect the range of qualified professionals who conduct prescribed burns. This change ensures that the rule remains inclusive of current practices.

- 5-408 Wildland Vegetation Management (Prescribed Burning) Burn Requirements:** Any person who seeks to conduct or conducts prescribed burning subject to Section 5-401.15 shall comply with the following requirements:
- 408.1 Submit a smoke management plan to the APCO for review at least 30 calendar days prior to the proposed burning that is consistent with the most current USEPA guidance on wildland and prescribed fires (*Interim Air Quality Policy on Wildland and Prescribed Fires*, USEPA 1998, or any subsequent document that supersedes this document), and provides the following information:
- a. location and specific objectives of each proposed burn;
 - b. acreage, tonnage, type, and arrangement of vegetation to be burned;
 - c. directions and distances to nearby sensitive receptor areas;
 - d. fuel condition, combustion and meteorological prescription elements for the project;
 - e. projected burn schedule and expected duration of project ignition, combustion, and burn down (hours or days);
 - f. specifications for monitoring and of verifying critical parameters including meteorological conditions and smoke behavior before and during the burn;
 - g. specifications for disseminating project information to public;
 - h. contingency actions that will be taken during the burn to reduce exposure if smoke intrusions impact any sensitive receptor area;
 - i. certification by a qualified professional ~~resource ecologist, biologist, or forester~~ that the proposed burning is necessary to achieve the specific management objective(s) of the plan;

6. Applicability (Reg 5, Section 5-102)

Section 5-102 is proposed to clarify the applicability of Regulation 5. This section states that the regulation applies to any person who ignites, causes to be ignited, permits to be ignited, or otherwise allows or maintains any open burning within the District. This addition is intended to improve clarity regarding the individuals and activities subject to the regulation.

V. EMISSIONS REDUCTIONS

This section discusses the estimated changes in emissions due to the proposed amendments.

A. Rule 6-3

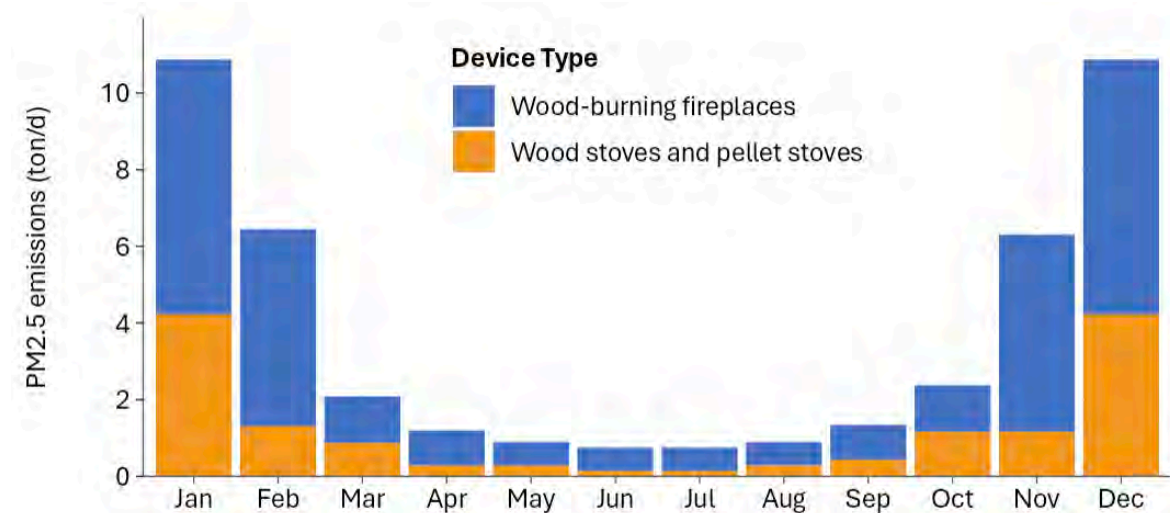
The following section describes the emissions and expected emission reductions associated with the proposed amendments to Rule 6-3.

1. Emissions Context

As detailed in the Technical Review section above, staff estimates that residential wood-burning devices in the Bay Area directly emit approximately 1,360 tons of PM_{2.5} annually, or an average of 3.7 tons per day. These emissions account for 14 percent of the Bay Area's total direct PM_{2.5} emissions from anthropogenic (human-caused) sources (Figure 3).

Emissions from residential wood burning vary significantly by season. In colder months, particularly December and January, average daily emissions may reach up to 11 tons of PM_{2.5} per day (Figure 8). During these peak colder months, wood-burning emissions may account for nearly one-third of total fine particulate matter emissions in the region.

Figure 8. Modeled monthly distribution of wood-burning emissions in the Bay Area.



2. Emissions Reductions

Estimated emissions reductions associated with the proposed amendments to Rule 6-3 are based on the following methodology:

1. Estimate the annual additional number of burn curtailment days resulting from the proposed reduction in the curtailment threshold to 25 µg/m³ using historical data.

2. Allocate the estimated annual increase in curtailment days across months.
3. Calculate potential monthly PM_{2.5} emissions reductions by multiplying the number of additional curtailment days per month by the corresponding monthly average daily emission rate.
4. Derive annual average emissions reductions from the total monthly reductions and calculate average winter daily reductions using November through February data.

Table 5 presents the estimated increase in wood-burning curtailment days under the proposed curtailment threshold of 25 µg/m³. The estimates are based on historical data, calculated by identifying the number of days in past years when any air monitoring site recorded PM_{2.5} concentrations above the proposed threshold and comparing that total to the number of Spare the Air Alerts issued under the current threshold. To account for uncertainty in air quality forecasts and the variability of meteorological conditions that influence curtailment decisions, staff estimated a range of potential curtailment days based on modeled forecast scenarios that could trigger a burn ban.

Table 5. The first two columns show the number of particulate matter Spare the Air Alerts per year in the last five years at current and proposed curtailment thresholds. The proposed threshold presents a range to account for air quality forecast uncertainty and conservative assumptions about when PM_{2.5} concentrations may exceed the curtailment threshold. The last column shows the range in the number of estimated additional curtailment days for the proposed threshold.⁴¹

Year	Number of Spare the Air Alerts Using:		Estimated Additional Curtailment Days for the Proposed Threshold (25 µg/m ³)
	Current Threshold (35 µg/m ³)	Proposed Threshold (25 µg/m ³)	
2020	46	46 – 69	0 – 23
2021	5	14 – 43	9 – 38
2022	8	18 – 45	10 – 37
2023	8	11 – 23	3 – 15
2024	6	7 – 23	1 – 17
Average*	15	19 – 41	5 – 26

**Rounded to the nearest day*

Based on PM_{2.5} data from 2020 to 2024, lowering the curtailment threshold from 35 to 25 µg/m³ would lead to an estimated 5 to 26 additional curtailment days per year—an increase of approximately 1.3 to 2.8 times the current average—bringing the expected total to 19 to 41

⁴¹ The range of potential additional curtailment days and corresponding emissions reductions presented in this report is based on a lower-bound estimate using the proposed 24-hour average PM_{2.5} threshold of 25 µg/m³ and an upper-bound estimate using a more conservative threshold of 20 µg/m³. This range reflects uncertainty in air quality forecasts and the variability of meteorological conditions that influence curtailment decisions.

curtailment days annually. The range reflects uncertainty in air quality forecasts and variability in meteorological conditions, not all of which are predictable at the time curtailment decisions are made. These estimates include 2020, a year with unusually high PM_{2.5} levels due to widespread wildfire smoke, meaning the estimates may be biased from more common conditions. The estimates reflect all elevated PM_{2.5} days throughout the year, including those influenced by wildfires and other sources outside the Air District's jurisdiction. It is important to note that these additional curtailment days apply only to residential wood burning regulated under Rule 6-3. The operational threshold for declaring No Burn Days for outdoor open burning under Regulation 5 remains unchanged. As a result, the number of permissive burn days for prescribed burning will not be affected by the proposed amendments.

When using the less conservative lower-bound estimate, all additional curtailment days are projected to occur during the winter months. Under the more conservative upper-bound estimate, approximately 64 percent of additional curtailment days are expected to occur in winter. This highlights the influence of wildfire smoke and other PM sources during non-winter months, particularly at lower PM_{2.5} levels. Nonetheless, across the entire estimated range, most additional curtailment days are concentrated in winter.

Non-wildfire high PM_{2.5} days typically occur during the winter, when atmospheric conditions trap pollution near the ground and the relative contribution of residential wood burning to total PM_{2.5} levels is highest. This trend is illustrated in Figure 1, where all non-wildfire days among the top 30 highest daily (24-hour) PM_{2.5} concentrations at Air District monitoring sites between 2020 and 2024 occurred during winter months.

If residential wood burning were entirely curtailed on these additional days, staff estimates potential PM_{2.5} emission reductions of 43 to 155 tons per year, and 0.36 to 1.19 tons per winter day. These figures represent maximum potential reductions and do not account for rule non-compliance. Survey data suggest that winter Spare the Air Alerts reach roughly 50 percent of wood-burning households, which may serve as an upper bound for actual rule effectiveness.

B. Regulation 5

In 2018, the Governor directed state agencies to expand the number of fuel reduction projects—such as prescribed burns, fuels treatment, and forest thinning—and encouraged regulatory agencies to support this statewide priority.⁴² This directive was reinforced by the California Wildfire and Forest Resilience Task Force, a collaborative body of federal, state, and local agencies, tribes, tribal entities, and nongovernmental organizations. The Task Force issued a *Strategic Plan for Expanding the Use of Beneficial Fire*, which promotes the broader use of prescribed fire and cultural burning to strengthen forest and community resilience—efforts that are critical to effective forest management and wildfire risk reduction.⁴³

⁴² Governor Brown issued [Executive Order B-52-18](https://archive.gov.ca.gov/archive/gov39/wp-content/uploads/2018/05/5.10.18-Forest-EO.pdf) in May 2018 to improve forest and community resilience to wildfire and other climate impacts. Available at: <https://archive.gov.ca.gov/archive/gov39/wp-content/uploads/2018/05/5.10.18-Forest-EO.pdf>

⁴³ California's Strategic Plan for Expanding the Use of Beneficial Fire. March 2022. Available at: <https://34c031f8-c9fd-4018-8c5a-4159cdf6b0d-cdn-endpoint.azureedge.net/-/media/calfire-website/what-we-do/natural-resource-management/prescribed-fire/california-strategic-plan-for-prescribed-fires.pdf?rev=e39597dc24ac4d6ba5fd3e4fa371cf3a>

On March 1, 2025, Governor Newsom issued Executive Order N-25-25, proclaiming a State of Emergency in response to the increasing risk of catastrophic wildfires across California. The proclamation specifically cited that the state's most damaging and costly wildfires have occurred in the wildland-urban interface, including the January 2025 firestorms in Los Angeles County.⁴⁴ The emergency declaration is intended to accelerate fuels reduction projects that protect communities and mitigate the growing threat of severe wildfires.

The Air District has observed an increase in the number of submitted Smoke Management Plans and the total acreage burned in the region in recent years (see Figure 7 in the Technical Review section). This trend is expected to continue as fuel reduction efforts expand across California. While the proposed amendment to extend the prescribed burning operation fee exemption to all entities conducting prescribed burns may improve access and streamline implementation, it is not expected to increase the number of prescribed burns or directly affect PM_{2.5} emissions. Based on discussions with Bay Area stakeholders involved in prescribed burning, the Air District expects the volume of prescribed burns to rise regardless of the proposed fee exemption.

Prescribed burning is one of the 17 allowable fire types, and accounts for only a small fraction of the total PM_{2.5} emissions from open burning. While controlled burns do emit PM_{2.5}, they are conducted under carefully managed conditions and can reduce the long-term risk of severe wildfire smoke events by lowering available fuel loads. However, emissions reductions from avoided wildfires are difficult to quantify due to the unpredictable nature of wildfires and the lack of a clear emissions baseline for comparison.

VI. ECONOMIC IMPACTS

This section discusses the estimated costs and economic impacts associated with the proposed amendments.

A. Cost Effectiveness and Incremental Cost Effectiveness

Cost-effectiveness refers to an evaluation of the relative cost of compliance compared to the expected benefits of a proposed regulatory change, such as emissions reductions. For the proposed amendments to Rule 6-3, the anticipated increase in burn curtailment days is expected to result in minimal cost impacts to affected households. Cost-effective alternatives to wood burning—such as natural gas or electric heating—are widely available and more effective for heating, and existing exemptions for households that rely on wood-burning devices as their sole source of heat would remain unchanged. No additional cost impacts are anticipated for the general public, as most residential wood burning is conducted for recreational or aesthetic purposes and not for heating needs.

A cost-effectiveness analysis was not conducted for the proposed Regulation 5 amendment, as the amendment would remove an existing fee rather than impose new compliance requirements.

⁴⁴ Executive Department of the State of California. 2025. Executive Order N-25-25, Wildfire Prevention Projects. March 1. Available at: <https://www.caloes.ca.gov/wp-content/uploads/Legal-Affairs/Documents/Proclamations/3.1.2025-fast-track-critical-wildfire-prevention-projects-statewide.pdf>.

Section 40920.6 of the California Health and Safety Code requires an air district to perform an incremental cost analysis for a proposed rule, if the purpose of the rule is to meet the requirement for best available retrofit control technology or for a feasible measure. The proposed amendments are not best available retrofit control technology requirements, nor are they a feasible measure required under the California Clean Air Act; therefore, an incremental cost analysis is not required.

B. Socioeconomic Impacts

Section 40728.5 of the California Health and Safety Code requires an air district to assess the socioeconomic impacts of the adoption, amendment, or repeal of a rule if the rule is one that “will significantly affect air quality or emissions limitations.” Eastern Research Group, Inc. has conducted a separate socioeconomic analysis of the proposed amendments to Rule 6-3 and Reg 5.

The proposed amendments to Rule 6-3 would increase the number of burn curtailment days and could have economic implications for certain households and businesses. The socioeconomic analysis conducted by Eastern Research Group, Inc. concluded that the amendments are not expected to result in significant impacts to the Bay Area economy overall. Potential compliance costs to households are not significant—estimated at less than 0.1 percent of household income, even when assuming income levels in the lowest regional quintile.

Among businesses, only firewood suppliers have the potential to experience notable impacts. While many retailers sell firewood or manufactured logs as a small portion of their business, ERG identified dedicated firewood suppliers—typically small businesses—as the most affected. These businesses could see a reduction in annual revenue of approximately two to seven percent. However, actual impacts may vary depending on the nature of the business. Part-time or seasonal operations, or those associated with other services (e.g., tree care), may be less affected than businesses relying on firewood sales as a primary source of income. The full analysis report is included as Appendix C.

The proposed amendments to Regulation 5 remove an operation fee. The socioeconomic analysis of Reg 5 concluded that there is no significant impact on affected entities, small businesses, or the regional economy from the proposed amendments. The full analysis report is included as Appendix D.

C. Air District Impacts

This section outlines the anticipated impacts to Air District operations and resources resulting from the proposed amendments to Rule 6-3 and Regulation 5.

1. Rule 6-3

The proposed amendments to Rule 6-3 are expected to require expanded public outreach to effectively communicate changes to the Rule and to the Spare the Air program. An increase in the number of Spare the Air Alerts will increase operational and staffing costs. The Air District anticipates the need for increased budget allocations to support additional public notifications, including contract amendments and expanded media efforts. Estimated additional costs for public notification contracts range from \$25,000 to \$50,000 per year. Additional budget considerations include overtime pay for after-hours and weekend staffing to support increased outreach activities.

Air District forecasting staff will update air quality forecasting methods to reflect the revised PM_{2.5} threshold for Mandatory Burn Bans. While existing tools allow for immediate implementation upon adoption of the proposed amendments, staff anticipate allocating approximately two months of full-time equivalent (FTE) effort to enhance forecasting models and operational protocols for long-term use. More frequent burn bans will also require additional staff resources to support forecast interpretation and interdepartmental coordination.

An increase in Spare the Air Alerts will lead to more frequent deployment of enforcement staff for woodsmoke patrols. While these additional deployments will require operational flexibility, no significant enforcement challenges are anticipated. Existing program staff has the capacity to prioritize their efforts to implement the proposed changes, and the Air District does not expect to hire additional personnel to support Rule 6-3 amendments.

2. Regulation 5

The proposed expanded fee exemption for prescribed burn projects is not expected to significantly affect program revenue, as fees collected from currently non-exempt entities account for only about 20 percent of total potential revenue and cover approximately four percent of the Air District's program implementation costs. This amendment aligns with state priorities to promote beneficial fire practices for wildfire prevention and land management by reducing financial and administrative barriers.

Implementation of the proposed amendments to Regulation 5 will be managed by existing staff. No additional hiring is anticipated.

VII. REGULATORY IMPACTS

Section 40727.2 of the California Health and Safety Code requires an air district, in adopting, amending, or repealing an air district regulation, to identify existing federal and district air pollution control requirements for the equipment or source type affected by the proposed change in district rules. The district must then note any differences between these existing requirements and the requirements imposed by the proposed change. Adoption of these rule amendments does not conflict with any existing federal or Air District requirements.

VIII. CEQA COMPLIANCE

CEQA (Public Resources Code section 21000 et seq., and the CEQA Guidelines, 14 CCR 15000 et seq.) requires a government agency that undertakes or approves a discretionary project to consider the potential impacts of that project on all environmental media. However, certain agency actions are exempt from CEQA requirements.

The proposed amendments to Rule 6-3 and Regulation 5 are exempt from environmental review under CEQA. The amendments to Rule 6-3 are exempt pursuant to CEQA's 15061(b)(3) common sense exemption (codified in CEQA Guidelines section 15061(b)(3)) and the categorical exemptions in CEQA Guidelines sections 15307 (protection of natural resources) and 15308 (protection the environment). These amendments will lower the threshold for issuing bans on wood-burning from 35 to 25 µg/m³ and an increase in the number of Mandatory Burns Bans, which will reduce ambient woodsmoke pollution from residential wood burning. It can be seen

with certainty that these amendments will not have a significant negative effect on the environment.

The proposed amendments to Regulation 5 are exempt under CEQA Guidelines sections 15307 and 15308 because it removes administrative and cost barriers to allow nonprofit organizations and private landowners who may be positioned to carry out prescribed burns in areas where public agency capacity is limited. Prescribed burns are carefully planned and managed activities that strategically remove excess vegetation thereby lowering the risk of large uncontrolled wildfires and making such wildfires easier to contain and less destructive to the environment and human health.

The proposed Regulation 5 amendments are also exempt under Public Resources Code section 21080(b)(4) and CEQA Guidelines section 15269(c) (prevention or mitigation of an emergency). The March 1, 2025 State of Emergency Proclamation (Executive Order N2525) provides that the emergency exemptions from CEQA contained in Public Resources Code sections 21080, subdivision (b)(3), 21080, subdivision (b)(4) and 21172, and in California Code of Regulations, title 14, section 15269, subdivision (c) shall apply to all actions or efforts consistent with the Proclamation that are taken to mitigate or respond to wildfire risks, including fuels reduction projects that remove of vegetation using prescribed fire treatments. Implementation of the proposed amendments to Regulation 5 is consistent with state policy to expand the use of beneficial fire.

Further, there is no substantial evidence indicating that any of the exceptions to the categorical exemptions applies to the under CEQA Guidelines section 15300.2.

If the proposed amendments are adopted, a Notice of Exemption (NOE) will be electronically filed with the State Clearinghouse, which is accessible at the following website: <https://ceqanet.lci.ca.gov/Search/Recent>. The NOE will also be posted on the Air District's website.

IX. RULE DEVELOPMENT / PUBLIC PARTICIPATION PROCESS

The proposed amendments to Rule 6-3 and Regulation 5 have been developed through an extensive public engagement process that incorporated community priorities, technical analysis, and multiple opportunities for public input. Air District staff initiated this process by engaging with community-based strategies identified through the AB 617 programs in West Oakland and Richmond/North Richmond/San Pablo, where concerns related to woodsmoke have been identified as priorities.

A. Public Participation During Rule Development

To provide early transparency and solicit feedback, staff presented an overview of potential rulemaking concepts to the Stationary Source Committee in May 2024. In November 2024, the Air District released a *Woodsmoke White Paper* outlining key technical findings and policy considerations, initiating a 75-day public comment period that informed the development of draft rule amendment concepts. The white paper public comments were announced via Air District E-blasts, social media posts, November 6, 2024, Board of Directors Meeting, AB 617 Community Steering Committees, Community Advisory Council, project website, and direct communication

with interested stakeholders. Of the 37 public comments received, 32 (86 percent) expressed support for increased limitations on burning and five opposed. General public comment themes included:

- Health and nuisance impacts of woodsmoke
- Ban wood burning in dense/populated areas
- Very few need to burn wood for heat
- Support for further restrictions, a ban on recreational/aesthetic burning, or a full ban of all wood burning
- Consider the needs of households habitually burning
- Fuel cost considerations
- Wood as a renewable fuel

A second presentation to the Stationary Source Committee was held in February 2025 to provide an update on the initiative and initiate rule development through discussion of rule amendment concepts. Public workshops were subsequently held in June 2025 to share the draft amendments and gather additional feedback from stakeholders, including community members and public agencies. There were sixteen external attendees at the Regulation 5 amendments public workshop, primarily fire professionals, who expressed strong support for the amendments and asked specific questions around implementation. Thirteen community members attended the Rule 6-3 amendments public workshop and raised detailed concerns about the health impacts of residential wood burning, neighborhood-level air quality, and enforcement gaps. Several expressed a desire for increased use of real-time monitoring data, stricter regulations, and procedures for addressing neighborhood-level woodsmoke nuisance concerns.

Air District staff released proposed amendments to Rule 6-3 and Regulation 5, along with an initial Staff Report, for a 30-day public review and comment period beginning July 14, 2025.

B. Overview of Comments Received

During the public comment period (July 14, 2025 through August 13, 2025), Air District staff received written input from 14 commenters. Several commenters addressed both Rule 6-3 and Regulation 5, while others focused on only one of the two. Commenters included community-based organizations, nonprofit environmental organizations, and individual members of the public.

Overall, nine commenters expressed support for the proposed amendments to Rule 6-3 and one expressed opposition. For Regulation 5, three commenters expressed support and four expressed opposition.

Comments addressed a wide range of issues, including general support for the proposals, as well as concerns related to enforcement of Rule 6-3, woodsmoke impacts outside of Spare the Air days, potential health risks from prescribed burning, and alternatives to prescribed burning.

The Air District's responses are provided in Appendix F, organized by topic area as well as a listing of each individual comment.

X. CONCLUSION / RECOMMENDATIONS

Pursuant to the California Health and Safety Code Section 40727, before adopting, amending, or repealing a rule the Board of Directors must make findings of necessity, authority, clarity, consistency, non-duplication, and reference. This section addresses each of these findings.

A. Necessity

As stated in California Health and Safety Code Section 40727(b)(1), “‘Necessity’ means that a need exists for the regulation, or for its amendment or repeal, as demonstrated by the record of the rulemaking authority.”

The Air District has determined that the proposed rule amendments are necessary to protect public health by reducing particulate matter emissions to mitigate public health emergencies and assist in achieving state and federal ambient air quality standards for particulate matter and to remove potential cost barriers to prescribed burning for wildfire prevention in accordance with Executive Order N-05-19 and the March 22, 2019 Proclamation of a State of Emergency for California.

B. Authority

The California Health and Safety Code Section 40727(b)(2) states that “‘Authority’ means that a provision of law or of a state or federal regulation permits or requires the regional agency to adopt, amend, or repeal the regulation.”

The Air District has the authority to adopt these rule amendments under Sections 40000, 40702, and 40725 through 40728.5 of the California Health and Safety Code.

C. Clarity

The California Health and Safety Code Section 40727(b)(3) states that “‘Clarity’ means that the regulation is written or displayed so that its meaning can be easily understood by the persons directly affected by it.”

The proposed amendments to Rule 6-3 and Regulation 5 are written so that their meaning can be easily understood by the persons directly affected by them. Further details in the Staff Report clarify the proposals, delineate the affected industry, compliance options, and administrative requirements for the industries and persons subject to these rules.

D. Consistency

The California Health and Safety Code Section 40727(b)(4) states that “‘Consistency’ means that the regulation is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations.”

The proposed amendments to Rule 6-3 and Regulation 5 are consistent with other Air District rules and not in conflict with state or federal law.

E. Non-Duplication

The California Health and Safety Code Section 40727(b)(5) states that “‘Nonduplication’ means that a regulation does not impose the same requirements as an existing state or federal regulation unless a district finds that the requirements are necessary or proper to execute the powers and duties granted to, and imposed upon, a district.”

The proposed amendments to Rule 6-3 and Regulation 5 are non-duplicative of other statutes, rules, or regulations.

F. Reference

The California Health and Safety Code Section 40727(b)(6) states that “‘Reference’ means the statute, court decision, or other provision of law that the district implements, interprets, or makes specific by adopting, amending, or repealing a regulation.”

By adopting the proposed amendments to Rule 6-3 and Regulation 5, the Air District Board of Directors will be implementing, interpreting or making specific the provisions of California Health and Safety Code Sections 40000, 40702, and 40727.

The proposed amendments to Rule 6-3 and Regulation 5 have met all legal noticing requirements, have been discussed with the regulated community and other interested parties, and reflect consideration of the input and comments of many affected and interested stakeholders.

G. Recommendations

Staff prepared a Final Staff Report including Response to Comments in Appendix F for the Board's consideration after consideration of comments received on the proposed amendments and initial Staff Report. Following a review of public comments, Air District staff recommends (1) adopting the proposed amendments to Regulation 6, Rule 3: Wood-Burning Devices; (2) adopting the proposed amendments to Regulation 5: Open Burning; and (3) determining that the adoption of these amendments is exempt from the California Environmental Quality Act.

APPENDIX A

Proposed Amendments to Regulation 6, Rule 3: Wood-Burning Devices

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REGULATION 6
PARTICULATE MATTER AND VISIBLE EMISSIONS
RULE 3
WOOD-BURNING DEVICES
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REGULATION 6
PARTICULATE MATTER AND VISIBLE EMISSIONS
RULE 3
WOOD-BURNING DEVICES

(Adopted July 9, 2008)

6-3-100 GENERAL

6-3-101 Description: The purpose of this rule is to limit emissions of particulate matter and visible emissions from wood-burning devices used for primary heat, supplemental heat or ambiance.
(Amended 10/21/15)

6-3-102 Applicability: This Rule applies to:

- 102.1 Any person who owns or operates any wood-burning device for use within the District as defined in Section 6-3-229.
- 102.2 Wood heater manufacturers and retailers.
- 102.3 Any person who advertises, sells, offers for sale or resale, supplies, installs or transfers a new or used wood-burning device.
- 102.4 Any person selling, renting or leasing real property.
- 102.5 Any person or builder building new construction, or
- 102.6 Any person who sells, offers for sale, or supplies any wood intended for use in a wood-burning device.

6-3-110 Limited Exemption, Sole Source of Heat: ~~Until October 31, 2016, the requirements of Section 6-3-301 shall not apply to any person whose sole source of heat is a wood-burning device.~~

~~110.1 Effective November 1, 2016, t~~The requirements of Section 6-3-301 shall not apply to any person whose sole source of heat is an EPA certified wood-burning device that is registered with the District per the requirements of Sections 6-3-404 and 405 and who does not have available to them a permanently-installed natural gas, propane or electric heating device. Qualification for exemption is subject to verification.

~~110.21 Effective November 1, 2018, r~~Rental properties subject to Section 6-3-305 located in areas with natural gas service do not ~~longer~~ qualify for this exemption ~~in Section 6-3-110.1.~~

(Amended 10/21/15)

6-3-111 Limited Exemption, Non-functional, Permanently Installed Heater: ~~Effective November 1, 2015, t~~The requirement of Section 6-3-301 shall not apply to any person whose only non-wood-burning, permanently-installed source of heat is non-functional and requires repair to resume operation. A dwelling may qualify for a 30-day exemption if there is no alternate form of heat and the non-functional heater is repaired to resume function within 30 days. Qualification for this exemption is subject to verification and must be supported by documentation of repair, which must be submitted to the District within 10 days of a receipt of a request for such records.

(Adopted 10/21/15)

6-3-112 Limited Exemption, Loss of Natural Gas and/or Electric Power: The requirement of Section 6-3-301 shall not apply to a person whose dwelling is in an area that has a temporary loss of gas and/or electric utility service and there is no alternate form of heat available. Qualification for exemption is subject to verification.

(Amended 10/21/15)

6-3-200 DEFINITIONS

- 6-3-201** **Alternate Form of Heat:** A form of heat that does not burn wood or any other solid fuels. Alternate forms of heat include, but are not limited to gas-fueled (e.g. propane or natural gas) or electric heat.
(Adopted 10/21/15)
- 6-3-202** **APCO:** The Air Pollution Control Officer of the Bay Area Air Quality Management District (District) or the designee thereof.
- 6-3-203** **Builder:** Any individual or company that constructs or sells any residential or commercial property.
(Amended 10/21/15)
- 6-3-204** **Electric Heating Device:** Any device that produces heat through use of an element utilizing resistance from alternating current or other means of electrical space heating, including, but not limited to, electric fireplaces, heat pumps, or wall heaters.
(Amended 10/21/15)
- 6-3-205** **EPA:** United States Environmental Protection Agency.
(Adopted 10/21/15)
- 6-3-206** **EPA Certified:** Any wood-burning heater that meets the standards set forth in Title 40 Code of Federal Regulations (CFR), Part 60, Subpart AAA in effect at the time of installation and is certified and labeled pursuant to those regulations. An EPA certified wood heater may be freestanding, built-in, or an insert within a fireplace.
(Adopted 10/21/15)
- 6-3-207** **Fireplace:** Any installed masonry or factory-built wood-burning device designed to operate with an air-to-fuel ratio greater than or equal to 35-to-1.
- 6-3-208** **Garbage:** Any solid, semisolid, or liquid waste generated from residential, commercial, and industrial sources, including trash, refuse, rubbish, industrial wastes, asphaltic products, manure, vegetable or animal solid or semisolid wastes, and other discarded solid or semisolid wastes.
- 6-3-209** **Gas-fueled Heating Device:** Any device that utilizes natural gas or propane as a fuel source exclusively including, but not limited to, gas-fueled fireplaces, gas-fueled room heaters, or gas-fueled inserts.
(Amended 10/21/15)
- 6-3-210** **Insert:** A wood or gas-fueled heater designed to be installed in an existing masonry or factory-built fireplace.
(Adopted 10/21/15)
- 6-3-211** **Mandatory Burn Ban:** Any period so declared to the public by the APCO during which ~~the air quality is forecast by the District to be unhealthy due to ambient levels of particulate matter exceeding 35 µg/m³ and~~ burning wood or any solid fuels is illegal within District boundaries in the Bay Area. A Mandatory Burn Ban is announced through a Spare the Air Alert.
(Adopted 10/21/15; Amended 11/20/19)
- 6-3-212** **Manufacturer:** Any person who constructs or imports a wood-burning fireplace or wood-burning heater.
(Adopted 10/21/15)
- 6-3-213** **New Building Construction:** Any single or multi-family housing unit, for which construction began on or after November 1, 2016. Construction is deemed to occur when the foundation for the structure is installed.
(Adopted 10/21/15)

- 6-3-214 Pellet-fueled Wood Heater:** A wood-burning device which is operated on pellet-fuel and is either EPA certified or exempted under U.S. EPA requirements set forth in Title 40 Code of Federal Regulation (CFR), Part 60, Subpart AAA. Pellet fuel may be composed of compressed wood, corn or other biomass.
(Amended 10/21/15)
- 6-3-215 Permanently Installed:** A device that is fixed to the structure of a dwelling or unit and is not readily movable.
(Adopted 10/21/15)
- 6-3-216 Particulate Matter (PM):** [As defined in Regulation 6, Section 6-206](#) – Any material that is emitted as liquid or solid particles, or as gaseous material that becomes liquid or solid particles at the testing temperatures specified in the source test method, ~~excluding uncombined water vapor, water mist or steam.~~
(Adopted 10/21/15)
- 6-3-217 PM_{2.5}:** ~~PM_{2.5} has an aerodynamic diameter equal to or less than 2.5 microns.~~ [As defined in Regulation 6, Section 6-206.3](#) – Particulate matter with an aerodynamic diameter equal to 2.5 microns or less, including both filterable solid or liquid particles with a diameter of 2.5 microns or less, and gaseous emissions that condense to form such particles at ambient temperatures. These liquid and/or solid particles are identified using EPA Test Method 201A and 202. If necessary, alternate approved test methods may be used as described in Regulation 2, Rule 1, Section 2-1-603.
(Adopted 10/21/15)
- 6-3-218 Real Property:** The land and anything affixed to the land, such as a building or structures.
(Adopted 10/21/15)
- 6-3-219 Remodel:** A change to the appearance and/or functional utility of a fireplace or chimney that requires a building permit.
(Adopted 10/21/15)
- 6-3-220 Retailer:** Any person engaged in the sale of wood-burning fireplaces, wood-burning heaters, or outdoor wood-burning devices.
(Adopted 10/21/15)
- 6-3-221 Ringelmann Chart:** ~~A numerical ranking system whereby graduated shades of gray varying by five equal steps between white and black are visually compared to the density of smoke. The chart, as distributed by the United States Bureau of Mines, provides the graduated shades 1, 2, 3, 4 and 5, which are known as Ringelmann No. 1, 2, 3, 4 and 5, respectively. The system is used in determining whether emissions of smoke are within limits or standards of opacity.~~ [As defined in Regulation 6, Section 6-207](#) – The chart used to measure opacity published by the United States Bureau of Mines.
- 6-3-222 Seasoned Wood:** Firewood that has a moisture content of 20 percent or less by weight using the testing method specified in Section 6-3-602.
- 6-3-223 Solid Fuel:** Any wood, wood-based product, non-gaseous or non-liquid fuel, including but not limited to: manufactured logs, pressed logs, wood or other pellet products.
- 6-3-224 Spare the Air Alert (STA):** An alert by the APCO that notifies the public when a Mandatory Burn Ban is in effect. Members of the public can verify status of a burn ban through the following methods:
- Listen to local TV or Radio News;
 - Call 1-877-4NO-BURN;
 - Check www.sparetheair.org; or

- Follow District social media.

(Amended November 20, 2019)

6-3-225 Treated Wood: Wood of any species that has been chemically impregnated, painted, or similarly modified to improve resistance to insects or weathering.

(Renumbered November 20, 2019)

~~**6-3-226 Uncertified Wood Heater:** A wood heater that is not certified by the U.S. EPA to meet requirements in Title 40 Code of Federal Regulations, Part 60, Subpart AAA.~~

~~(Adopted 10/21/15; Renumbered 11/20/19)~~

~~**6-3-227 Visible Emissions:** Emissions which are visually perceived by an observer. Restrictions on visible emissions in District regulations are expressed as numbers on the Ringelmann Chart, as published by the United States Bureau of Mines.~~

~~(Renumbered November 20, 2019)~~

6-3-228⁶ Wood Heater: An enclosed wood-burning device capable of and intended for space heating such as a wood stove, pellet-fueled wood heater, or wood-burning fireplace insert. [\[Formerly Section 6-3-228\]](#)

(Adopted 10/21/15; Renumbered 11/20/19)

6-3-229⁷ Wood-burning Device: Any wood heater, fireplace, or any indoor permanently installed device used to burn any solid fuel for space-heating or aesthetic purposes. [\[Formerly Section 6-3-229\]](#)

(Renumbered November 20, 2019)

6-3-300 STANDARDS

6-3-301 Burning Prohibited During Mandatory Burn Ban: No person shall operate or combust wood or solid-fuel products in any wood-burning device during a Mandatory Burn Ban. [A Mandatory Burn Ban is so declared by the APCO when forecasted ambient 24-hour average PM_{2.5} concentration is expected to exceed 25 µg/m³ for any area within District boundaries.](#)

(Amended 10/21/15; 11/20/19)

6-3-302 Requirements for Wood Heater Manufacturers and Retailers: No manufacturer or retailer shall advertise, sell, offer for sale or resale, supply, install or transfer a new or used wood-burning device intended for use within District boundaries unless the device meets or exceeds the [applicable](#) requirements ~~of in~~ Title 40 Code of Federal Regulations, Part 60, Subpart AAA, ~~which are as follows:~~

~~**302.1** Effective May 15, 2015, any wood heater that is manufactured must be certified to meet the 4.5 g/hr emissions rating specified in 40 C.F.R. § 60.532(a).~~

~~**302.2** Effective December 31, 2015, any wood heater that is sold at retail must be certified to meet the emissions rating of 4.5 g/hr as specified in 40 C.F.R. § 60.532(a).~~

~~**302.3** Effective May 15, 2020, any wood heater that is manufactured or sold at retail must meet an emissions rating of 2.5 g/hr if crib tested, or 2.0 g/hr if cordwood tested, as specified in 40 C.F.R. § 60.532(b) and (c).~~

(Adopted 10/21/15)

6-3-303 Sale, Resale, Transfer or Installation of Wood-Burning Devices: ~~Effective December 1, 2015, n~~No person shall advertise, sell, offer for sale or resale, supply, install or transfer a new or used wood-burning device intended for use within District boundaries unless the device meets or exceeds the [applicable](#) requirements ~~of in~~ Title 40 Code of Federal Regulations, Part 60, Subpart AAA. This requirement does not apply if a wood-burning device is an installed fixture included in the sale or transfer of any real property.

(Amended 10/21/15)

- 6-3-304 Disclosure Requirements for Real Property:** ~~Effective June 1, 2016, a~~Any person selling, renting or leasing real property shall provide sale or rental disclosure documents that describe the health hazards of PM_{2.5} from burning wood or any solid fuel as a source of heat. Disclosure documents must disclose PM_{2.5} health hazards in accordance with guidance made available on the District's website.
(Adopted 10/21/15)
- 6-3-305 Requirements for Rental Properties:** ~~Effective November 1, 2018, a~~All real property offered for lease or rent in areas with natural gas service shall have a permanently-installed form of heat that does not burn solid fuel.
(Adopted 10/21/15)
- 6-3-306 Requirements for New Building Construction:** ~~Effective November 1, 2016, n~~No person or builder shall install a wood-burning device in a new building construction.
(Amended 10/21/15)
- 6-3-307 Requirements for Remodeling a Fireplace or Chimney:** ~~Effective November 1, 2016, n~~No person shall remodel a fireplace or chimney unless a gas-fueled, electric, or EPA certified device is installed that meets applicable requirements in Title 40 Code of Federal Regulations, Part 60, Subpart AAA. This requirement is triggered by a fireplace or chimney remodel where a total cost exceeds \$15,000 and requires a local building permit. The total cost excludes the cost of a building permit.
(Adopted 10/21/15)
- 6-3-308 Visible Emissions Limitation:** ~~Effective November 1, 2015, n~~No person shall cause or allow a visible emission from any wood-burning device in any building or structure that exceeds No. 1 on the Ringelmann Chart or 20 percent opacity for a period or periods aggregating more than 3 minutes in any hour. Visible emissions from the startup of a new fire shall not be subject to this provision for a period not to exceed twenty consecutive minutes, and not more than once in any ~~consecutive~~ four-hour period ~~are not subject to this provision~~.
(Amended 10/21/15)
- 6-3-309 Prohibition Against Burning Garbage, Non-Seasoned Wood or Certain Materials:** No person shall cause or allow any of the following materials to be burned in a wood-burning device: garbage, treated wood, non-seasoned wood, used or contaminated wood pallets, plastic products, rubber products, waste petroleum products, paints and paint solvents, coal, animal carcasses, glossy or colored paper, salt water driftwood, particle board, and any material not intended by a manufacturer for use as a fuel in a wood-burning device.
- 6-3-310 Requirements for Sale of Wood:** No person shall sell, offer for sale, or supply any wood (not to include manufactured logs) intended for use in a wood-burning device that does not meet one of the following requirements:
310.1 Have a moisture content of 20 percent or less by weight, or
310.2 For moisture content of greater than 20 percent by weight, be identified as unseasoned wood and include instructions on how to dry out the wood, as required in Section 6-3-40~~3~~3.3, before combustion.
- 6-3-400 ADMINISTRATIVE REQUIREMENTS**
- 6-3-401 Device Sale or Installation, Public Awareness Information:** Any person offering for sale, selling or installing a new or used wood-burning device subject to Sections 6-3-302 and 6-3-303 shall provide public awareness information to each purchaser of a wood-burning device in the form of pamphlets, brochures, or fact sheets addressing proper installation, operation, and maintenance of the wood-burning device and the health effects of wood smoke. The information on health effects of wood smoke shall include the following statement:

“Wood smoke contains harmful particulate matter (PM) which is associated with numerous negative health effects.

6-3-402 Device Manufacturer’s Certification or Proof of Equivalency: The manufacturer and retailer of any wood-burning device shall provide documentation to any purchaser that the device is U.S. EPA certified or that the device meets the equivalent Title 40 Code of Federal Regulations (CFR), Part 60, Subpart AAA.

6-3-403 Labeling for Solid Fuel or Wood Sale: Any person offering for sale, selling or providing solid fuel or wood intended for use in a wood-burning device within District boundaries shall:
403.1 Attach a label to each package of solid fuel or wood sold that states the following:

“Use of this and other solid fuels may be restricted at times by law. Please check 1-877-4-NO-BURN or <http://www.8774noburn.org/> before burning.”

403.2 If wood is seasoned (not to include manufactured logs), then the label must also state the following:

“This wood meets air quality regulations for moisture content to be less than 20 % (percent) by weight for cleaner burning.”

403.3 If wood is not seasoned (not to include manufactured logs), then the label must state the following:

“This wood does **NOT** meet air quality regulations for moisture content and must be properly dried before burning.”

In addition to the disclosure listed above, any person offering for sale or selling wood that is not seasoned for use in a wood-burning device shall also provide written instructions on how to properly dry the wood to achieve a 20% (percent) by weight moisture content.

6-3-404 Registration of EPA Certified Wood Heaters: ~~Effective November 1, 2016, a~~Any person seeking to claim the exemption provided in Section 6-3-110 must have previously registered their EPA certified wood heater in the District’s registration program and must maintain documentation that the device is operated according to manufacturer’s specifications. The following wood heaters are eligible to be registered:

404.1 Wood heaters that are EPA Certified to meet performance and emission standards set forth in Title 40 Code of Federal Regulations (CFR), Part 60, Subpart AAA in effect at the time of registration ~~of 7.5 g/hr or less.~~

404.2 A pellet-fueled wood heater exempt from EPA certification requirements pursuant to the requirements in Title 40 Code of Federal Regulations (CFR), Part 60, Subpart AAA at time of purchase or installation.

(Adopted 10/21/15)

6-3-405 Registration Renewal: Registration pursuant to Section 6-3-404 shall be for a term of 5 years. Application for renewal of registration must be received by the District prior to expiration of the 5-year term.

(Adopted 10/21/15)

6-3-500 MONITORING AND RECORDS

6-3-501 Burden of Proof: The burden of proof of eligibility for exemption pursuant to Section 6-3-110, 111, and 112 is on the claimant. Any person claiming exemption shall maintain adequate documentation or records demonstrating that the registered device is the sole source of heat. Such records must be provided to the APCO upon request. Qualification for the exemption provided in Section 6-3-110 is subject to inspection and verification.

(Amended 10/21/15)

6-3-502 Proof of Certification or Equivalency: Upon request of the APCO, a manufacturer shall demonstrate that each wood-burning device subject to the requirements of Section 6-3-302 meets the standards set forth in this regulation.

6-3-600 MANUAL OF PROCEDURES

6-3-601 Determination of Visible Emissions: Ringelmann standard shall be determined by Manual of Procedures-Volume 1 – Enforcement Procedures, Evaluation of Visible Emissions or any other EPA method that has been approved by APCO.

(Amended 10/21/15)

6-3-602 Determination of Moisture Content: Moisture content of wood shall be determined by ASTM Test Method D 4442-92 or a hand-held moisture meter operated in accordance with ASTM Test Method D 4444-92, Standard Test Methods for Use and Calibration of Hand-Held Moisture Meters.

6-3-603 Determination of EPA Certification or Equivalency: EPA certification or demonstration of equivalence for wood burning-devices shall be performed in accordance with EPA Guidance Document for Residential Wood Combustion, Method 28, 5G, 5H, or other EPA approved methodology.

APPENDIX B

Proposed Amendments to Regulation 5: Open Burning

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REGULATION 5 OPEN BURNING

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REGULATION 5 OPEN BURNING

5-100 GENERAL

5-101 Description: This Regulation forbids open burning within the District with certain exceptions.

(Amended November 2, 1994)

5-102 Applicability: This Regulation applies to any person igniting, causing to be ignited, permitting to be ignited, or suffering, allowing, or maintaining any open burning fires within the District.

5-110 Exemptions: The following fires are exempt from this Regulation:

- 110.1 Fires set only for cooking of food for human beings.
- 110.2 Fires burning as safety flares or for the combustion of waste gases.
- 110.3 The use of flame cultivation when the burning is performed with LPG or natural gas-fired burners designed and used to kill seedling grass and weeds and the growth is such that the combustion will not continue without the burner.
- 110.4 Fires set for the purposes of fire training using one gallon or less of flammable liquid per fire.

(Amended 12/19/90; 11/2/94; 3/6/02; 7/9/08)

5-111 Special Conditions for Allowable Fires: The following special conditions must be met for fires allowed by subsections 5-401.1 through 401.17 unless specifically exempted, altered, or further restricted in that subsection, or unless otherwise waived in writing by the APCO prior to burning, and these conditions shall be complied with during any burning permitted under those subsections. In addition, a condition, requirement, or parameter stated in or imposed by a smoke management plan approved by the APCO may supersede any one of these conditions.

- 111.1 No burning shall take place before 10:00 a.m. local time on any day.
- 111.2 No additional materials or fuel shall be ignited, nor shall any material or fuels be added to any fire after two hours before sunset on any day.
- 111.3 No material or fuel shall be ignited, nor shall any material or fuel be added to any fire when the wind velocity is less than five (5) miles per hour except for crossfiring, or when the wind direction at the site shall be such that the direction of smoke drift is toward a populated area in order to minimize local nuisances caused by smoke and particulate fallouts.
- 111.4 Prior to ignition, all piled material shall have dried for a minimum of 60 days, and be managed to ensure that burning the material does not produce smoke after sunset on any day.
- 111.5 All material to be burned shall be reasonably free of dirt or soil.
- 111.6 Piled material shall be limited to a base area not to exceed 25 square yards and the height shall be at least 2/3 of the average width of the pile.
- 111.7 Ignition material shall be limited to those listed by the State Director of Forestry, as follows: orchard torches; drip torches; pressurized diesel torches; propane or LPG torches; commercial petroleum gel materials, pressurized or solid (napalm or blivets); commercial safety fuses; commercial type ignition grenades, e.g. Fenner, etc.; fuses; commercial fuse lighters and matches. All fires shall be ignited so as to burn as rapidly as possible within conditions of safety and minimum pollution.
- 111.8 Ignition shall be initiated at or near the top of the piled material. No additional material, except ignition material, shall be added to the fire.
- 111.9 Tonnage, volume or acreage of material burned on any given day and/or at any specified site is subject to limitations set by the APCO, but may not exceed any limits set by the CARB.

(Amended 12/19/90; 11/2/94; 3/6/02, 11/20/19)

5-112 Limited Exemption, Recreational Fires: A fire set for recreational purposes is exempt from the requirements of Section 301.

(Adopted July 9, 2008)

- 5-113 **Limited Exemption, ~~Public Agency Wildfire Prevention Prescribed Burning:~~** Any ~~public agency person~~ conducting a prescribed burn ~~as defined in Section 5-219 for the purpose of wildfire prevention~~, pursuant to a smoke management plan approved by the APCO, is exempt from the operation fees requirement of Section 5-411. ~~A public agency seeking to rely on this exemption shall request that it be applicable upon submittal of the smoke management plan required by Section 5-401.15.~~

(Adopted November 20, 2019)

5-200 DEFINITIONS

- 5-201 **Agricultural Fire:** A fire used for the purpose of initiating, continuing or maintaining agriculture as a gainful occupation. Fuels are limited to materials grown on the site and shall not include feed or fertilizer containers, finished or treated wood, plastic or rubber products, plumage, hides, fur, offal or fecal material or refuse from plant or animal processing other than from initial crop harvesting, pruning or attrition of fruit and nut trees, vines and cane crops.

(Amended 11/2/94; 3/6/02)

- 5-202 **APCO:** As defined in Regulation 1, Section 1-203 – The Air Pollution Control Officer of the Bay Area Air Quality Management District or the designee thereof. [Formerly Section 5-218] ~~Fire: Any combustion of combustible materials of any type outdoors.~~

(Amended July 9, 2008)

- 5-203 **Backfiring:** A field crop burn ignition technique where the fire is ignited at the downwind side of the burn area, so that the fire must burn into the wind towards the fuel source. [Formerly Section 5-214] ~~Flue: Any duct or passages for air, gases, or the like, such as a stack or chimney.~~

- 5-204 **Calendar Day:** Consecutive days that include every day on the calendar, including weekends and holidays. ~~Gainful Occupation: Any occupation from which there is proof of gross profit or loss as evidenced by tax receipts, sales slips or other such documents.~~

- 5-205 **CARB:** Also known as ARB, as defined in Regulation 1, Section 1-204 – The Air Resources Board of the State of California. [Formerly Section 5-219] ~~Deleted December 19, 1990~~

- 5-206 **Contraband:** Any illegal or prohibited good that has been confiscated by a public law enforcement agency, including but not limited to explosives, pyrotechnics and illegal drugs. [Formerly Section 5-210] ~~Permissive Burn Day: Any day that is so declared by the APCO when, in his opinion, air pollution caused by open burning will not adversely affect ambient air quality or downwind population. In declaring such permissive burn days, the meteorological criteria established by the ARB for the San Francisco Bay Area Air Basin shall be used as a guideline.~~

(Amended November 2, 1994)

- 5-207 **District:** As defined in Regulation 1, Section 1-212 – The Bay Area Air Quality Management District. [Formerly Section 5-220] ~~Treated Brush: Material which has been felled, crushed or uprooted with mechanical equipment, or has been desiccated with herbicide.~~

- 5-208 **Fire:** Any combustion of combustible materials of any type outdoors. [Formerly Section 5-202] ~~Hazardous Material: Any combustible or flammable material which may pose a fire or explosion hazard including but not limited to, natural vegetation or other native growth cleared away to create or maintain a firebreak around any building or structure on a property as required to comply with Section 4291 of the State Public Resources Code to reduce the risk of a wildfire.~~

(Adopted 3/17/82; Amended 12/19/90; 11/2/94; 3/6/02, 11/20/19)

- 5-209 **Flue:** Any duct or passages for air, gases, or the like, such as a stack or chimney. [Formerly Section 5-203] ~~Public Fire Official: An officer of a public agency charged with the responsibilities of setting or allowing fires. Public fire official includes but is not limited to, local, state, and federal officers.~~

(Adopted December 19, 1990)

- 5-210 **Forest:** A vegetation type or plant community covering a tract of land, which is named and described as a series, habitat or unique stand according to the California Native Plant Society (CNPS) classification system set forth in the most current edition

of *A Manual of California Vegetation* published by CNPS, and dominated by trees growing more or less closely together. For the purposes of this regulation, the dominant vegetation form must be described as a broadleaf deciduous, broadleaf evergreen, conifer, or mixed broadleaf-conifer forest. Forest does not include chaparral, scrub and grassland communities, or the eucalyptus series, as these vegetation types are described in the CNPS classification system. [Formerly Section 5-221] ~~**Contraband:** Any illegal or prohibited good that has been confiscated by a public law enforcement agency, including but not limited to explosives, pyrotechnics and illegal drugs.~~

(Adopted 12/19/90; Amended 11/2/94)

5-211 **Gainful Occupation:** Any occupation from which there is proof of gross profit or loss as evidenced by tax receipts, sales slips or other such documents. [Formerly Section 5-204] ~~**Deleted March 6, 2002**~~

5-212 **Hazardous Material:** Any combustible or flammable material which may pose a fire or explosion hazard including but not limited to, natural vegetation or other native growth cleared away to create or maintain a firebreak around any building or structure on a property as required to comply with Section 4291 of the State Public Resources Code to reduce the risk of a wildfire. [Formerly Section 5-208] ~~**Stubble:** The remaining stalk, stem, or trunk of a herbaceous plant or cereal grass (primarily oats, wheat and hay) after harvest of a field crop.~~

(Adopted November 2, 1994)

5-213 **Liquefied Petroleum Gas (LPG):** A compressed fuel gas composed of one or more of the following flammable hydrocarbons: propane, n-butane, isobutane, propylene, and butylenes. ~~**Prescribed Burning:** The planned, controlled application of fire to vegetation to achieve a specific natural resource management objective(s) on land areas selected in advance of that application. The fire is conducted within the limits of a plan and prescription that describes both the acceptable range of weather, moisture, fuel, and fire behavior parameters to achieve the desired effects. For the purposes of this regulation, prescribed burning also means any Forest Management fire, Range Management fire, Hazardous Material fire not related to Public Resources Code Section 4291, or any Crop Replacement fire for the purpose of establishing an agricultural crop on previously uncultivated land, that is expected to exceed 10 acres in size or burn piled vegetation cleared or generated from more than 10 acres of land. These specific fire types shall be regulated as Wildland Vegetation Management fires and subjected to all of the requirements applicable to subsection 5-401.15. In addition, prescribed burning includes any naturally-ignited wildland fire managed for resource benefits that is subject to the applicable requirements in Section 5-408.~~

(Adopted 11/2/94; Amended 3/6/02)

5-214 **Mandatory Burn Ban:** Any period so declared to the public by the APCO during which burning wood or any solid fuels is illegal within District boundaries, as defined in Regulation 6, Rule 3: Wood-Burning Devices, Section 6-3-211. [Formerly Section 5-223] ~~**Backfiring:** A field crop burn ignition technique where the fire is ignited at the downwind side of the burn area, so that the fire must burn into the wind towards the fuel source.~~

(Adopted November 2, 1994)

5-215 **Marshland:** A type of wetland ecosystem periodically or permanently inundated to a depth of up to 2 meters (6.6 feet) that supports a cover of low or tall emergent vegetation. Habitats within these water-land areas include diked, seasonally managed wetlands, unmanaged tidal wetlands, open bays, sloughs, and associated upland grasslands. [Formerly Section 5-222] ~~**Stripfiring:** A field crop burn ignition technique where the fire is ignited in parallel strips by walking straight through the burn area into the wind.~~

(Adopted November 2, 1994)

5-216 **Open Burning:** The ignition and combustion of any material in an outdoor environment where the products of combustion are emitted directly into the atmosphere. ~~**'X' or Crossfiring:** A field crop burn ignition technique where the fire is ignited in two semi-circle arch patterns that almost intersect in the middle of the burn area. The first fire is lit by walking into the wind from the downwind side. The second fire is lit by walking with the wind from the headwind side of the field. This technique is used during light (less than five miles per hour) and variable winds only.~~

- (Adopted November 2, 1994)
- 5-217** **Permissive Burn Day:** Any day that is so declared by the APCO when, in their opinion, air pollution caused by open burning will not adversely affect ambient air quality or downwind population. In declaring such permissive burn days, the meteorological criteria established by CARB for the San Francisco Bay Area Air Basin shall be used as a guideline. [Formerly Section 5-206] ~~**Property:** A single parcel of real property, as determined by the County Assessor. The term also includes contiguous parcels under the same ownership.~~
- (Adopted November 2, 1994)
- 5-218** **Person:** As defined in Regulation 1, Section 1-221 – Any natural person, corporation, government agency, public officer, association, joint venture, partnership or any combination of such or such entities as are included in Section 39047, California Health and Safety Code. ~~**APCO:** The Air Pollution Control Officer of the Bay Area Air Quality Management District or the designee thereof.~~
- (Adopted November 2, 1994)
- 5-219** **Prescribed Burning:** The planned, controlled application of fire to vegetation to achieve a specific natural resource management objective(s) on land areas selected in advance of that application. The fire is conducted within the limits of a plan and prescription that describes both the acceptable range of weather, moisture, fuel, and fire behavior parameters to achieve the desired effects. For the purposes of this regulation, prescribed burning also means any Forest Management fire, Range Management fire, Hazardous Material fire not related to Public Resources Code Section 4291, or any Crop Replacement fire for the purpose of establishing an agricultural crop on previously uncultivated land, that is expected to exceed 10 acres in size or burn piled vegetation cleared or generated from more than 10 acres of land. These specific fire types shall be regulated as Wildland Vegetation Management fires and subjected to all of the requirements applicable to subsection 5-401.15. In addition, prescribed burning includes any naturally-ignited wildland fire managed for resource benefits that is subject to the applicable requirements in Section 5-408. [Formerly Section 5-213] ~~**ARB:** The Air Resources Board of the State of California.~~
- (Adopted November 2, 1994)
- 5-220** **Property:** A single parcel of real property, as determined by the County Assessor. The term also includes contiguous parcels under the same ownership. [Formerly Section 5-217] ~~**District:** The Bay Area Air Quality Management District.~~
- (Adopted November 2, 1994)
- 5-221** **Public Agency:** Any agency, political subdivision, or unit of local, state or federal government. [Formerly Section 5-225] ~~**Forest:** A vegetation type or plant community covering a tract of land, which is named and described as a series, habitat or unique stand according to the California Native Plant Society (CNPS) classification system set forth in the most current edition of A Manual of California Vegetation published by CNPS, and dominated by trees growing more or less closely together. For the purposes of this regulation, the dominant vegetation form must be described as a broadleaf deciduous, broadleaf evergreen, conifer, or mixed broadleaf-conifer forest. Forest does not include chaparral, scrub and grassland communities, or the eucalyptus series, as these vegetation types are described in the CNPS classification system.~~
- (Adopted March 6, 2002)
- 5-222** **Public Fire Official:** An officer of a public agency charged with the responsibilities of setting or allowing fires. Public fire official includes but is not limited to, local, state, and federal officers. [Formerly Section 5-209] ~~**Marshland:** A type of wetland ecosystem periodically or permanently inundated to a depth of up to 2 meters (6.6 feet) that supports a cover of low or tall emergent vegetation. Habitats within these water-land areas include diked, seasonally managed wetlands, unmanaged tidal wetlands, open bays, sloughs, and associated upland grasslands.~~
- (Adopted March 6, 2002)
- 5-223** **Recreational Fires:** A fire used for social, cultural or other activities including, but not limited to, campfires, bonfires, ceremonial fires, handwarming fires, raku or pit pottery curing fires, or fires conducted as part of an unusual event such as fire walking provided only clean dry wood and fire starter is used, and the activity is not part of a business for gainful occupation. [Formerly Section 5-224] ~~**Mandatory Burn**~~

~~**Ban:** Any period so declared to the public by the APCO when negative impact upon public health is anticipated from burning, as defined in Regulation 6, Rule 3: Wood-Burning Devices, Section 6-3-211.~~

(Adopted 7/9/08, Amended 11/20/19)

- 5-224 **Stripfiring:** A field crop burn ignition technique where the fire is ignited in parallel strips by walking straight through the burn area into the wind. [Formerly Section 5-215] ~~**Recreational Fires:** A fire used for social, cultural or other activities including, but not limited to, campfires, bonfires, ceremonial fires, handwarming fires, raku or pit pottery curing fires, or fires conducted as part of an unusual event such as fire walking provided only clean dry wood and fire starter is used, and the activity is not part of a business for gainful occupation.~~

(Adopted July 9, 2008)

- 5-225 **Stubble:** The remaining stalk, stem, or trunk of a herbaceous plant or cereal grass (primarily oats, wheat and hay) after harvest of a field crop. [Formerly Section 212] ~~**Public Agency:** Any agency, political subdivision, or unit of local, state or federal government.~~

(Adopted November 20, 2019)

- 5-226 **Treated Brush:** Material which has been felled, crushed or uprooted with mechanical equipment, or has been desiccated with herbicide. [Formerly Section 5-207]

- 5-227 **Working Day:** Any day the District is open for business. The District operates Monday through Friday, excluding weekends and holidays.

- 5-228 **'X' or Crossfiring:** A field crop burn ignition technique where the fire is ignited in two semi-circle arch patterns that almost intersect in the middle of the burn area. The first fire is lit by walking into the wind from the downwind side. The second fire is lit by walking with the wind from the headwind side of the field. This technique is used during light (less than five miles per hour) and variable winds only. [Formerly Section 5-216]

5-300 STANDARDS

- 5-301 **Prohibition of Fires:** Except as provided in this regulation:
- 301.1 A person shall not ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any fires within the District.
 - 301.2 No burning shall take place within the District ~~on~~ other than on a permissive burn day, or in excess of any acreage burning allocation or limitation.
 - 301.3 A person shall not violate any condition, requirement, or parameter stated in or imposed by a smoke management plan approved by the APCO, or any special condition or administrative requirement in this regulation.

(Amended 11/94; 3/6/02)

- 5-302 **Mandatory Burn Ban for Recreational Fires:** No person shall ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any recreational fires during ~~Mandatory B~~urn ~~B~~an periods, as defined in Regulation 6, Rule 3: Wood-Burning Devices, Section 6-3-301.

(Adopted 7/9/08; Amended 11/20/19)

5-400 ADMINISTRATIVE REQUIREMENTS

- 5-401 **Allowable Fires:** The following fires may be allowed on permissive burn days:
- 401.1 Disease and Pest: Agricultural fires set for the purpose of disease and pest prevention. The fire must be set or allowed by the Agricultural Commissioner of the County in the performance of official duty. Prior reporting pursuant to Section 5-406 must be made to the APCO, by the person setting the fire.
(Amended 12/19/90; 11/2/94; 3/6/02)
 - 401.2 Crop Replacement: Agricultural fires set for the purpose of establishing an agricultural crop in a location that formerly contained another type of agricultural crop or on previously uncultivated land. The fire must be set or

allowed by the public fire official having jurisdiction, in the performance of official duty, and must be necessary for the crop replacement to proceed.

2.1 Fires 10 acres or smaller: Small Crop Replacement fires are limited to a period beginning October 1 and ending April 30; however, upon the determination of the APCO that heavy winter rainfall has prevented such burning, the burn period may be extended to no later than June 30. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

2.2 Fires larger than 10 acres: Any Crop Replacement fire set for the purpose of establishing an agricultural crop on previously uncultivated land that is expected to exceed 10 acres in size or burn piled vegetation cleared or generated from more than 10 acres of land, is considered prescribed burning and is regulated as a Wildland Vegetation Management (Prescribed Burning) fire and subject to the requirements in subsection 5-401.15. Prescribed burns are permissible year-round, and must be conducted in accordance with a District-approved smoke management plan.

(Amended 12/19/90; 11/2/94; 3/6/02; 11/20/19)

401.3 Orchard Pruning and Attrition: Agricultural fires set for the purpose of disposal of periodic prunings and attrition losses from fruit trees, nut trees, vineyards and cane fruits. Fires must be set or allowed by the public fire official having jurisdiction, in the performance of official duty, and must be necessary to maintain and continue the growing of the fruit trees, vineyards and cane fruits as a gainful occupation. Fires are limited to a period beginning November 1 and ending April 30; however, upon the determination of the APCO that heavy winter rainfall has prevented such burning, the burn period may be extended to no later than June 30. When pruning is performed between February 15 and April 30 for integrated pest management purposes, the following minimum drying time periods shall apply: trees and branches over six inches in diameter: 30 days; for grape vines and branches less than or equal to six inches in diameter: 15 days. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

(Amended 3/15/81; 12/19/90; 11/2/94; 3/6/02)

401.4 Double Cropping Stubble: Agricultural fires set for the purpose of disposal of grain stubble from agricultural land from which both grain and vegetable crops are harvested during the same calendar year. Fires must be set or allowed by a public fire official having jurisdiction, in the performance of official duty, and must be necessary to remove the grain stubble and straw before a field vegetable crop can be planted. All material to be burned shall be free of visible surface moisture. No fires shall take place before 10:00 a.m. local time on any day. Fires are limited to a period beginning June 1 and ending August 31. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

(Amended 12/19/90; 11/2/94; 3/6/02)

401.5 Stubble: Agricultural fires set for the purpose of disposal of stubble and straw. Fires must be set or allowed by a public fire official having jurisdiction, in the performance of official duty, and must be necessary to maintain and continue the growing of field crops as a gainful occupation. Fire ignition techniques shall be limited to backfiring, stripfiring, and 'X' or crossfiring unless an alternate technique is approved by the APCO in writing where a specific field condition is determined not to lend itself to these techniques in a given year. All material to be burned shall be free of visible surface moisture. After 0.15 inches or more rainfall, the material must pass the "crackle" test pursuant to Section 5-601 prior to burning. No fires shall take place before 10:00 a.m. local time on any day. Fires are limited to a period beginning September 1 and ending December 31. Outside of Sonoma County, no more than 100 acres of any property shall be burned in a single day. Within Sonoma County, no person shall conduct a burn without receiving an acreage burning allocation from the APCO and no more than 500 acres total

of all properties shall be burned in a single day. In addition, no more than 100 acres of any property shall be burned in a single day. If by 12:00 p.m. local time the daily 500-acre burn acreage limitation has not been allocated, up to 200 acres of any property may be burned in a single day provided:

- 5.1 the additional acreage burning allocation has been approved verbally by the APCO; and
- 5.2 no more than two fields exceeding 100 acres total are burned simultaneously on the same property.

(Amended 12/19/90; 11/2/94; 3/6/02; Renumbered 11/20/19)

401.6 Hazardous Material: Any fire set for the purpose of the prevention or reduction of a fire hazard, including the disposal of dangerous materials. The fire must be set or allowed by any public fire official having jurisdiction, in the performance of official duty. The fire must, in the opinion of such officer, be necessary, and the fire hazard not able to be abated by any other means.

6.1 Fires 10 acres or smaller: Small Hazardous Material fires are not subject to the requirements of subsection 5-111.1. No fires involving piled material shall be ignited or take place before 9:30 a.m. local time on any day. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

6.2 Fires larger than 10 acres: Any Hazardous Material fire not related to Public Resources Code Section 4291 that is expected to exceed 10 acres in size or burn piled vegetation cleared or generated from more than 10 acres of land, is considered prescribed burning and is regulated as a Wildland Vegetation Management (Prescribed Burning) fire and subject to the requirements in subsection 5-401.15. Prescribed burns are permissible year-round, and must be conducted in accordance with a District-approved smoke management plan.

6.3 Public Resources Code Section 4291 fires: Hazardous Material fires conducted to dispose of materials generated to comply with an order or notice issued by a fire official pursuant to Section 4291 of the State Public Resources Code are permitted. Public Resources Code Section 4291 fires are not subject to the requirements of subsection 5-111.1. No fires involving piled material shall be ignited or take place before 9:30 a.m. local time on any day. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire. All of the following conditions must also be satisfied:

- 3.1 only natural vegetation or other native growth may be burned;
- 3.2 the amount of material to be burned shall be greater than 5 cubic yards cleared annually from a single property;
- 3.3 the material is burned where it was grown without being moved to a different location unless approved by the APCO;
- 3.4 the material is inaccessible for removal by vehicle and available alternatives to burning such as shredding, chipping, composting, disking, plowing, and harrowing are not feasible; and
- 3.5 the material, if ignited accidentally, would result in a fire of such magnitude as to immediately threaten life or adjacent improved property or resources and require an excessive fire suppression effort.

(Amended 12/19/90; 11/2/94; 3/6/02; 11/20/19)

401.7 Fire Training: Fires set for the exclusive purpose of instruction of either public or industrial employees in fire fighting methods. The fire must be set or allowed by the public fire official having jurisdiction, in the performance of official duty, and must be, in the opinion of the public fire official ~~his opinion~~, necessary. Notwithstanding contrary provisions of Section 5-111, a fire fighting agency may set one fire per quarter calendar year for the purpose of training volunteer or seasonal fire fighters. This may be done on a day other

than a permissive burn day if the APCO is notified in writing ~~or facsimile~~ at least ~~three working days~~~~two weeks~~ in advance. Fires may be conducted outside of the burn hour limits in subsections 5-111.1 and 111.2 if the APCO is notified in writing ~~or facsimile~~ at least ~~three~~~~seven~~ ~~working~~~~calendar~~ days in advance. Prior reporting pursuant to Section 5-406 must also be made to the APCO for other fire training by the person setting the fire.

(Amended 12/19/90; 11/2/94; 3/6/02)

- 401.8 Flood Debris: Agricultural fires set for the purpose of removing wood and vegetation debris deposited by floodwaters. The fire must be set or allowed by the public fire official having jurisdiction, in the performance of official duty, and must be necessary for the continuing or maintaining of agriculture as a gainful occupation. Fires are limited to a period beginning October 1 and ending May 31. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

(Amended 12/19/90; 11/2/94; 3/6/02)

- 401.9 Irrigation Ditches: Agricultural fires set for the purpose of controlling growth of vegetation in irrigation ditches and canals. The fire must be set or allowed by a public fire official having jurisdiction, in the performance of official duty, and must, in the opinion of such officer, be necessary to avoid interference with water flow or drainage into irrigated land. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

(Amended 12/19/90; 11/2/94; 3/6/02)

- 401.10 Flood Control: Fires set for the purpose of disposal of material which is lying or growing within natural channels or flood control channels. The fire must be set or allowed by a public official in charge of flood control activities. The fire must, in the opinion of such official, be a necessary incident to the clearing and maintenance of water courses and flood control channels for preventing or eliminating a flood hazard. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

(Amended 12/19/90; 11/2/94)

- 401.11 Range Management: Fires set for the purpose of range management and grazing. The fire must be set or allowed by the State Director of Forestry, or public fire official having jurisdiction, in the performance of official duty, and must be necessary to maintain and continue the grazing of animals as a gainful occupation. Brush to be burned shall be treated at least six months prior to burn if determined to be technically feasible by the State Director of Forestry or public fire official. Unwanted trees over 6 inches in diameter shall be felled prior to burn and dried for a minimum of six months. Feasibility shall be subject to the approval of the APCO.

11.1 Fires 10 acres or smaller: Small Range Management fires are limited to a period beginning July 1 and ending April 30. Subsections 5-111.1 and 5-111.6 may be waived by the State Director of Forestry or fire official when determined necessary in the public interest. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

11.2 Range Management fires larger than 10 acres: Any Range Management fire that is expected to exceed 10 acres in size or burn piled vegetation cleared or generated from more than 10 acres of land is considered prescribed burning and is regulated as a Wildland Vegetation Management (Prescribed Burning) fire subject to the requirements in subsection 5-401.15. Prescribed burns are permissible year-round, and must be conducted in accordance with a District-approved smoke management plan.

(Amended 12/19/90; 11/2/94; 3/6/02; 11/20/19)

- 401.12 Forest Management: Fires set for the purpose of removing forest debris and for forest management. The fire must be set or allowed by a public fire official having jurisdiction, in the performance of official duty, and must, in his opinion, be necessary.

12.1 Fires 10 acres or smaller: Small Forest Management fires are limited to a period beginning November 1 and ending April 30.

Subsections 5-111.1 and 5-111.6 may be waived by the fire official when deemed necessary in the public interest. All materials shall be piled or windrowed unless deemed poor practice by the fire official. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

- 12.2 Fires larger than 10 acres: Any Forest Management fire that is expected to exceed 10 acres in size or burn piled vegetation cleared or generated from more than 10 acres of land is considered prescribed burning and is regulated as a Wildland Vegetation Management (Prescribed Burning) fire subject to the requirements in subsection 5-401.15. Prescribed burns are permissible year-round, and must be conducted in accordance with a District-approved smoke management plan.

(Amended 12/19/90; 11/2/94; 3/6/02; 11/20/19)

- 401.13 Marsh Management: Fires set for the purpose of improvement of marshland for wildlife habitat. The fire must be declared necessary by the California Department of Fish and Wildlife. No such fire may be allowed on a given piece of land more than once in any 2-year period. The California Department of Fish and Wildlife shall provide the APCO such information as may be deemed necessary by the APCO to verify the necessity of each burn and land area burning frequencies. Any person seeking to set fires under this provision shall also comply with the requirements of Section 5-410 and receive written APCO approval of the smoke management plan prior to any burn. No fires shall take place before 10:00 a.m. or after 3:00 p.m. local time, nor shall any existing burning be allowed to continue after 3:00 p.m. local time on any day. Fires are limited to a Spring burning period beginning March 1 and ending April 15, and a Fall burning period beginning September 1 and ending October 15. Outside of the Suisun Resource Conservation District (SRCD), no person shall conduct a burn without receiving an acreage burning allocation from the APCO and no more than 100 acres of any property shall be burned in a single day. For fires conducted within the boundaries of the SRCD:

- 13.1 no person shall conduct a burn without receiving an acreage burning allocation from the APCO; and
- 13.2 total daily acreage to be burned shall be determined by the APCO, but in no case shall the total acreage burning allocation exceed 300 acres/day during the Fall burning period and 600 acres/day during the Spring burning period. In addition, no more than 100 acres of any property and no more than 100 acres of all properties designated by the same SRCD hundred-series ownerships shall be burned in a single day during the Fall or Spring burning period.

(Amended 3/15/81; 5/20/81; 8/3/83; 11/2/94; 3/6/02; 11/20/19)

- 401.14 Contraband: Fires set for the purpose of disposing of contraband. The fire ~~must~~may only be set or allowed by ~~any~~ peace officer or public fire official, in the performance of official duty. The fire must, in the opinion of such officer or official, be necessary and the material not be able to be disposed of by any other means. Prior reporting must be made to the APCO by the person setting the fire pursuant to Section 5-406.

(Adopted 12/19/90; Amended 11/2/94)

- 401.15 Wildland Vegetation Management (Prescribed Burning): The planned, controlled application of fire to vegetation to achieve a specific natural resource management objective(s) on land areas selected in advance of that application. ~~Prescribed burning by a public agency, or through a cooperative agreement or contract involving a public agency.~~ Any prescribed burning shall comply with the requirements of Section 5-408 and receive written approval of the smoke management plan by the APCO prior to any burn and comply with the smoke management plan during the burn. Prescribed burns are permissible year-round. Fires may only be conducted on a permissive burn day.

(Adopted 11/2/94, Amended 11/20/19)

401.16 **Filmmaking:** Fires set as part of commercial film or video production activities for motion pictures and television. The fire shall be set or allowed by the public fire official having jurisdiction, in the performance of official duty. Any person seeking to set fires under this provision shall comply with the requirements of Section 5-409 and receive APCO approval in writing at least 10 working days prior to the burn. This fire may be done on other than a permissive burn day, as defined in Section 5-20617, if approved by the APCO pursuant to subsection 5-409.2.

(Adopted November 2, 1994)

401.17 **Public Exhibition:** Fires set as part of a planned civic event designed to educate or otherwise benefit the public. The fire shall be set or allowed by the public fire official having jurisdiction, in the performance of official duty. Any person seeking to set fires under this provision shall comply with the requirements of Section 5-409 and receive APCO approval in writing at least 10-working days prior to the burn. This fire may be conducted on other than a permissive burn day, as defined in Section 5-20617, if approved by the APCO pursuant to subsection 5-409.2.

(Adopted 11/2/94; Amended 3/6/02)

5-402 Deleted November 2, 1994

5-403 Agricultural Land Use: Debris from land clearing shall not qualify under subsections 5-401.1, 5-401.2, 5-401.3, 5-401.4 or 5-401.5 unless applicant certifies, under penalty of perjury, that said land is to remain in agricultural use for a gainful occupation for a period of one year subsequent to the burning, and that applicant has not caused or contributed to the need for the burning of the material for any reason other than the promotion of agricultural use of the land for a gainful occupation. However, the County Agricultural Commissioner may waive this Section by certifying that burning of the material under subsection 5-401.1 is, in ~~their~~^{his} opinion, the only safe method of disposal. Failure to comply with the conditions of this Section shall be considered a violation of this Regulation. Each pile burned in violation shall be cited as a separate offense.

(Amended 11/2/94; 3/6/02)

5-404 Emergency Waivers: A public officer authorized under subsections 5-401.1, 5-401.6 and 5-401.10 to grant permission for open burning may grant waivers from subsections 5-111.1 through 5-111.9 when, in ~~their~~^{his} judgment, such emergency or summary action is necessary for the public safety. When such action is taken, the authorizing authority shall certify the following in a written report submitted to the APCO within 10 calendar days following the completion of burning: a description and quantity of the material burned and an explanation of the reasons for granting the permission.

(Amended 11/2/94; 3/6/02)

5-405 Deleted March 6, 2002

5-406 Prior ~~District~~ ^{Open Burn} Notification; Disease and Pest, Crop Replacement, Orchard Pruning and Attrition, Double Cropping Stubble, Forest Management, Flood Debris, Fire Training, Flood Control, Irrigation Ditches, Range Management, Hazardous Material, and Contraband: The person setting the fire shall provide electronic, typewritten, legibly handwritten, or computer printed notification to the District prior to the burn on a District-approved form ~~or facsimile thereof~~. If notification is submitted by mail, the document must be postmarked at least 5 calendar days prior to the burn. The notification form must be completely filled out with accurate information to satisfy this requirement. For structural fire training, written notification shall also be made to the APCO at least 10 working days prior to the burn pursuant to the requirements of Regulation 11-2-401.3 (Asbestos Demolition, Renovation and Manufacturing).

(Adopted 12/19/90; Amended 11/2/94; 3/6/02)

5-407 Deleted November 2, 1994

5-408 Wildland Vegetation Management (Prescribed Burning) Burn Requirements: Any person who seeks to conduct or conducts prescribed burning subject to subsection 5-401.15 shall comply with the following requirements:

- 408.1 Submit a smoke management plan to the APCO for review at least 30 calendar days prior to the proposed burning that is consistent with the most current USEPA guidance on wildland and prescribed fires (*Interim Air Quality Policy on Wildland and Prescribed Fires*, USEPA 1998, or any subsequent document that supersedes this document), and provides the following information:
- a. location and specific objectives of each proposed burn;
 - b. acreage, tonnage, type, and arrangement of vegetation to be burned;
 - c. directions and distances to nearby sensitive receptor areas;
 - d. fuel condition, combustion and meteorological prescription elements for the project;
 - e. projected burn schedule and expected duration of project ignition, combustion, and burn down (hours or days);
 - f. specifications for monitoring and of verifying critical parameters including meteorological conditions and smoke behavior before and during the burn;
 - g. specifications for disseminating project information to public;
 - h. contingency actions that will be taken during the burn to reduce exposure if smoke intrusions impact any sensitive receptor area;
 - i. certification by a qualified professional ~~resource ecologist, biologist, or forester~~ that the proposed burning is necessary to achieve the specific management objective(s) of the plan;
 - j. a copy of the environmental impact analysis prepared for the plan that includes an evaluation of alternatives to burning, if such an analysis was required by state or federal law or statute;
 - k. project fuel loading estimate (tons vegetation/acre) by vegetation type(s) and a description of the calculation method; and
 - l. particulate matter emissions estimate including referenced emission factor(s) and a description of the calculation method used.
- 408.2 Permission to burn shall be governed by the acreage burning allocation issued by the APCO.
- 408.3 Receive an acreage burning allocation from the APCO prior to ignition.
- 408.4 For each day on which burning occurs, report the total acreage and tonnage of vegetation actually burned to the APCO no later than 12:00 p.m. local time the following day.
- 408.5 Within 30 calendar days following completion of the burn project, provide a written post-burn evaluation to the APCO that addresses whether the project objectives were met and describes actual smoke behavior.

Any fire official seeking to conduct prescribed burning in a geographical area considered for a potential naturally-ignited wildland fire managed for resource benefits that is expected to exceed 10 acres in size shall annually register each burn project in writing with the APCO by December 31 each year, with updates as they occur. Once a decision is made to manage the fire for resource benefits, the fire official shall provide a smoke management plan for the burn project to the APCO, upon request.

(Adopted 11/2/94; Amended 3/6/02; 11/20/19)

5-409 Filmmaking and Public Exhibition Burn Petitions: Any person seeking to conduct a fire pursuant to subsection 5-401.16 or 401.17 shall comply with the following requirements:

- 409.1 Submit an open burning petition to the APCO that provides the following information, as applicable:
- 1.1. date(s) and specific location(s) of each proposed burn;
 - 1.2. type and quantity (tonnage, acreage, or volume) of each material to be burned;
 - 1.3. the projected fuel use rate in BTU per hour, if known, calculated using the higher heating value of each fuel; and
 - 1.4. the burn duration.
- 409.2 Permission to burn on other than a permissive burn day shall be subject to written approval of the open burning petition by the APCO.

- 409.3 Prior to ignition, notify the APCO on the day of each burn.
409.4 If the APCO grants written approval, such approval shall be available at the burn location for inspection by the APCO, upon request.

(Adopted 11/2/94; Amended 3/6/02; Renumbered 11/20/19)

5-410 Marsh Management Burn Requirements: Any person who seeks to conduct or conducts a fire pursuant to Subsection 5-401.13 shall:

- 410.1 In order to receive an acreage burning allocation, at least 30 calendar days prior to the proposed burning, submit a smoke management plan to the APCO for review using a District-approved form;
410.2 In securing the written necessity statement required by California Health and Safety Code Section 41861, submit to the California Department of Fish and Wildlife (DFW) and the APCO information that (1) identifies the non-burning alternatives considered by the property owner(s) given the recommendations or needed improvements described in existing Individual Ownership Management Plans, updated Individual Ownership Adaptive Management Habitat Plans, Wildlife Management Plans or other resource management plans as applicable; and (2) explains why water management practices and non-burn vegetation management practices cannot currently achieve the management objective(s) of the proposed fire and the property. Where DFW is conducting a burn on state lands, this information shall be submitted by DFW to the APCO prior to the proposed burning;
410.3 Prior to the proposed burning, submit the written statement required by Health and Safety Code Section 41861 to the APCO;
410.4 For each day on which burning occurs, report the total acreage of vegetation actually burned to the APCO by telephone no later than 12:00 p.m. local time the following day.

(Adopted 3/6/02, Amended 11/20/19)

5-411 Open Burning Operation Fees: The Open Burning Operation Fees contained in Regulation 3, Schedule V shall be paid prior to burning by any person subject to the requirements of (1) Section 5-406 Prior ~~District~~ [Open Burn](#) Notification; (2) Section 5-401.13 Marsh Management; (3) Section 5-401.15 Wildland Vegetation Management (Prescribed Burning); (4) Section 5-401.16 Filmmaking or Section 5-401.17 Public Exhibition; or (5) the acreage burning allocation pursuant to Section 5-401.5 Stubble.

(Adopted 6/19/13; Amended 11/20/19)

5-500 MONITORING AND RECORDS

5-501 Open Burning Records: Any person subject to Section 5-408 or 5-410 shall comply with the following requirements:

- 501.1 The person who conducts the fire shall maintain records on a daily basis that document and verify the actual acreage burned. Such documentation shall include the following information:
1.1 date and location of burn
1.2 a description of the method(s) or technique(s) used to verify the actual acreage burned
1.3 data collected that supports the burn acreage determination, and
1.4 type of vegetation and acreage actually burned.
501.2 Such records shall be retained for twelve months and made available to the APCO, upon request.

(Adopted 12/19/90; Amended 11/2/94; 3/6/02; Renumbered 11/20/19)

5-600 MANUAL OF PROCEDURES

5-601 Appraisal of Field Crop Fuel Moisture; The "Crackle" Test: Any person who wants to conduct an evaluation of fuel moisture in field crop stubble or straw remaining after harvest pursuant to subsection 5-401.5 shall satisfy the following criteria prior to burning:

- 601.1 Sampling: To ensure representative sampling, sample in accordance with the following requirements:
1.1 obtain samples from several different areas of the field

- 1.2 select some samples from underneath the straw mat including the bottom layer
- 1.3 a handful of sample material is considered a sufficient size to test.
- 601.2 Evaluation: The field is considered dry enough to burn, or passes the "crackle" test when:
 - 2.1 each sample is tested just prior to burning
 - 2.2 each sample tested makes an audible "crackle" when it is bent sharply.
 - 2.3 If the sample does not pass the test, then the area from which the sample was selected cannot be burned until such material is considered dry enough to burn.

(Adopted 11/2/94; Renumbered 11/20/19)

APPENDIX C

Socioeconomic Impacts Analysis of Proposed Amendments to Rule 6-3

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Final Report

Socio-economic Analysis for Amendments to Regulation 6 Rule 3: Wood-Burning Devices

Submitted to:
Bay Area Air Quality Management District
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July 10, 2025

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Executive Summary

ERG conducted a socio-economic analysis of the proposed amendments to Regulation 6, Rule 3 to determine whether the proposed amendments would have a significant impact on households in the Bay Area Air Quality Management District (BAAQMD), businesses in the District, and the overall District economy. ERG determined that the proposed administrative amendments will not affect any population in the District and have no socio-economic impacts. ERG found that the proposed mandatory burn ban amendment has the potential to substantially impact one type of business (firewood sellers), but that other businesses that sell firewood, households, and the overall economy would see no significant impact.

To calculate potential costs to households from the proposed mandatory burn ban amendment, ERG estimated the population of households that would be affected by the proposed amendment and calculated the cost for a household to switch to an alternative non-wood heating source for a day. By multiplying the cost to switch to a non-wood heating source on any given day by the number of affected households, the number of additional Mandatory Burn Ban days, and by the likelihood of a household planning to burn wood on the Ban day, ERG estimated the annual total household compliance costs to comply with the proposed amendments. ERG calculated costs assuming a low number of additional Ban days and a high number of additional Ban days to show the potential range of costs from additional Ban days and to address uncertainty in the number of additional days that would be issued. ERG found that the compliance cost represented less than 0.1 percent of household income for both high and low estimates, assuming conservatively that household income is equal to that of the lowest quintile of income in the region.

ERG determined that the only businesses affected by the rule are firewood suppliers, since other businesses that sell firewood or other types of wood for burning (e.g., manufactured logs, wood pellets) do so only as a very small portion of their business. ERG calculated the amount that households would spend at firewood suppliers on any given Mandatory Burn Ban day to estimate the sales revenue lost per Ban day among firewood suppliers. ERG multiplied the daily revenue by the number of Mandatory Burn Ban days to calculate the annual revenue lost across all firewood suppliers. Like the consumer impacts, ERG estimated the costs to businesses assuming a low and high number of additional Mandatory Burn Ban days. ERG's analysis shows that these businesses, which are all considered small businesses, would see a decline in sales equal to approximately 2 to 7 percent of annual revenues. However, it is challenging to accurately predict how a decline in sales revenue will impact these businesses, as their business structures vary. Some are likely seasonal, while others are likely associated with related industries, like tree service providers. Those businesses that operate part-time or as a supplement to another venture may experience less impact from the proposed amendments. In contrast, full-time operations that serve as the owner's primary source of income may see more significant impacts.

Finally, ERG used IMPLAN, a regional economic input-output model, to assess how compliance costs associated with the proposed amendments would impact the economy as a whole. This model predicts that the compliance costs across the entire economy would reduce GDP by -\$271,657, which is negligible considering the Bay Area's GDP is nearly 1.3 trillion.

Certain businesses that rely primarily on firewood sales for annual revenue may be significantly affected by the proposed amendments. However, because the proposed amendments are expected to impose only minimal costs on households – regardless of income level – and have a negligible impact on the regional economy overall, they are unlikely to result in significant economic impacts.

Introduction

This report discusses the socio-economic impact of the proposed amendments to Regulation 6, Rule 3 (Rule 6-3). This report outlines ERG's methodology for calculating the cost to consumers, the cost to the firewood industry, and the macroeconomic impact and presents the results of these analyses.

Description of Proposed Rule Amendments

Mandatory Burn Ban Amendment

Rule 6-3 prohibits the use of a wood-burning device, such as a woodstove or fireplace, during a Mandatory Burn Ban. A Mandatory Burn Ban is called when the level of particulate matter (PM) in the air exceeds $35 \mu\text{g}/\text{m}^3$ on average over a 24-hour period. There are some exceptions to the rule, including households that use a wood-burning device for their primary source of heat and who do not have an alternative heat source. Regulating wood smoke in the Bay Area mitigates its adverse health and air quality impacts. Woodsmoke contains pollutants, such as PM and volatile organic compounds, that can exacerbate pulmonary and cardiovascular illness (Environment & Human Health, Inc., 2018). Prohibiting burning wood during days with elevated PM levels prevents additional PM pollution and thus reduces the health impact from PM exposure.

The proposed amendment to Rule 6-3 lowers the forecasted 24-hour average particulate matter threshold that triggers a Mandatory Burn Ban from $35 \mu\text{g}/\text{m}^3$ to $25 \mu\text{g}/\text{m}^3$. This proposed amendment will further reduce PM exposure and health risks in the Bay Area. Lowering the PM threshold is expected to increase the number of Mandatory Burn Ban days by approximately 5 to 26 days annually.¹

Administrative Amendments

The proposed amendments include five administrative amendments, as referenced in BAAQMD's Staff Report (BAAQMD, 2025):

1. BAAQMD proposes revising Section 6-3-302 to reference EPA's performance and emission standards set in Title 40 Code of Federal Regulations (CFR), Part 60, Subpart AAA instead of the specific emissions rating. Removing references to the requirements within Title 40 CFR, Part 60, Subpart AAA would eliminate the need to amend the rule each time EPA updates its emission standards.
2. Some provisions include effective dates that have since passed (such as, "effective November 1, 2015"). BAAQMD proposes removing these dates to streamline language in the rule.
3. BAAQMD proposes modifying the language in Section 6-3-102 for clarity. This section outlines the applicability of Rule 6-3. The proposed amendment will not alter who is subject to the rule, but will clarify its scope.
4. BAAQMD proposes revisions to streamline and improve consistency in the definitions section of Rule 6-3. Two unused definitions—"Uncertified Wood Heater" and "Visible Emissions"—are proposed for removal. Several existing definitions have been revised to align with terms defined in *Regulation 6: Particulate Matter – Common Definitions and Test Methods*.
5. BAAQMD also proposes revisions to the visible emissions limitation standard to improve clarity and ensure consistent interpretation in Section 6-3-308.

¹ Estimated by BAAQMD, 2025.

Regional Trends

Demographic and economic trends provide regional context for rulemaking and socio-economic analyses. The following data highlight population and household characteristics and important industries in the Bay Area and California. These data show how the Bay Area aligns with or diverges from statewide trends and provide important baseline information for this analysis.

Table 1 presents population and household data over a ten-year period (2014 to 2023) in the Bay Area and in California.

Table 1. Population and households in the Bay Area and California, 2014 to 2023

Bay Area				
	2014	2023	Total Change, 2014 - 2023	Percent Change, 2014 -2023
Population	7,360,487	7,629,426	268,939	3.7%
Households	2,636,267	2,785,482	149,215	5.7%
Average Household Size	2.79	2.74		
California				
	2014	2023	Total Change, 2014 - 2023	Percent Change, 2014 -2023
Population	38,802,500	38,965,193	162,693	0.4%
Households	12,758,648	13,699,816	941,168	7.4%
Average Household Size	3.04	2.84		

[a] the Bay Area consists of the following counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma.

Source: U.S. Census, 2014 and 2023a

The population in the Bay Area has grown by nearly 4 percent over the past 10 years, compared to a 0.4 percent population growth statewide. The number of households, however, has increased by 7.4 percent statewide, while the number of households in the Bay Area has increased by 5.7 percent. The average household size is relatively similar in both areas: 2.74 in the Bay Area compared to 2.84 in California.

Table 2 presents employment by industry in the Bay Area and in California.

Table 2. Employment by sector, 2014 to 2023

Industry	Bay Area			California		
	2014	2023	Percent change (2014 - 2023)	2014	2023	Percent change (2014 - 2023)
Agriculture, forestry, fishing and hunting, and mining:	31,347	27,912	-11.0%	420,979	379,601	-9.8%
Construction	206,442	233,856	13.3%	1,064,294	1,258,660	18.3%
Manufacturing	397,408	415,512	4.6%	1,718,093	1,684,528	-2.0%
Wholesale trade	93,860	59,719	-36.4%	542,536	406,848	-25.0%
Retail trade	379,270	342,003	-9.8%	1,927,958	1,888,499	-2.0%

	Bay Area			California		
Industry	2014	2023	Percent change (2014 - 2023)	2014	2023	Percent change (2014 - 2023)
Transportation and warehousing, and utilities:	159,534	185,804	16.5%	830,311	1,186,824	42.9%
Information	156,929	170,588	8.7%	528,556	553,090	4.6%
Finance and insurance, and real estate and rental and leasing:	250,305	220,236	-12.0%	1,083,944	1,013,177	-6.5%
Professional, scientific, and management, and administrative and waste management services:	658,347	834,835	26.8%	2,271,628	2,780,335	22.4%
Educational services, and health care and social assistance:	776,815	827,778	6.6%	3,681,807	4,238,380	15.1%
Arts, entertainment, and recreation, and accommodation and food services:	375,147	317,953	-15.2%	1,860,773	1,838,902	-1.2%
Other services, except public administration	190,905	170,750	-10.6%	953,146	914,766	-4.0%
Public administration	133,227	144,972	8.8%	754,127	882,956	17.1%
Total Employment	3,809,536	3,951,918	3.7%	17,638,152	19,026,566	7.9%

Source: U.S. Census, 2014 and 2023b

As of 2023, the largest industry by employment in the Bay Area was the professional services industry with nearly 835,000 employees, followed closely by the educational services, health care, and social assistance industry. At the state level, the largest industry by employment is the educational services, health care, and social assistance industry, with over 4.2 million employees.

Although employment in the Bay Area in some industries has declined over the past 10 years, certain industries experienced large growth over the same period. The professional services industry, for example, grew by approximately 175,000 employees. The industries with the largest declines in employment include the wholesale trade industry (36 percent decrease) and the arts, entertainment, recreation, accommodation, and food services industry (15 percent decrease). Despite slower growth in the Bay Area compared to California, the Bay Area has seen an overall increase in employment between 2014 and 2023, indicating strong economic growth in the area.

Affected Populations

Mandatory Burn Ban Amendment

Households in the Bay Area that use wood-burning devices and firewood suppliers in the Bay Area will be impacted by the proposed mandatory burn ban amendment to Rule 6-3. During the winter, households that burn wood for heat will switch to an alternative heat source and will incur those additional costs associated with running gas or electric heat. As households burn less wood, firewood suppliers will experience a decline in demand for wood and thus a decline in sales.

Households

ERG assumes that the affected population of households are those that burn wood at least once a week for heat. Those that burn for ambiance are not expected to incur financial impacts from the proposed amendments since the only cost to households from this rule is the cost to switch to a non-wood heating source, and households that only burn for ambiance will not need to pay to run an alternative heat source. Those that burn less frequently than once per week for heat are not expected to incur any significant costs because they burn so infrequently that they likely do not rely on wood heat for a significant amount of their heating needs. Furthermore, the likelihood that the days that infrequent burners will use their wood-burning device align with Mandatory Burn Ban days is small, and it can be expected that households adjust their burn days to not fall on Mandatory Burn Bans.

Affected Households

- Affected households are those who burn wood at least once per week for heat.
- Approximately 3 percent of households in the Bay Area burn wood at least once a week for heat.

The 2023-2024 Spare the Air survey, which surveyed residents' behaviors and attitude related to wood burning, provides insight into the number and location of households that would be impacted by the proposed amendment (True North Research, 2024). According to the Spare the Air survey, approximately 30 percent of households in the Bay Area have a wood-burning device (fireplace, wood stove, or pellet stove). This equates to around 830,000 households.² The county with the largest percentage of residents with a wood-burning device is Solano County (approximately 41 percent of households have a wood-burning device), followed by Marin County (39 percent) and San Mateo County (38 percent). Figure 1 shows a map of BAAQMD counties by the percentage of the population with a wood-burning device.

² See Table 1 for the number of households in the Bay Area.

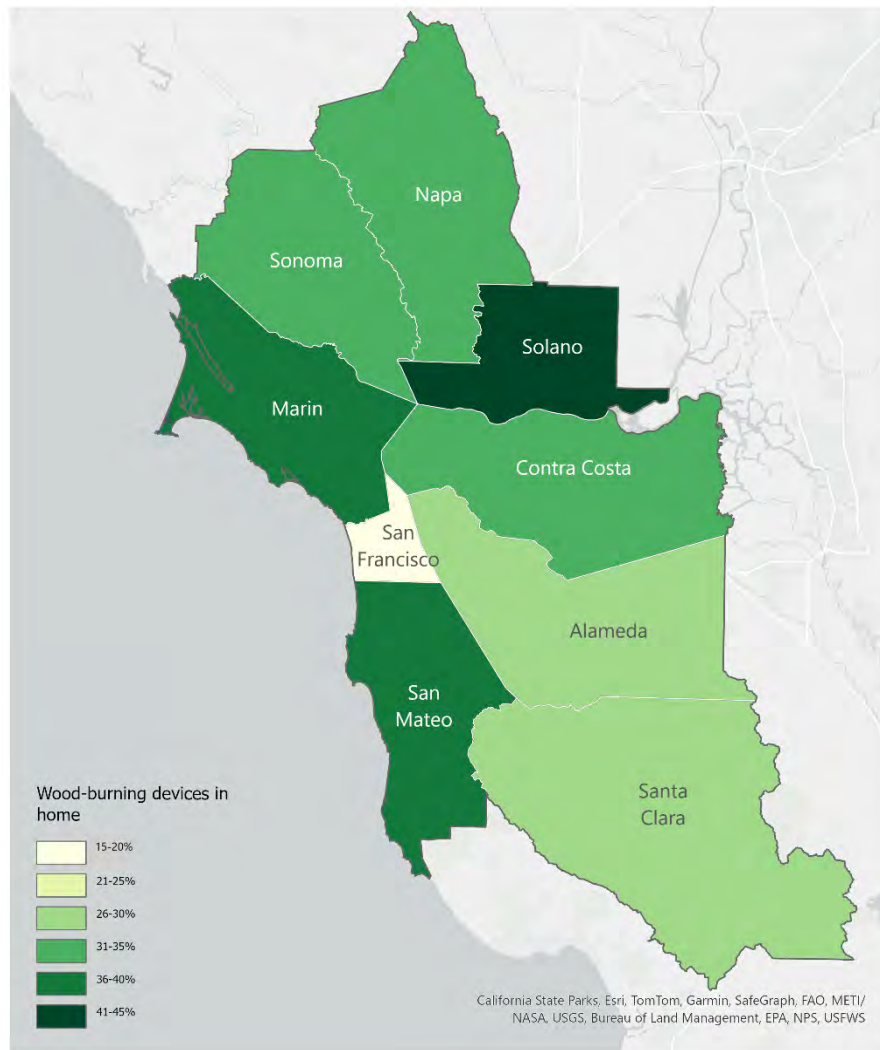


Figure 1. BAAQMD counties percentage of homes with a wood-burning device

Of those with a wood-burning device, 34.7 percent reported that they plan to use their device. This means that of the 830,000 households with a wood-burning device, 288,000 plan to use the device over the winter. Of the households with a wood-burning device that indicated they plan to use their device, 41.6 percent indicated they plan to use their device at least once a week and 58 percent indicated they plan to use their device less frequently or were not sure how often they would use the device. This means that 120,000 households are “frequent burners,” that is, they use their wood-burning device at least weekly. However, not all “frequent burners” burn wood for heat. 76.5 percent of frequent burners indicated that they burn wood for heat. As described above, ERG assumes that the population affected by the proposed amendments are those households that burn at least once a week and burn for heat, so ERG estimates that approximately 91,700 households (76.5 percent of 120,000) will be impacted by the proposed amendments. This is equivalent to approximately 3 percent of households in the Bay Area. Table 3 presents the percentages from the Spare the Air survey used to estimate the number of affected households, along with the resulting estimates. While the calculations were performed using unrounded estimates, Table 3 presents rounded estimates.

Table 3. Estimate of affected households based on Spare the Air survey data

Metric	Percent of households (from Spare the Air Survey)	Number of households (ERG calculation)
Households in Bay Area	n/a	2,785,000
Households with a wood-burning device	29.8%	830,000
Households with a wood-burning device that plan to burn wood	34.7%	288,000
Households with a wood-burning device that plan to burn at least once a week (frequent burners)	41.6%	120,000
Frequent burners that burn wood for heat (affected households)	76.5%	91,700

While data on burning frequency and the percentage of frequent burners that burn for heat is unavailable at the county level, the Spare the Air survey provides the percentage of households that have a wood-burning device and the percentage of those households that plan to use the device by county. Assuming the proportion of frequent burners and the proportion of those frequent burners that burn for heat is the same at the county level as it is in aggregate, ERG calculated the percentage of households that would be impacted by the proposed amendment by county to understand the distribution of impact across the Bay Area. Less than 10 percent of households in each county will be affected. The county with the lowest percentage of households impacted is San Francisco County (1 percent of households affected), and the county with the highest percentage of affected households is Solano County (6 percent). Table 4 shows the percentage and number of households that would be impacted by the proposed amendments in each county and in the district.

Table 4. Percentage of Households Affected by Proposed Amendments to Rule 6-3 by Area

Area	Number of households affected by proposed amendments to Rule 6-3	Percentage of households affected by proposed amendments to Rule 6-3
Alameda County	13,800	2%
Contra Costa County	14,700	4%
Marin County	4,400	4%
Napa County	2,400	5%
San Francisco County	5,200	1%
San Mateo County	11,900	4%
Santa Clara County	20,700	3%
Solano County	10,100	7%
Sonoma County	10,600	6%
BAAQMD	91,700	3%

Note: The sum of affected households by county does not equal total affected households across the district because ERG applied district-wide percentages to some individual counties due to missing data. Additionally, component values may not sum to total due to rounding.

Firewood Suppliers

According to the Spare the Air survey, Bay Area households acquire natural firewood by gathering their own wood, purchasing wood from a firewood supplier, and by purchasing wood from a local store like a gas station or grocery store. The majority of households gather their own wood (39.9 percent) or purchase wood at a local store (36.1 percent). Twenty-one percent of households acquire wood through a wood supplier, and 2.5 percent acquire wood through some other source.

ERG anticipates that the impact to industry from the proposed amendment to Rule 6-3 would be limited to natural firewood suppliers. No revenue is lost to those who acquire their own wood. In fact, the proposed amendment would save time for households as it decreases the amount of wood a household would need to collect. While many households purchase from a local store, the sales of wood at these stores are so small that any impact from the proposed amendment would be insignificant to their total sales. Table 5 shows the percentage of sales at hardware stores and gas stations from household fuels from the 2022 Economic Census Product Line data. This includes wood, propane, coal, and oil, so the percentage of sales from wood is even smaller than the estimates below.

Affected Businesses

- The proposed amendments would affect firewood suppliers in the Bay Area
- There are approximately 22 firewood suppliers in the Bay Area with \$4.0 million in total annual sales.

Table 5. Percent of sales from household fuels by business type

NAICS Code	NAICS Description	Establishments	Employment	Percentage of Sales from Household Fuels
444140	Hardware retailers	241	12,636	0.6%
445110	Supermarkets and other grocery retailers (except convenience retailers)	1,834	67,809	0.9%
445131	Convenience retailers	550	2,814	0.1%
457110	Gasoline stations with convenience stores	1,144	9,031	2.3%
457120	Other gasoline stations	200	1,308	6%

Sources: 2022 Economic Census Multi-Sector Statistics Product Statistics, <https://data.census.gov/table/ECNNAPCSPRD2022.EC2200NAPCSPRDIND>
County Business Patterns 2023: County File.
<https://www.census.gov/data/datasets/2023/econ/cbp/2023-cbp.html>

Households in the Bay Area also use manufactured wood, pallets, and pellets in their wood heating devices. Manufactured logs are typically composed of compressed saw dust or saw dust mixed with a binding agent such as paraffin and formed into a log shape. Although manufactured logs are used by a significant percentage of households that burn wood, they are designed to burn in fireplaces, not wood stoves. As stated in BAAQMD's 2024 Woodsmoke White Paper: "An important differentiation between fireplaces and wood stoves is that fireplaces burn wood in an open hearth and are not typically the primary source of heat." Therefore, ERG did not estimate the impact of the Burn Ban on this product.

ERG also assumes no impact to pallet suppliers since the percentage of the pallets sold at these suppliers for the purposes of firewood is likely very small. Pallets are typically used for material transport and handling and are assumed to be purchased most often for those purposes.

Wood pellet stoves are used for heating, however, less than 1 percent of households anticipate using their device. ERG conducted a search for pellet wood suppliers in the Bay Area and found they were sold at local stores, primarily hardware retailers and large home improvement retailers such as Home Depot

and Lowe's. We expect no substantial impact on revenues to these sellers from decreases in the use of wood pellets.

ERG identified firewood suppliers in the Bay Area primarily through Google and Google map searches. ERG used several search terms to identify firewood suppliers, including but not limited to "firewood sellers in Bay Area" and "firewood suppliers near Bay Area." ERG also cross referenced the list of suppliers identified in BAAQMD's staff 2019 report on the Proposed Amendments to Regulation 5: Open Burning and Regulation 6: Particulate Matter and Visible Emissions, Rule 3: Wood-Burning Devices to make sure all businesses identified in that report that are still operating are also on our list. ERG identified 22 firewood suppliers in the Bay Area. Table 6 shows the number of firewood suppliers identified by county.

Table 6. Number of firewood suppliers identified by county

County	Count
Alameda	3
Contra Costa	2
Marin	2
Napa	1
San Francisco	1
San Mateo	4
Santa Clara	3
Solano	3
Sonoma	3
BAAQMD Total	22

After identifying the firewood suppliers in the Bay Area, ERG downloaded business data from the NAICS Association Company Lookup tool. Business data were used to estimate industry impacts from the proposed amendments, as described in the Approach section below, and to determine whether the affected businesses are small businesses. The NAICS Association's tool provides data on sales, employment, location, industry, and more for individual businesses. NAICS Association sources these data through Dun and Bradstreet's database (NAICS Association, n.d.). Of the 22 suppliers identified, 8 had data available through this tool. The other 14 businesses had no results in the database, likely because they do not have Dun and Bradstreet profiles. ERG calculated the average sales from the businesses with NAICS profiles, excluding one business that we assume is an outlier because it has sales that are almost double that of the business with the second highest sales. ERG then applied this average to the businesses with no NAICS profile. Annual sales among firewood suppliers ranged from \$55,000 to \$474,000, with total estimated sales of approximately \$4.0 million across the region.

According to California Government Code 14835, a business is considered a small business if it meets all of the following requirements:

- Must be independently owned and operated.
- Cannot be dominant in its field of operation.
- Must have its principal office located in California.
- Must have its officers domiciled in California.
- Together with affiliates, it must have 100 or fewer employees and average annual gross receipts of ten million dollars (\$10,000,000) or less over the previous three years.

Assuming each business is independently owned, and that annual revenue has remained relatively consistent over the past three years, all the suppliers identified are small businesses under California Government Code 14835.

Administrative Amendments

The proposed administrative amendments change the language within Rule 6-3 but have no socio-economic impact on any population in the District since they do not change any costs associated with the rule or the population subject to the rule.

Impacts

Mandatory Burn Ban Amendment: Consumer Impacts

Approach

The cost to consumers from the proposed amendments is the cost to heat a home with a non-wood heating source during the additional Mandatory Burn Days. This analysis assumes that on a Mandatory Burn Ban day, homes that would otherwise burn wood will substitute an alternative fuel for space heating and will therefore incur additional costs for heating.

Conceptually, affected households would also accrue savings from not burning wood on such days, either directly through reduced expenditure on wood or pellets, or implicitly due to a decrease in time cutting, splitting, transporting and stacking their own wood. ERG did not estimate this potential cost offset because many households use nonmarket means of obtaining firewood. This would make savings highly variable. Excluding the savings offset from the analysis results in an overestimation of household costs and impacts.

ERG estimated consumer impacts under two scenarios: a low estimate of the additional number of Mandatory Burn Bans and a high estimate of the additional number of Mandatory Burn Bans. These scenarios are based on BAAQMD estimates on the maximum and minimum expected additional Mandatory Burn Bans under the proposed maximum daily PM threshold. ERG estimated consumer impacts in both scenarios by taking the following steps:

1. Calculate the number of households that would switch to an alternative fuel used for space heating, including natural gas, electricity, propane, and other fuel, on a Mandatory Burn Ban day.
2. Calculate the daily cost per household to switch to each fuel type.
3. Calculate the likelihood that a household is burning wood on any given day to account for the fact that not all households would burn wood on a Mandatory Burn Ban day.
4. Calculate the total annual cost across all households switching to alternative non-wood fuels for space heating, considering the likelihood that a household burns wood on any given additional Mandatory Burn Ban day.
5. Adjust the annual cost to reflect Bay Area fuel prices.

Number of households that switch to each fuel type

ERG used data from the U.S. Energy Information Administration's (EIA) California Profile to calculate the number of affected households that would use natural gas, electricity, propane, or other fuel instead of wood on Mandatory Burn Ban days. EIA data show the percentage of homes that use each fuel type in California. ERG multiplied the percentage that uses each fuel type by the number of affected households to calculate the number of households that would use each fuel type on a Mandatory Burn Ban day. In the absence of heating data at the county level, ERG assumed that the percentage of households using each fuel for heating is the same for the BAAQMD air district as it is for the state of California.

Daily cost to switch to each fuel type

EIA's Residential Energy Consumption Survey (RECS) publishes data on the average annual cost to heat a home in California with each type of non-wood space heating fuel. ERG first inflated these data, which show annual heating costs in 2020 dollars, to 2024 dollars using the Bureau of Economic Analysis' GDP Price Deflator (Bureau of Economic Analysis, 2025a). ERG then calculated the daily fuel costs from the inflated annual costs. Simply dividing the annual cost by 365 days to calculate daily heating costs would assume that heating costs are equal across the year, however, heating costs are often much higher during

winter months due to low ambient temperatures. To account for the non-uniform distribution of heating costs across seasons, ERG used heating distribution data to split annual heating costs between winter and non-winter months.³ ERG used data on heating degree days in the Bay Area from the National Oceanic and Atmospheric Administration to identify the percentage of annual heating costs that are incurred in each season (NOAA National Centers for Environmental Information, 2025). ERG found that 61 percent of heating degree days occur in the winter, while 39 percent of heating degree days occur in the nonwinter. ERG then:

- multiplied annual heating costs by the percentage of annual heating costs that are incurred in the winter (61 percent) to estimate total winter heating costs per household.
- divided total winter heating costs by the number of days in the winter months to calculate the average daily winter heating costs per household.
- multiplied the average daily winter heating cost by the number of affected households that use the particular type of fuel to estimate the cost per day of switching to that fuel type across all households.
- repeated this process for the non-winter months and for all non-wood fuel types.

Table 7 shows the average daily heating costs per household and the daily heating costs across all households for each type of fuel in the winter and non-winter months.

Table 7. Average daily heating costs in winter and non-winter months (2024 dollars).

Fuel Type	Number of households	Winter		Non-Winter	
		Average cost per household per day	Total cost per day across all households	Average cost per day per household	Total cost per day across all households
Natural Gas	55,600	\$1.82	\$101,000	\$0.57	\$31,500
Electricity	27,100	\$0.86	\$23,300	\$0.27	\$7,200
Propane	3,300	\$4.96	\$16,400	\$1.54	\$5,100
"Other" fuel [a]	5,600	\$1.54	\$8,600	\$0.48	\$2,700

Notes: All costs represent costs before adjusting for Bay Area pricing.

Multiplying the number of households by the average daily cost per household may not result in the total daily cost across all households because of rounding.

[a] Other fuel represents any other fuel type besides natural gas, electricity, or propane.

Likelihood of a household burning wood on a given day

Mandatory Burn Ban days may not fall on days when households were planning to burn wood. Most households do not burn wood every day, so all affected households will not be impacted by Mandatory Burn Ban days on each day that they occur. Since Mandatory Burn Bans would likely not affect all wood-burning households on each day that they occur, ERG estimated the probability that a household uses wood for heating on any given day to more accurately calculate total annual heating costs across the affected population.

ERG used data from the Spare the Air survey on the frequency of wood burning to calculate the likelihood of a household burning wood on a given day. The survey provided the percentage of wood-burning households that burn at least one day per week. ERG calculated that the average number of burn days per week weighted by the percentage of households that burn that number of days is equal to 3.16 days per week. ERG divided this by seven to determine the probability of any "frequent burner" household

³ In line with the winter season defined in the Spare the Air report, ERG considered the winter months to be November, December, January, and February. All other months were considered non-winter.

having a wood fire on any given day. Based on this analysis, the likelihood that such a household burns wood on any given day is 45 percent.

Total annual additional fuel costs

To calculate the total annual additional fuel costs, ERG first multiplied the total heating cost per day across all households, as shown in Table 7, by the number of additional Mandatory Burn Ban days in the winter and non-winter months. This resulted in the total cost across all households and across all Mandatory Burn Bans for each fuel type and for each season. The estimated number of additional Ban days are listed in Table 8 below.

Table 8. Estimated additional Mandatory Burn Ban days by winter and non-winter

Season	Low estimate	High estimate
Winter	9	17
Non-Winter	0	5

Source: BAAQMD

ERG then summed the winter and non-winter costs, which resulted in the cost of all affected households to switch to non-wood heat over the course of all additional Mandatory Burn Ban days in a year. ERG multiplied this cost by 45 percent to account for the fact that all households may not be affected by each Mandatory Burn Ban. ERG added the annual cost associated with each fuel type to determine the total additional fuel costs across all households, across all types of fuel, and across all additional Mandatory Burn Ban days.

Bay Area pricing adjustment

The daily heating costs that ERG calculated are based on data from the EIA for the state of California. However, ERG adjusted these results to more accurately reflect Bay Area prices using data from the Bureau of Labor Statistics (BLS) and EIA. BLS provides data on natural gas prices per therm in the San Francisco-Oakland-Hayward, California metropolitan area (U.S. Bureau of Labor Statistics, 2025).⁴ The EIA provides the price of natural gas per Thousand Cubic Feet in California, which was converted to therms for comparison purposes. ERG estimated the difference in Bay Area gas prices from the rest of California by calculating the percentage change between the EIA data and the BLS data. We found that natural gas prices are 6.44 percent higher than the state average. ERG applied this increase to the total additional cost calculated to more accurately represent Bay Area pricing in our results.

Results

Table 9 presents the estimates of the costs incurred by households in the Bay Area over the course of one year as a result of the proposed amendments to Rule 6-3.

Table 9. Annual heating costs per household, adjusted for Bay Area prices (2024 dollars)

Fuel Type	Low estimate		High estimate	
	Annual additional heating costs	Annual additional heating costs per household	Annual additional heating costs	Annual additional heating costs per household
Natural Gas	\$223,000	\$4.02	\$948,000	\$17.00
Electricity	\$51,300	\$1.89	\$218,000	\$8.03
Propane	\$36,000	\$10.90	\$153,000	\$46.40
"Other" fuel [a]	\$19,000	\$3.39	\$80,000	\$14.40
Total	\$330,000		\$1,400,000	

Note: Component values may not sum due to rounding

⁴ A therm is a unit of measurement for heat equal to 100,000 British Thermal Units (BTUs).

ERG's analysis shows that the additional cost to households from the proposed amendments to the rule ranges from \$1.89 to \$46.40 annually per household. Across all affected households, the average annual cost of these amendments is estimated to range from \$330,000 to \$1,400,000.

However, the income of households affected by a Mandatory Burn Ban is unlikely to be evenly distributed across District communities. Based on anecdotal evidence, ERG expects that households that frequently burn wood for heat earn below average incomes. Therefore, ERG measured the impact to these households as the ratio of annual compliance costs to the lowest quintile of household income rather than median income. Table 10 presents the estimated compliance costs as a percentage of income for the lowest quintile of household income and the median household income in the Bay Area.

Table 10. Compliance costs as a percent of total income

	Low estimate	High estimate
	Compliance costs as a percentage of income	Compliance costs as a percentage of income
Lowest quintile of household income	0.014%	0.060%
Median income	0.003%	0.012%

Averaging the lowest income quintile across the counties comprising the District, annual compliance costs represent between 0.014 percent and 0.060 percent of annual income. The proposed amendments therefore do not have a significant impact on household income under a 1 percent significance threshold.⁵

Figure 2 shows the percentage of population affected by the rule change, overlaid with population in poverty data.⁶ Poverty is defined as the population living two times below the federal poverty level. The portions of Solano and Sonoma counties within the BAAQMD have the highest rates of poverty within the district. These areas also have a higher proportion of population affected by the rule.

⁵ U.S. EPA, for example, suggests that compliance costs comprising less than 1 percent of income do not impose a significant impact of families (U.S. EPA, 2014).

⁶ Poverty data is from [CalEnviroScreen 4.0](#) at the census tract level. Census tracts within the BAAQMD boundaries were aggregated to the county level.

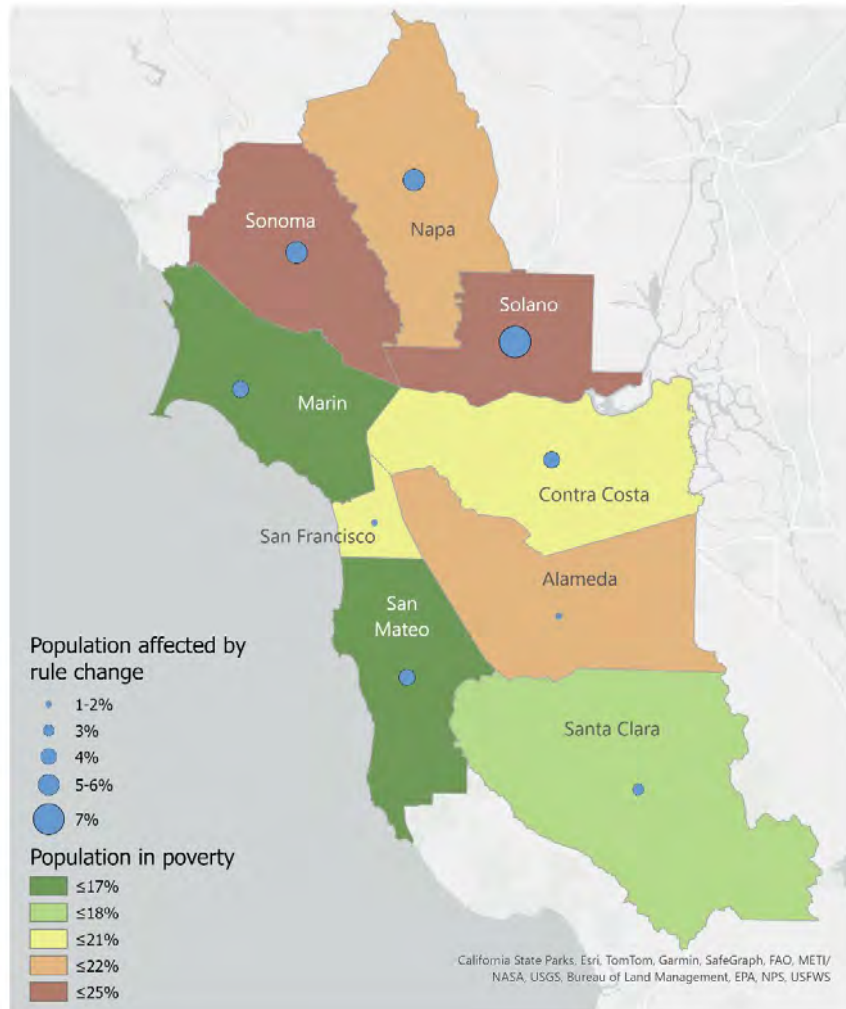


Figure 2. BAAQMD affected population by county overlaid with percent of population in poverty. Population in poverty data is from CalEnviroScreen 4.0.

While the population affected by the amendments is proportionally higher in the counties with higher poverty rates, the impact on households is negligible and represents less than 0.1 percent of income when considering annual income for the lowest quintile. Even if a larger percentage of the population is impacted in counties with higher poverty rates, the impacted households will not see any significant cost as a result of the proposed amendments.

Mandatory Burn Ban Amendment: Industry Impacts

Approach

As described in the Affected Populations section, firewood suppliers in the Bay Area are expected to be affected by the proposed amendments. Like the consumer impacts, ERG estimated the impact on firewood suppliers using both the high and low estimates of additional Mandatory Burn Ban days. ERG calculated the lost revenues to firewood suppliers through the following steps:

1. Calculate the number of households that purchase firewood from a wood supplier.
2. Calculate the price per natural wood log in a cord of firewood.
3. Calculate the cost per day a household would incur on a typical burn per day in both the winter and nonwinter.
4. Calculate the cost of natural wood for all households that purchase from a wood supplier across all additional Mandatory Burn Ban days (i.e., the total sales lost at wood suppliers as a result of additional Ban days).

Number of Households Purchasing from a Wood Supplier

ERG first estimated the number of households in the Bay Area that purchase natural wood through a wood supplier. The Spare the Air survey indicated that 34 percent of wood burners use natural logs, and 21 percent of those burners purchased from a firewood supplier. Although the population of affected households is just frequent burners, and these figures represent all burners, the survey did not provide data on the type of wood used broken down by frequent and infrequent burners. Using the data available, ERG predicts that 6,600 frequent burners purchase their wood from a firewood supplier. Table 11 presents the percentages from the Spare the Air survey used to estimate the number of households that purchase from a wood supplier, along with the resulting estimates. While the calculations were performed using unrounded estimates, Table 11 presents rounded estimates.

Table 11. Estimate of households purchasing from a wood supplier based on Spare the Air survey data

Metric	Percent of households (from Spare the Air Survey)	Number of households (ERG calculation)
Number of affected households	n/a	91,700
Wood-burners that burn natural wood	34%	31,200
Natural wood-burners purchasing from a firewood supplier	21%	6,600

Price per Piece of Wood

There is little data available on the average price of natural firewood in the Bay Area. However, some of the firewood suppliers identified through ERG's review post their prices online. ERG calculated the average price per cord of wood based on these supplier's prices. ERG excluded one supplier in this average, which had a price per cord that was nearly double the other suppliers. The average price per cord calculated was \$452.50. Since there are approximately 600 to 800 pieces of wood in a cord, each piece sells for around \$0.65 using the midpoint of 700 pieces of wood per cord (Greubel, 2024).

Daily Cost of Wood

Frequent burners burn on average 7.13 pieces of wood on each day they use their wood-burning device, according to the Spare the Air survey. So, frequent burners that acquire wood through firewood suppliers spend \$4.63 at a firewood supplier for each day they burn wood at a supplier (\$0.65 per piece x 7.13

pieces). The Spare the Air survey reflects wood burning in the winter months only (November through February). To estimate daily wood use during the non-winter months, ERG first calculated the ratio between the daily cost of “other fuel” in winter and non-winter months (as detailed in the “Consumer Impacts” section). This ratio was then applied to the number of wood pieces burned daily in the winter, resulting in an estimate of 2.21 pieces burned per day in the non-winter months. Therefore, during the non-winter months, frequent burners who purchase wood from a firewood supplier spend approximately \$1.43 per day day (\$0.65 per piece x 2.21 pieces).

Annual Cost of Wood

To estimate the total annual spending at firewood suppliers that would no longer occur as a result of the proposed amendment, ERG multiplied the daily household wood cost by the number of additional Mandatory Burn Bans days in both winter and non-winter months. The resulting winter and non-winter costs were then summed to determine the total annual cost per household. Table 12 presents the daily cost of wood for households as well as the amount spent at a wood supplier across all additional Ban days (i.e., the annual sales revenue lost) per household.

Table 12. Average daily cost of natural wood from a wood supplier in winter and non-winter months

			Low estimate		High estimate	
	Logs burned per day	Daily cost of wood	Additional Mandatory Burn Ban Days	Annual sales revenue lost per household	Additional Mandatory Burn Ban Days	Annual sales revenue lost per household
Winter	7.13	\$4.61	5	\$21.20	17	\$76.50
Non-winter	2.21	\$1.43	0	\$0.00	9	\$13.50
Total			5	\$21.20	26	\$90.00

Notes: These estimates reflect the current price per cord of firewood on sellers’ websites (as of June 2025). Because the time between 2024 and 2025 is short, the market is small, and it is uncertain how firewood prices change over time, the price was not deflated to represent 2024 dollars. The effect of this on the estimate of firewood sellers’ revenues should be small.
Component values may not sum due to rounding

ERG multiplied the annual spend per household by the number of households that purchase from a wood supplier. As described in the Consumer Impacts section, since the likelihood of a household burning wood on a Mandatory Burn Ban day is 45 percent, we multiplied the result by 45 percent to calculate the total annual spent at firewood suppliers across the Bay Area. These calculations were performed for both the low and high estimates of additional ban days and can be understood as the sales revenue lost across firewood dealers in the Bay Area as a result of the proposed amendments.

Results

Table 13 presents the total annual sales revenue that would be lost as a result of households not burning wood on the additional Mandatory Burn Ban days. Table 13 also presents the percentage of annual sales revenue lost across the industry as a result of the proposed amendments.

Table 13. Annual industry sales revenue lost

	Low estimate	High estimate
Total annual industry sales	\$3,990,000	\$3,990,000
Annual sales revenue lost	\$62,400	\$265,000
Percent of industry revenue lost	1.6%	6.6%

Note: estimates reflect current prices but are not deflated to 2024 dollars for reasons described in Table 12.

The proposed amendments are estimated to reduce annual sales at firewood suppliers by \$62,400 to \$265,000. This reduction would be distributed among all firewood suppliers in the Bay Area. This

represents 1.6 percent to 6.6 percent of total annual sales across the industry. The proposed amendments thus have the potential to reduce sales a significant amount to firewood suppliers in the Bay Area. Furthermore, all of the businesses that would be impacted are small businesses.

It is unclear how the proposed amendments would impact employment at firewood suppliers. ERG found annual revenue data for eight firewood sellers ranging from \$55,000 to \$474,000 per year. On average, 3.25 employees worked at each company, with a range of 1 to 6 employees. Revenue per employee ranged from \$27,500 to \$145,000. It is unclear how many of these companies provide fulltime employment but it seems apparent that at least some businesses are primarily parttime or seasonal employers.

This analysis included potential year-round lost sales revenue due to the increased number of Burn Ban days. ERG included nonwinter sales for consistency with the household analysis. To the extent that the reduction in sales only occurs during the winter, estimated lost sales will range from \$62,400 to \$225,000 per year, or from 1.6 percent to 5.6 percent of sales. This would still be considered a potentially significant using a 3 percent of revenue threshold.

Because the firewood industry is considered a niche industry, it is difficult to evaluate how the proposed rule will impact these businesses. Some businesses may be part-time or seasonal and will be impacted by fewer Mandatory Burn Ban days than year round businesses. Furthermore, some may be associated with tree, landscaping, or lot clearing services, and the income from selling firewood might be in addition to their primary business. In these cases, the impact of the rule might be relatively small. To the extent some are fulltime, and a primary source of income, the impact might be more significant.

While ERG's analysis shows there may be a substantial impact to firewood sellers, there should not be a substantial impact to other retailers who sell firewood, such as gas stations, convenience stores, supermarkets, hardware stores and large home improvement retailers because firewood comprises a small percentage of their sales. Additionally, ERG used the IMPLAN Input-Output model (see below for details) to evaluate the overall impact of the proposed rule on the District economy. This analysis projects negligible impacts on employment, income, and production. Therefore ERG expects the overall impact of the proposed rule on the District will be insubstantial, although one specific sector, firewood sellers, will be more affected than others.

Mandatory Burn Ban Amendment: Macroeconomic Analysis and Results

Analytical Approach

ERG conducted a multi-regional Economic Impact Analysis (EIA) of the changes in household spending as a result of the proposed mandatory burn ban amendment. EIAs measure the economic effect of an event on the economy in a specified geographic area. ERG conducted this analysis in IMPLAN, an Input-Output (I-O) modeling software. The primary purpose of IMPLAN is to show how a change in the economy (e.g., an infusion of money, a new infrastructure project, the loss of a major business or entity) will impact all other industries in that economy within a selected geographic area based on established business relationships that describe how money ripples through the economy between industries. Some key terms related to IMPLAN include:

- **Employment** refers to the number of individuals hired for a salary or compensation to work within a sector. IMPLAN follows job definitions from the Bureau of Economic Analysis (BEA), which include full-time, part-time, and seasonal positions. IMPLAN jobs are not Full-time Equivalent (FTE) positions.
- **Labor income** represents the total value of income from employment.
- **Value added** is the increase in a product or service's market value at each stage of production.
- **Economic output** refers to the total value of all goods and services produced in an economy.
- **Direct effects** from IMPLAN show the immediate impact of a change on its own sector.
- **Indirect effects** describe the effect of direct impacts to a sector on the economic sectors that support that sector (e.g., assuming firewood producers purchase equipment to split logs, the addition of an additional firewood producer into the economy would have an indirect impact by boosting the industry supplying the equipment to split logs).
- **Induced effects** show how changes in labor income due to direct and indirect effects result in additional economic impacts (e.g., staff who work for a firewood producer and get paid then spend that money within the local economy, which boosts any industry from which they make purchases such as grocery, restaurants, and retail).

We considered one geographic area in our model: a custom region that encompasses each of the nine counties regulated by the BAAQMD. All estimated costs are allocated to our combined region. We entered changes in household income due to the proposed rulemaking as reductions in institutional spending in IMPLAN. While IMPLAN does allow changes in household income to be entered into the model as household income events, inputting them as changes in institutional spending allows us to customize household spending patterns and choose how to distribute costs based on household income levels. Because many households that heat with wood are believed to have lower income, we distributed expected costs evenly across four household income groups.

- Households with income between \$15-\$30 thousand
- Households with income between \$30-\$40 thousand
- Households with income between \$40-\$50 thousand
- Households with income between \$50-\$70 thousand

Additionally, we customized household spending patterns for each income bracket level to reflect the expected increase in cost burdens related to heating fuels as substitutes to wood fuel products. We increased affected household groups' spending on natural gas and electricity by 0.009 percent and 0.005 percent, respectively, to reflect estimated increases in annual household spending on fuel for space

heating. To be conservative, we used our estimated increase in spending on non-wood fuel for space heating as a percentage of income for the mean household at the lowest quintile (averaged across affected counties), equal to 0.014 percent and distributed the increased spending between natural gas and electricity based on the proportion of CA households using each fuel for space heating. IMPLAN requires that changes in spending are characterized as percent changes in spending on specific IMPLAN commodity codes. IMPLAN does not have commodity codes that are specific to spending on propane and “other” fuels, so we distributed changes in household spending related to propane and “other” fuels evenly between the natural gas and electricity commodity codes. In order to increase household spending on non-wood fuels for space heating, our model necessitates that we decrease household spending on other purchases within the model. IMPLAN does not have a commodity code associated with wood fuels, so we were unable to decrease spending related to wood fuel products. In lieu of this option, we chose to evenly decrease household spending on owner-occupied housing and tenant-occupied real estate services since we expect that the proposed rulemaking will have little effect on households’ spending on housing.

Due to the lack of granularity possible in the IMPLAN model, this analysis models changes in household spending rather than a decrease in spending at wood suppliers. Modeling a change in revenue at wood suppliers is unlikely to adequately capture indirect and induced effects downstream of firewood sellers. Firewood suppliers are included in the “Retail – Gasoline stores” sector; modeling a decrease in revenue in this sector would not accurately represent the spending changes as a result of these proposed amendments. Furthermore, the firewood dealers we identified had few employees, and most firewood dealers do not have many indirect relationships with other industries. Some dealers are associated with tree service providers, for example, but a change in revenue among firewood suppliers is unlikely to significantly impact any other industries.

Model Results

Table 14 presents the results of ERG’s IMPLAN analysis and shows the direct, indirect, induced, and total impacts on employment, labor income, value added, and output as a result of an increase in household spending on heating.

Table 14. Results of IMPLAN analysis

	Employment	Labor Income	Value Added	Output
Direct	-1	-\$83,200	-\$186,400	-\$251,000
Indirect	0	-\$26,400	-\$42,200	-\$63,100
Induced	0	-\$23,100	-\$43,100	-\$60,700
Total	-1	-\$133,000	-\$272,000	-\$375,000

Note: Component values may not sum due to rounding

As seen in Table 14, the proposed amendments would result in a decrease in value added (or GDP) of nearly \$272,000 across the region. The proposed amendments are also estimated to decrease employment by 1. With a regional GDP of nearly \$1.3 trillion, the impact on GDP from these proposed amendments is negligible (Bureau of Economic Analysis, 2025b).

Mandatory Burn Ban Amendment: Uncertainty Analysis

In determining the potential impacts of the proposed rule, the primary source of uncertainty is the number of Mandatory Burn Ban days that might occur in any given year. ERG addressed that issue by examining impacts of the expected minimum and maximum Burn Ban days. ERG also assessed the effect of uncertainty in compliance costs by assuming nonwinter Burn Ban days are not costless, and uncertainty concerning which households would be most affected by the potential rule by comparing compliance costs to those earning in the lowest quintile of household income. As shown above, these conservative assumptions did not result in significant impacts to households.

Finally, ERG performed a sensitivity analysis to examine the effects of the proposed rule by assuming that: (1) the high-end estimate of Burn Ban days occurs, (2) all of the Burn Ban days occur in the winter months, and (3) all households that frequently burn wood for heat switch to alternative fuels on those Burn Ban days. Under these assumptions, estimated annual compliance costs more than triple from \$1.4 million to \$4.14 million. Thus, this sensitivity analysis examines the potentially largest impact on household incomes, although this outcome is highly unlikely. Under these assumptions, annual compliance costs comprise less than 0.2 percent of the lowest quintile of household income in the District (and about 0.034 percent of median income).

Administrative Amendments

As described in the Affected Populations section, the administrative amendments have no socio-economic impact.

Discussion

ERG's analysis shows that there will be no impact from the administrative amendments to Rule 6-3 and no significant impact on consumers from the proposed mandatory burn ban amendments to Rule 6-3. However, there is potential for significant impact on firewood sellers, depending on how many additional Mandatory Burn Ban days there are in a given year. Our results show that the firewood seller industry may experience a loss of between approximately 2 percent and 7 percent of revenues across the industry. With a significance threshold of 3 percent, if the number of additional Mandatory Burn Ban days is in line with the low estimate, there will be no significant impact on revenue. However, if the number of additional Ban days is closer to the high estimate, there will be a significant impact on revenue. Note that all firewood suppliers identified are small businesses, so all impact on industry from the proposed regulation would fall on small businesses. Even though there is potential for a significant impact on firewood sellers, ERG's IMPLAN modeling predicts a negligible impact on overall output and employment in the District economy.

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APPENDIX D

Socioeconomic Impacts Analysis of Proposed Amendments to Regulation 5

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Final Report

Socio-economic Analysis for Amendments to Regulation 5: Open Burning

Submitted to:
Bay Area Air Quality Management District

Submitted by:
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561 Virginia Rd, Building 4, Ste 300
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July 10, 2025

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Executive Summary

ERG conducted a socio-economic analysis of the proposed amendments to Regulation 5: Open Burning to determine whether the proposed amendments would have a significant impact on affected entities or on the regional economy in the Bay Area Air Quality Management District (BAAQMD). ERG determined that the proposed administrative amendments to Regulation 5 have no socio-economic impact and that the proposed amendment to the prescribed burning limited exemption has no significant impact. This amendment would eliminate operation fees for all prescribed burning projects and would result in cost savings for private entities, which include both private landowners and non-profits, conducting prescribed burns. While BAAQMD will lose some revenue by expanding the fee exemption to private entities, this loss represents a very small percentage of BAAQMD's total operating budget. There is therefore no significant impact on affected entities, small businesses, or the regional economy from these amendments.

Introduction

This report discusses the socio-economic impact of the proposed amendments to Regulation 5 on affected entities in the Bay Area. This report outlines the entities affected by the proposed amendments and the impact on those affected entities.

Description of Proposed Amendments to Regulation 5

Prescribed Burning Limited Exemption Amendment

Regulation 5: Open Burning helps manage emissions from open air burning activities but includes exemptions for certain types of open burning activities. One of these exemptions is for “prescribed burning,” which refers to a planned, controlled fire conducted for the purpose of natural resource management. These prescribed burns help maintain ecosystem health and reduce the severity of potential wildfires by burning excess vegetation that would otherwise help fuel a larger, unplanned wildfire. Prescribed burns produce less smoke and have fewer environmental consequences than an unplanned wildfire, so conducting periodic planned burns to reduce the severity of wildfires results in less overall ambient pollution and supports the District’s emission reduction goals (BAAQMD, 2019).

To conduct a prescribed burning effort, entities must submit a smoke management plan and pay a fee intended to cover plan review. The applicant’s smoke management plan is reviewed by BAAQMD staff to determine if it complies with Air District requirements. Prescribed burning is only permitted on days with adequate weather conditions as determined by BAAQMD meteorologists. The fees associated with prescribed burning are listed in Table 1.

Table 1. Prescribed burn operation fees

Acres of prescribed burn	Operation fee (per project)
0 – 50 acres	\$796
51 – 150 acres	\$1,079
151+	\$1,404
Average fee	\$1,093

Source: BAAQMD, 2024.

A proposed amendment to Regulation 5 removes the operation fee associated with prescribed burning. A 2019 amendment exempted public agencies from this fee, and this amendment would extend that exemption to all prescribed burning projects. This amendment is designed to limit barriers for both public and private entities to conduct managed, controlled burns that reduce the likelihood of large-scale wildfires.

Administrative Amendments

Regulation 5 has an exemption for firefighters that conduct burns for the purposes of fire training. A proposed amendment to Regulation 5 would shorten the advance notice requirement for fire training exercises to three working days. There are also proposed administrative amendments that would:

1. Add to and reorganize the definitions in Section 5-200;
2. Rename “Prior District Notification” to “Prior Open Burn Notification” in Section 5-406;
3. Remove the reference to specific professions in the Wildland Vegetation Management Burn Requirements Section 5-408 to broaden eligibility and better reflect the range of professionals who can certify that proposed burning is necessary to meet management objectives; and
4. Add an Applicability section to improve clarity on the regulation’s scope.

Affected Populations

Prescribed Burning Limited Exemption Amendment

Private entities

Private entities, including private landowners and non-profits, conducting prescribed burns would be positively impacted by this proposed amendment since they would not incur fees for prescribed burns. Public entities are unaffected since fees for prescribed burning have been waived since 2019.

Between 2020 and 2024, BAAQMD received 239 smoke management plans: 188 from public entities and 51 from private entities. Public entities conducted the majority (79 percent) of prescribed burn projects in the Bay Area – these public entities, as mentioned previously, will not be impacted by the proposed amendments. Public entities also burned the majority of acres (68 percent of total acres burned). Private entities, which conducted 21 percent of projects, will see cost savings from the proposed amendment. Table 2 shows the number of projects and the total burn acreage by entity type.

Table 2. Number of smoke management plan submitted and size of project,

	Public entities		Private entities	
Year	Number of smoke management plans	Acres	Number of smoke management plans	Acres
2020	18	663	4	170
2021	31	507	13	388
2022	31	476	13	1,069
2023	54	1,651	7	607
2024	54	2,469	14	432
Total (2020 - 2024)	188	5,766	51	2,666
Average (2020 - 2024)	38	1,153	10	533

Source: BAAQMD

BAAQMD

BAAQMD would be affected by this proposed amendment since they would lose the revenue from prescribed burn fees. BAAQMD does not anticipate a substantial increase in applications following these amendments or the need to hire additional staff to manage applications. The number of applications is expected to increase with or without fee exemptions, as the proposed fee exemptions are designed to reduce barriers for small projects rather than dramatically increase the number of projects occurring (BAAQMD Staff Report, 2025).

Administrative Amendments

The proposed amendment to shorten the advance notice requirement for fire training burns has no socio-economic impact, as it does not change any costs associated with the regulation. Additionally, the proposed amendments to reorganize and add to the definitions in Section 5-200, rename “Prior District Notification” to “Prior Open Burn Notification” in Section 5-406, remove the references to specific professions in the Wildland Vegetation Management Burn Requirements, and to add an applicability section have no socio-economic impact because they do not change any costs associated with the regulation or the population subject to the regulation. Therefore, none of the administrative amendments have an impact on any population in the District.

Impacts

Prescribed Burning Limited Exemption Amendment

Private entities

The proposed amendments impact only a small portion of prescribed burning projects in the District, and their impact on this group will be positive. Between 2022 and 2024, BAAQMD recovered \$26,933 in fees from private entities (private landowners and non-profits), an average of just less than \$9,000 in fees a year. The proposed fee exemption would thus result in savings of nearly \$9,000 annually across all private entities conducting prescribed burning. However, annual savings will depend on the number of projects conducted. Since the proposed amendments result in savings and impose no costs on regulated entities, there is no socio-economic impact on private entities from the proposed change.

BAAQMD

With the expanded fee exemption, BAAQMD can expect a reduction in revenue of about \$9,000 per year. With an expected revenue in 2025 of \$165 million, this represents 0.005% of BAAQMD revenue. Of BAAQMD's revenue, revenue from permits and fees is \$68.7 million (BAAQMD, 2025). The expected reduction in revenue accounts for just 0.01% of permit and fee revenues. Even considering just the permit and fee revenue portion of BAAQMD's revenue, the loss from the proposed amendments is negligible. Furthermore, the fee recovery percentage from the labor cost of reviewing applications and plans for prescribed burns is just 3.8 percent, meaning that fees do not cover review costs, so eliminating fees will not have a detrimental impact on funding for BAAQMD's open burn program (fee data provided by BAAQMD). BAAQMD also does not expect any change in staffing needs as a result of this amendment (BAAQMD Staff Report, 2025). Because the reduction in revenue BAAQMD is negligible, there is no socio-economic impact on the District from these amendments.

Private sector and industry

The proposed amendments have no impact on the private sector, and no small businesses are impacted by the proposed change. According to California Government Code 14835, a business is considered a small business if it meets all of the following requirements:

- Must be independently owned and operated.
- Cannot be dominant in its field of operation.
- Must have its principal office located in California.
- Must have its officers domiciled in California.
- Together with affiliates, it must have 100 or fewer employees and average annual gross receipts of ten million dollars (\$10,000,000) or less over the previous three years.

ERG does not expect any macroeconomic or regional economic impacts from the proposed amendments. The only socio-economic impacts from the regulation are savings at nonprofits and among private landowners. Since the number of impacted entities is very small, any savings will not have any meaningful impact on the regional economy, regardless of whether these entities save or spend all the savings.

Administrative Amendments

As described in the Affected Populations section, the administrative amendments have no socio-economic impact.

Discussion

ERG's analysis shows that there will be no socio-economic impact from the proposed amendments to Regulation 5. The only cost associated with this proposed amendment is a reduction in fee revenue at BAAQMD. However, this reduction will have a negligible impact on BAAQMD budget. Other impacts from the proposed amendment are savings to private entities conducting prescribed burns.

References

Bay Area Air Quality Management District (BAAQMD). (2019). Staff Report, Proposed Amendments to Regulation 5: Open Burning and Regulation 6: Particulate Matter and Visible Emissions, Rule 3: Wood-Burning Devices. https://www.baaqmd.gov/~media/dotgov/files/rules/regulation-6-rule-3/documents/20191120_fsr_0500_0603-pdf.pdf?rev=38aff7bc1b3642678f870b256d577b74&sc_lang=en

BAAQMD. (2024). Regulation 3, Fees. https://www.baaqmd.gov/~media/dotgov/files/rules/reg-3-fees/2024-amendment/documents/20240605_finalrule_rg0300-pdf.pdf?rev=0eb9a4028daf474a8a8389e528747cac&sc_lang=en

BAAQMD. (2025). First Public Hearing on the Proposed Fiscal Year 2025- 2026 Budget. https://www.baaqmd.gov/~media/files/board-of-directors/2025/bodsbh_presentation_050725_op-pdf.pdf?rev=579f031f3ebf40ad8535446dc972b237&sc_lang=en

BAAQMD. (2025). Staff Report. Proposed Amendments to Woodsmoke Rules Regulation 6, Rule 3: Wood-burning devices and Regulation 5: Open Burning

APPENDIX E

California Environmental Quality Act (CEQA) Notice of Exemption

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Notice of Exemption

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: (Public Agency):
Bay Area Air Quality Management District

Project Title: Amendments to Woodsmoke Rules Regulation 6, Rule 3: Wood-Burning Devices and Regulation 5: Open Burning

Project Applicant: Bay Area Air Quality Management District

Project Location - Specific: San Francisco Bay Area Air Basin

Project Location: Multi-jurisdictional (Counties of: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, Sonoma)

Description of Nature, Purpose and Beneficiaries of Project:

The Air District amended one Air District rule: Regulation 6, Rule 3: Wood-Burning Devices ("Rule 6-3") and one regulation: Regulation 5: Open Burning ("Regulation 5"). These amendments aimed to reduce public exposure to harmful woodsmoke emissions by decreasing wood-burning air pollution and reducing wildfire risk in the San Francisco Bay Area.

Rule 6-3 Amendments: The Air District amended Rule 6-3 to lower the 24-hour average forecast mandatory curtailment threshold for issuing wood-burning bans ("Mandatory Burn Bans") from 35 to 25 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$); replaced references to specific emissions ratings with the most current emissions standards in Title 40, Code of Federal Regulations, Part 60, Subpart AAA for wood heater manufacturers and retailers selling, supplying, or installing wood-burning devices; and updated the performance emission standards in the rule for United States Environmental Protection Agency (EPA)-Certified wood heaters to meet EPA's standards in effect at the time of registration when claiming a sole source heat exemption. Other minor amendments were made to improve the rule's clarity.

Regulation 5 Amendments: The Air District amended Regulation 5 to extend the prescribed burn fee exemption previously for public agencies to include all prescribed burns, regardless of who is conducting the burn. In addition, minor clarifications were made to Regulation 5 to improve the implementation and authorization process for prescribed burns and burns for fire training.

Name of Public Agency Approving Project: Bay Area Air Quality Management District

Name of Person or Agency Carrying Out Project: Bay Area Air Quality Management District

Exempt Status: (check one):

- ☐ Ministerial (Sections 21080(b)(1); 15268);
- ☐ Declared Emergency (Sections 21080(b)(3); 15269(a));
- ☒ Emergency Project (Cal. Code Regs., Tit. § 15269 (c));
For Regulation 5 Amendments
- ☒ Categorical Exemption. State type and section number:
For Rule 6-3 and Regulation 5 Amendments:
 - Cal. Code Regs., Tit. § 15307 (Class 7 Exemption)
 - Cal. Code Regs., Tit. § 15308 (Class 8 Exemption)
- ☒ Cal. Code Regs., Tit. § 15061(b)(3) (Common Sense Exemption)
For Rule 6-3 Amendments
- ☒ Statutory Exemptions. State Code Number: Public Resources Code, § 21080(b)(4)
For Regulation 5 Amendments

Reasons why project is exempt:

Rule 6-3 Amendments: The amendments to Rule 6-3 are exempt pursuant to CEQA Guidelines sections 15307 (protection of natural resources), 15308 (protection of the environment), and 15061(b)(3) (common sense exemption). These amendments lowered the 24-hour average forecast threshold for issuing bans on wood-burning from 35 to 25 µg/m³, which will increase the number of Mandatory Burns Bans issued thereby reducing ambient woodsmoke pollution from residential wood burning. It can be seen with certainty that these amendments will not have a significant adverse effect on the environment.

Regulation 5 Amendments: The amendments to Regulation 5 are exempt under CEQA Guidelines sections 15307 (protection of natural resources) and 15308 (protection of the environment) because it removed administrative and cost barriers to allow nonprofit organizations and private landowners who may be positioned to carry out prescribed burns in areas where public agency capacity is limited. Prescribed burns are carefully planned and managed activities that strategically remove excess vegetation thereby lowering the risk of large uncontrolled wildfires and making such wildfires easier to contain and less destructive to the environment and human health.

These amendments are also exempt under Public Resources Code section 21080(b)(4) (specific actions necessary to prevent or mitigate an emergency) and CEQA Guidelines section 15269(c) (prevention or mitigation of an emergency). The March 1, 2025 State of Emergency Proclamation (Executive Order N-25-25) suspends CEQA environmental review for all actions taken to mitigate or respond to wildfire risks, including fuels reduction projects that remove vegetation using prescribed fire treatments. Implementation of the amendments to Regulation 5 is consistent with state policy to expand the use of beneficial fire.

Further, there is no substantial evidence indicating that any of the exceptions under CEQA Guidelines section 15300.2 to the categorical exemptions apply to the amendments made to Rule 6-3 and Regulation 5.

Lead Agency Contact Person: Julia Luongo **Area Code/Telephone/Extension:** (415) 749-7695

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: _____ **Date:** _____ **Title:** _____

☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

APPENDIX F

Response to Comments: Proposed Amendments to Regulation 6, Rule 3 and Regulation 5

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Response to Comments: Proposed Amendments to Regulation 6, Rule 3 and Regulation 5

Introduction

The Bay Area Air Quality Management District (“Air District”) is proposing amendments to one rule, Regulation 6, Rule 3: Wood-Burning Devices (“Rule 6-3”), and one regulation, Regulation 5: Open Burning (“Regulation 5”). The proposed amendments are intended to reduce public exposure to harmful woodsmoke emissions by limiting woodsmoke-related air pollution and to support wildfire risk reduction through improved use of prescribed burning.

The Air District values input from members of the public, community organizations, regulated entities, and partner agencies. During the public review period (July 14, 2025 through August 13, 2025), the Air District received letters from 14 commenters.

This document provides the Air District’s responses to comments, organized by general topic. Following the topic-based responses, all comments received are reproduced in full. Responses are intended to address the substance of the comments, clarify regulatory requirements, and, where appropriate, provide additional resources or information.

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Rule 6-3 Topics

General support for Rule 6-3 amendments

Summary of comment: Several commenters expressed support for the proposed amendments to Rule 6-3, citing the importance of reducing woodsmoke emissions and protecting public health.

Commenters: Tasha, Catherine Hutton, Karen Gray, Ann Harvey, Sandra Mariner, Ellen Golla/Susan Goldsborough (Families for Clean Air), Kristel Rietesel (Bay Area Clean Air Coalition), Ingrid Behrsin, Tony Fisher (Coalition For Clean Air)

Response: The Air District appreciates the expressed support for the proposed amendments to Rule 6-3.

General opposition for Rule 6-3 amendments

Summary of comment: General opposition was expressed for the proposed amendments to Rule 6-3.

Commenters: Rgkozel

Response: The Air District acknowledges this comment. Staff carefully considered a range of perspectives in developing the amendments and remain committed to reducing public exposure to harmful woodsmoke while ensuring the rule is practical to implement.

Incentives to encourage people into cleaner alternatives

Summary of comment: Encourage stronger incentives and outreach to help residents move away from wood burning to cleaner alternatives.

Commenters: Tasha, Catherine Hutton

Response: The Air District offers alternatives to residential wood burning through the Clean Heating Efficiently with Electric Technology (Clean HEET) Program. This program provides incentive funding to help alleviate the cost of replacing fireplaces, wood stoves, pellet stoves, and fireplace inserts with electric heat pumps, or to permanently decommission wood-burning devices without providing a replacement. Clean HEET focuses on communities most impacted by air pollution. The Air District conducts targeted outreach in priority communities, including AB 617 and disadvantaged communities, and additional funding support is available for low-income residents. More information is available at: <https://www.baaqmd.gov/en/funding-and-incentives/residents/clean-heet-program>.

Removal of sole-source-of-heat exemption

Summary of comment: Recommendation to eliminate the exemption.

Commenter: Catherine Hutton

Response: The exemption for households that rely on wood as their sole source of heat applies to a small portion of homes in the Bay Area (fewer than four percent), but is maintained in recognition of circumstances where no reliable or cost-effective alternative is available—such as in areas with intermittent utility service or other logistical constraints. Individuals seeking this exemption must apply through the Air District, and exemptions must be renewed on a regular basis. Staff reviews these applications to confirm eligibility, recognizing that households with no other heating source must be able to retain the ability to heat their homes.

Enforcement process and challenges

Summary of comment: Requests for stronger enforcement and clarity on complaint handling.

Commenters: Catherine Hutton, Merrily Robinson, Ingrid Behrsin

Response: The Air District acknowledges the challenges associated with enforcement of this rule. The proposed amendments are designed to make the curtailment program more health-protective, and staff will continue evaluating enforcement approaches to improve compliance and further reduce exposure to woodsmoke.

Members of the public are encouraged to report potential violations, which can be done online or by phone:

- <https://myaironline.baaqmd.gov/account/complaints>
- General air pollution complaint: 1-800-334-ODOR (1-800-334-6367)
- Woodsmoke complaint: 1-877-4NO-BURN (1-877-466-2876)

The Air District takes all woodsmoke complaints seriously. Complaints are entered into the Air District's system, which guides patrols and investigations in Assembly Bill 617 communities and areas with high levels of burning or complaints. When a violation is documented by an inspector, education materials are mailed to the reported address, and a Notice of Violation is issued. Repeat violations at the same address may result in increased penalties. Determination of "sole source of heat" status is made by reviewing the Air District's registration records; inspectors do not enter homes.

Public outreach and Spare the Air efforts

Summary of comment: Emphasize robust outreach and timely alerts; encourage use of multiple channels and languages.

Commenters: Ann Harvey, Kristel Rietesel (Bay Area Clean Air Coalition), Tony Fisher (Coalition For Clean Air)

Response: The Air District maintains a robust public outreach program to increase awareness of woodsmoke health impacts and promote cleaner alternatives to residential wood burning. The Spare the Air program and associated public outreach campaigns emphasize the health impacts of woodsmoke and encourage residents to avoid burning even on days without a Mandatory Burn Ban. Campaign materials are distributed across multiple platforms—including TV, radio, digital media, outdoor banners, and social media—and in multiple languages to reach diverse communities throughout the Bay Area.

The Air District also works to ensure that notifications reach relevant stakeholders across the region. City and county governments are encouraged to subscribe to Spare the Air Alerts, and alerts are sent to Air District Board members representing communities throughout the Air District's jurisdiction. The public can receive notifications via text, email, the Spare the Air app, social media, and the Air District website. These multiple communication channels help ensure timely and widespread outreach during burn bans.

Localized impacts

Summary of comment: Concern about localized impacts and that neighborhood-level concentrations can be higher than at regional monitors.

Commenter: Ann Harvey

Response: Staff recognizes concerns about localized impacts from residential wood burning, since at times pollutant concentrations can be higher at some places than at regulatory air monitors. Air sensor networks can provide additional information on rapidly changing conditions associated with localized impacts from residential wood burning. EPA's [Fire and Smoke Map](#) can be a useful resource for visualizing how conditions are changing in near real-time that combines data from the Air Districts regulatory air monitoring sites and local air sensor data from multiple manufacturers.

The Air District encourages the public to submit complaints about localized smoke sources through the woodsmoke complaint line (1-877-4NO-BURN) or online reporting. While wood burning is permissible on non-burn ban days, complaint data help the Air District refine outreach materials, incentive programs, and woodsmoke enforcement patrols.

Suggested change to visible emissions language

Summary of comment: Suggested replacing opacity/Ringelmann references with plain-language terms like “clearly visible” or “barely visible.”

Commenter: Ann Harvey

Response: Staff appreciates the suggestion to clarify language for the general public. The Ringelmann Chart and opacity limits remain the standard method for quantifying visible emissions by trained enforcement staff. When members of the public have concerns, the Air District encourages them to report smoke through the complaint line or online system rather than attempting to interpret opacity themselves. Staff reviewed the suggested terms “clearly visible” and “barely visible” but determined these phrases introduce subjectivity into enforcement, whereas the Ringelmann Chart provides a documented and consistent visual standard. Staff recognizes, however, that it can be challenging for inspectors to arrive in time to observe emissions directly while they are occurring.

Reference to the Code of Federal Regulations

Summary of comment: Concern that referencing federal standards could weaken protections if EPA relaxes requirements.

Commenter: Ann Harvey

Response: The proposed amendment to Section 6-3-302 will automatically impose the applicable standards promulgated by US EPA in Title 40, Code of Federal Regulations, Part 60, Subpart AAA without requiring the Air District to initiate a rulemaking each time US EPA updates the standards. Section 6-3-302 does not impose any other standards than what EPA requires in Title 40, Code of Federal Regulations, Part 60, Subpart AAA. Should EPA modify the federal standards to make them less protective, the Air District will consider approaches that ensure local health protections are preserved.

Other woodsmoke sources

Summary of comment: Questions about campfires, wood-fired pizza ovens, and commercial cooking sources and consideration of including them in Rule 6-3.

Commenters: Ann Harvey, Kristel Rietesel (Bay Area Clean Air Coalition)

Response: Rule 6-3 applies specifically to residential wood-burning devices. Other sources, including campfires, wood-fired pizza ovens, and certain commercial operations, fall under other regulations or exemptions. For example:

- Some commercial cooking operations require Air District permits, while specific equipment such as charbroilers is regulated under *Regulation 6, Rule 2: Commercial Cooking Equipment*.
- Restaurant operations are generally exempt from Air District permit requirements under *Rule 2-1, Section 2-1-113.2.2.2* (restaurant exemption).
- Outdoor recreational fires such as campfires are addressed under *Regulation 5: Open Burning* and are subject to Mandatory Burn Bans.

- Wood-fired pizza ovens used for residential cooking are exempt under *Regulation 1, Section 1-110.4*, which excludes residential cooking fires from Air District regulations.

The Air District encourages the public to continue reporting localized smoke concerns through the complaint line or online system, which assists staff in evaluating potential violations and ensuring compliance. Future rulemaking may consider additional measures to further limit residential wood burning.

Economic benefits of reducing woodsmoke

Summary of comment: The health-related economic benefits of reduced woodsmoke exposure are not captured in the Staff Report's socioeconomic analysis.

Commenter: Ellen Golla/Susan Goldsborough (Families for Clean Air)

Response: The Air District recognizes that reducing woodsmoke provides significant public health and economic benefits. While the rulemaking economic analysis focused on costs to households and businesses, staff has also considered health impacts through health risk modeling. While the impacts of the proposed amendments were not modeled, the Woodsmoke White Paper published in November 2024 estimated that residential wood burning contributes to 94 to 210 premature deaths annually in the Bay Area due to elevated annual average PM_{2.5}. This analysis and related valuation are available on the Air District's website: <https://www.baaqmd.gov/en/rules-and-compliance/rule-development/woodsmoke>.

Calls for further woodsmoke reductions beyond the proposal

Summary of comment: Recommendations to adopt thresholds lower than 25 µg/m³ and pursue additional measures.

Commenters: Ellen Golla/Susan Goldsborough (Families for Clean Air), Kristel Rietesel (Bay Area Clean Air Coalition)

Response: The Air District acknowledges the recommendation to reduce the PM_{2.5} curtailment threshold even further. The proposed threshold of 25 µg/m³ represents a health-protective step consistent with scientific guidance and achievable implementation for forecasting, public notification, and compliance. Staff will continue to evaluate opportunities for future rulemaking to further reduce residential woodsmoke emissions and associated health impacts.

Reporting on air quality trends and use of PurpleAir data

Summary of comment: Air pollution trends from year-to-year should be transparently shared and easily accessible; encourage expanded reporting and use of community sensor data; ensure timely alerts.

Commenters: Kristel Rietesel (Bay Area Clean Air Coalition), Tony Fisher (Coalition For Clean Air)

Response: The Air District routinely monitors and reports air quality trends to the public and Board of Directors. Some recent presentations to the Air District's Board of Directors occurred on February 5, 2025, November 6, 2024, February 7, 2024, and July 19, 2023 and included information on recent air quality trends. Year-to-year changes in air quality measured at Air District air monitoring sites can be easily accessed and visualized on EPA's [AirData](#) website under "Data Viz Tools". For example, the [Mutliyear Tile Plot](#) allows users to select a geographic area, pollutant, and a date range to visualize multiple years of data in one plot. In addition to data from the Air District's monitoring sites, the Air District has also compiled a 7-year dataset of PM_{2.5} data from public PurpleAir sensors in the Bay Area from 2018-2024 that can be used to better understand how PM_{2.5} is changing from place-to-place and from year-to-year. A preliminary review of these data suggests that the spatial variability during woodsmoke episodes changes from day-to-day and can affect different areas throughout the Bay Area depending on a number of factors including changes in emissions and meteorological conditions. Data from air monitoring networks, sensors, and health analyses help guide program development, ensure transparency, and inform future policy.

Air District meteorologists utilize multiple data sources to guide air quality forecasts and Spare the Air Alerts. In addition to regional regulatory monitors, they use supplemental monitors such as PurpleAir to help identify localized hot spots, particularly during episodic PM events or wildfires. Final verifications and reporting, however, are based on the official air monitoring network.

Regulation 5 Topics

General support for Regulation 5 amendments

Summary of comment: Support was expressed for the proposed amendments to Regulation 5, recognizing the importance of prescribed fire as a tool for wildfire risk reduction and ecosystem management.

Commenters: Tasha, Joe Plaughter (Sonoma Land Trust), Miles Sarvis-Wilburn/Jeanne Wirka (LandPaths)

Response: The Air District appreciates the expressed support for the proposed amendments to Regulation 5.

General opposition for Regulation 5 amendments

Summary of comment: General opposition was expressed for the proposed amendments to Regulation 5.

Commenters: Janice Barton, Sandra Mariner, Ellen Golla/Susan Goldsborough (Families for Clean Air), rgkozel

Response: The Air District acknowledges these comments. Staff carefully considered a range of perspectives in developing the amendments and remain committed to supporting the safe use of prescribed fire as a tool for wildfire risk reduction while minimizing smoke impacts on local communities.

Escaped prescribed fire or expansion of prescribed burning

Summary of comment: Concerns were raised that prescribed burns can escape; questions about whether the amendments will expand burning activity or incentivize burning for wood debris disposal.

Commenters: Janice Barton, Sandra Mariner, Ellen Golla/Susan Goldsborough (Families for Clean Air), Kristel Rietesel (Bay Area Clean Air Coalition)

Response: The proposed amendment to Regulation 5 will remove operation fees for prescribed burns to allow nonprofit organizations and private landowners who may be positioned to carry out prescribed burns in areas where public agency capacity is limited. This change is intended to reduce administrative and cost barriers for strategic small-scale burns that can lower the risk of uncontrolled wildfires.

The proposed amendment does not change the definition of prescribed burning nor the strict safety, environmental, and notification requirements that must be met to conduct a prescribed burn. Specifically, all prescribed burns require submission to and approval by the Air District of a Smoke Management Plan that includes strict requirements for

planning, meteorology, public notification, and oversight. These Smoke Management Plans must be approved by the Air District before a prescribed burn is initiated. Additionally, all prescribed burns require separate permits from CAL FIRE or local fire agencies and all burns must be conducted by trained practitioners. These requirements ensure that these burns are subject to strong safeguards.

Entities taking advantage of the proposed new fee waiver would still be required to prepare a Smoke Management Plan, which is a significant undertaking, and staff therefore does not anticipate individuals using prescribed burning simply as a low-cost method of debris disposal. All burns are carefully planned and reviewed with the Air District to ensure they meet the stated application.

The Air District also promotes non-burning alternatives, such as the Agricultural Waste and Wildfire Prevention Chipping Programs, which provide incentives to chip and reuse woody debris instead of burning it. More information on this program can be found at the following website: <https://www.baagmd.gov/permits/open-burn/waste-chipping-program>.

Harmful impacts of prescribed fire smoke

Summary of comment: Concerns were raised about smoke exposure and health effects from prescribed burns.

Commenters: Janice Barton, Ellen Golla/Susan Goldsborough (Families for Clean Air), Kristel Rietesel (Bay Area Clean Air Coalition)

Response: Prescribed burns are subject to strict safeguards designed to minimize smoke exposure and protect public health. Each burn must be supported by a Smoke Management Plan, submitted to the Air District at least 30 days in advance, that specifies burn conditions, outlines measures to limit smoke impacts, and addresses considerations related to public safety, environmental protection, and community health. The Air District reviews and approves these plans to ensure compliance before any burn may proceed.

Although prescribed burns produce emissions, they are generally shorter in duration, smaller in scale, and emit significantly less fine particulate matter (PM_{2.5}) per acre than uncontrolled wildfires.¹ They are also carefully timed using PM_{2.5} forecasts and meteorological conditions to reduce exposure for nearby communities. A recent study

¹ Berger C, Fitzgerald SA, Leavell D, Peterson J. 2018. *Fire FAQs – Air quality impacts from prescribed fire and wildfire: How do they compare?* Oregon State University Extension Service, EM 9203, 2p. <https://extension.oregonstate.edu/catalog/pub/em-9203-fire-faqs-air-quality-impacts-prescribed-fire-wildfire-how-do-they-compare>

suggests that prescribed fire use can meaningfully reduce smoke emissions, even when factoring in smoke from the prescribed fires themselves.²

Regulation 5 includes safeguards—such as limits on burn windows, requirements for Smoke Management Plans, and coordination with meteorological conditions—to minimize smoke exposure in local communities. Staff will continue to monitor emerging research and incorporate new findings into implementation as appropriate.

Use of alternatives to prescribed fire (e.g. goats, chipping)

Summary of comment: Preference was expressed for non-burning vegetation management methods.

Commenter: Janice Barton, Ellen Golla/Susan Goldsborough (Families for Clean Air)

Response: Land managers select treatment methods based on site conditions, safety, and ecological goals. In some cases, prescribed fire may be the most appropriate treatment. The Air District also promotes non-burning alternatives through programs such as the Agricultural Waste and Wildfire Prevention Chipping Programs, which provide incentives to chip and reuse woody debris rather than burn it. More information: <https://www.baaqmd.gov/permits/open-burn/waste-chipping-program>.

² Kelp, Makoto, et al. "Effect of recent prescribed burning and land management on wildfire burn severity and smoke emissions in the western United States." *AGU Advances* 6.3 (2025): e2025AV001682. <https://agupubs.onlinelibrary.wiley.com/doi/10.1029/2025AV001682>

Organizations and Individuals Who Submitted Written Comments on the Proposed Amendments to Rule 6-3 and Regulation 5

Name	Organization/Affiliation	Date	Reg 5 Position	Rule 6-3 Position
Tasha	Public	7/14/2025	Support	Support
Cate Hutton	Public	7/14/2025		Support
Janice Barton	Public	7/14/2025	Oppose	
Joe Plaugher	Sonoma Land Trust	8/1/2025	Support	
Karen Gray	Public	8/4/2025		Support
Ann Harvey	Public	8/10/2025		Support
Merrily Robinson	Public	8/11/2025		
Rgkozel	Public	8/11/2025	Oppose	Oppose
Sandra Mariner	Public	8/12/2025	Oppose	Support
Susan Goldsborough	Families for Clean Air	8/13/2025	Oppose	Support
Tony Fisher	Coalition for Clean Air	8/13/2025		Support
Miles Sarvis-Wilburn	LandPaths	8/13/2025	Support	
Kristel Rietesel	Bay Area Clean Air Coalition	8/13/2025		Support
Ingrid Behrsin	Public	8/13/2025		Support

All Comments Received

Tasha Comment Email (Received 7/14/2025)

Comment:

I am writing to support both of the proposed amendments that I was just sent an email about.

I have asthma and am very concerned about particulate matter in the air, so lower the threshold is something I strongly support. I have also read some of the scientific understanding around this issue and know that it is dangerous for everyone, not just those with asthma.

I have grown up in the Bay Area and the frequency and severity of fires has dramatically increased in my lifetime. I am in support of increased ease of access to authorized folks being able to set prescribed burns as needed to decrease the risk of catastrophic fires.

I especially admire places in our state, such as Yosemite National Park, that have sought out counsel and wisdom from local indigenous groups as to how they have effectively managed prescribed burns in their areas historically.

I would also urge you to explore all avenues to incentivize and encourage people to move away from recreational wood burning fireplaces or fire pit options, especially safer and cleaner electric options.

Thank you.

Tasha

Bay Area Stakeholder in 94602

Catherine Hutton Comment Email (Received 7/14/2025)

Comment:

As a resident of rural Sonoma County, I support lowering the particulate level threshold to trigger Spare the Air Days and prohibit wood burning in wood burning devices to the new proposed level. In winter, we regularly experience sufficiently uncomfortable amounts of smoke due to wood burning in woodstoves and fireplaces that we need to stay inside and close all windows to avoid feeling the effects of the smoke in our lungs.

*In addition, it would be very beneficial to public health if the Air Quality District rescinded the waiver from abiding by the wood ban during Spare the Air Days **even for those individuals and residences relying on woodburning stoves for their sole source of heat**. I propose this because the Air Quality District has provided financial support for*

*several funding cycles now for conversion of woodburning stoves to heat pumps and other cleaner forms of heating. Despite this, the air in our area continues to be problematic because individuals continue to use and install unpermitted, non-EPA certified woodstoves as their heat sources. Since the Air Quality District has no way to easily enforce the existing regulations regarding residential wood burning, for public health reasons (not to mention fairness) Spare the Air Days should be applied to **all** wood burning devices.*

The District cannot distinguish between a residence relying solely on wood for heat vs one in which the stove augments another heat source without entering the residence or obtaining information from the relevant building permit agency. Similarly, it cannot easily distinguish between a grandfathered-in non-EPA compliant wood stove from a newly (but illegally) installed one. It is burdensome on the District to identify those who skirt the rules to the detriment of their neighbors and community. As a result, there is minimal enforcement and scofflaws recognize that there is little possibility of getting caught. Dropping the waiver will make Spare the Air burning ban enforcement easier and may encourage those with woodstoves to replace them with cleaner sources of heat or to simply not burn on Spare the Air Days.

Finally, I want to thank the District for the grant programs it has provided over the years to encourage the replacement of non-compliant wood stoves with other heat sources. The additional financial support provided to low-income individuals and families is appropriate and hopefully has been beneficial. I encourage the District to continue these programs but also do stronger outreach to rural and especially low-income communities so that they are aware of the program, as well as pair the program with stiffer penalties for the use of non-EPA certified stoves as an enhanced incentive for replacing existing wood burning devices.

Catherine Hutton

[REDACTED]

Sebastopol, CA

[REDACTED]

Janice Barton Comment Email (Received 7/14/2025)

Comment:

I disagree with these changes. I feel that prescribed burns can get out of control as they did in New Mexico. I feel that relaxing restrictions is harmful to the health of neighbors. Perhaps they should rent goats to clear vegetation or have supervised controlled burns.

Joe Plaughter, Sonoma Land Trust Comment Email and Letter (Received 7/28/2025)

Comment:

Good afternoon,

Letter of support for the proposed change to Regulation 5 is attached. Thank you for your consideration of this incredibly beneficial amendment.

-Joe



Joe Plaughter | *Prescribed Fire Program Manager*
Sonoma Land Trust
[Redacted], Santa Rosa, CA 95404



822 5th Street, Santa Rosa, CA 95404 • (707) 526-6930 • sonomalandtrust.org

Rule Development
Bay Area Air District
375 Beale Street, Suite 600
San Francisco, CA 94105

Submitted via email to woodsmokerule@baaqmd.gov

RE: Support for proposed change to Regulation 5, Prescribed Burning fees

Dear Bay Area Air District:

I am writing on behalf of Sonoma Land Trust in support of the proposed amendments to Regulation 5 to waive Smoke Management Fees fees for all persons conducting prescribed burns. This change is much-needed boost to our efforts to increase the pace and scale of ecologically beneficial prescribed burns in the North Bay.

As you know, this change is intended to reduce administrative barriers and improve operational flexibility for nonprofit organizations and private landowners who are leading the charge forward to expand the use of beneficial fire. As the private and NGO prescribed burn community has become more efficient with burn implementation, SMP fees have become a significant hurdle; sometimes comprising half of the direct cost of a burn project. This change will allow us to spend our limited budgets more efficiently. Additionally, the proposed expansion of the exemption supports statewide efforts to expand beneficial fire practices for wildfire prevention and land stewardship.

Thank you for your consideration of this proposed amendment. The Bay Area District has been an important partner in the development and implementation of our prescribed burn projects over the past years, and we look forward to the continued shared effort in years to come.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Plaugher".

Joe Plaugher
Prescribed Burn Program Manager

Karen Gray Comment Email (Received 8/4/2025)

Comment:

I support this amendment as a long term resident of San Francisco. The residential wood smoke in SF has to go. – Karen Gray

Wood-burning curtailment is issued when the Air District forecasts that 24-hour average PM2.5 concentrations will exceed a designated threshold, currently set at 35 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). The proposed amendments would lower this 24-hour forecasted PM2.5 threshold to 25 $\mu\text{g}/\text{m}^3$, allowing the Air District to issue Mandatory Burn Bans when it forecasts conditions will meet this lower threshold. This change is intended to reduce short and long-term peaks in fine particulate matter exposure from wood-burning.

Ann Harvey Comment Email and Letter (Received 8/10/2025)

Comment:

I have attached my comments on the proposed Regulation 6, Rule 3 Amendments. I support the amendments but have a few specific suggestions.

Thank you,

Ann Harvey, MD

Oakland resident

Thank you for undertaking these updates. My comments relate to Rule 6-3. As you note,

- PM2.5 causes significant adverse health impacts;
- residential wood burning contributes over a third of Bay Area PM2.5 during the high PM2.5 months of December and January¹; and
- most residential wood burning is for aesthetic/recreational purposes.

In light of the cumulative region-wide impact of domestic wood smoke, curtailing burning on days with projected high ambient PM2.5 makes sense, and I support lowering the threshold from 35 at least to 25µg/m³.

However, domestic wood-burning devices in most of the Bay Area by definition emit their pollutants in the middle of densely populated neighborhoods, and the concentrations of PM2.5 and other TACS are much higher in their immediate neighborhoods than at the regional sensors, with P2.5 likely often >35µg/m³.

Therefore, I recommend that your publicity about the rule update, as well as your Spare the Air announcements in general, incorporate the message that all home wood-burning, any day of the year, harms neighbors' health with encouragement to minimize it.

6-3-308 Language change suggestion.

Since neighbors are the most likely observers of excessive emissions, it would be helpful to put the limits in terms that the general public can easily understand, enabling us to judge whether a complaint is warranted. (Patrols are deployed partially based on recent complaints, per p. 19).

Current recommended language:

6-3-308 Visible Emissions Limitation: No person shall cause or allow a visible emission from any wood-burning device in any building or structure that exceeds No 1 on the Ringelmann Chart or 20 percent opacity for a period or periods aggregating more than 3 minutes in any hour.²

My suggested change:

No person shall cause or allow **clearly visible smoke (No. 2 or greater on the Ringelmann Chart) to be emitted** from any wood-burning device in any building or structure for a period or periods **totaling** more than 3 minutes in any hour.

OR, If this language is inaccurate—i.e., if the gradations between No. 1 and No. 2, or 21 to 39 percent opacity, are measured by BAAD staff and prohibited, then I suggest:

No person shall cause or allow **more than barely visible smoke (i.e., exceeding No. 1 on the Ringelmann Chart or 20 percent opacity) to be emitted** from any wood-burning device in any building or structure for a period or periods **totaling** more than 3 minutes in any hour.

I took the “clearly visible” and “barely visible” language from the Ringelmann Chart.

I suggest “totaling” rather than “aggregating” only because I think it has the same meaning and is a more common, familiar usage. Language aside, this timing seems cumbersome to measure!

My third suggestion concerns the staff recommendation to remove references to specific emissions ratings in Section 6-3-302, replacing them with reference to the most current emissions standards in federal regulations in order to eliminate the need for future rule amendments each time the EPA updates its emissions standards.³

I agree with the goal, but because the current EPA could loosen restrictions without regard to scientific health data, I suggest continuing to list the current emissions ratings as a baseline and specifying that they will be automatically made more stringent whenever EPA standards become more stringent.

Lastly, I have several questions about important wood smoke sources that I think should be restricted—at least on burning curtailment days—but that don’t fit the narrow “wood-burning device” definition in Rule 6-3.

Are there restrictions on campfires? (And bonfires, if they are ever legal?)

Are there restrictions on wood-fired pizza ovens? Unfortunately, they seem to be proliferating.

Are there any regulations concerning intensively polluting sources such as the Smokehouse on Telegraph in Berkeley? It is hard to breathe for a block downwind of it.

¹Staff Report, p. 22

²Staff Report, p. 33

³Staff Report, p. 30

Thank you again for taking this initiative to further the Bay Area’s health, and thank you for considering my suggestions.

Ann Harvey, MD

Oakland

Merrily Robinson Comment Email (Received 8/11/2025)

Comment:

How about someone enforcing those that still send smoke up on no burn days!?!?!?!?

Merrily

Sandra Mariner Comment Email (Received 8/12/2025)

Comment:

I am strongly against the proposed amendment to Regulation 5. There should be no expansion of prescribed burns.

I am for the proposed amendment to Rule 6-3.

Sincerely,

Sandra Mariner

Fremont, CA

Ellen Golla and Susan Goldsborough, Families for Clean Air Comment Email and Letter (Received 8/13/2025)

Comment:

Hi,

Please see the attached PDF for our comments on the proposed amendments to Rule 6-3 and Regulation 5. Thank you!

Best regards,

Ellen Golla

Families for Clean Air



FAMILIES FOR CLEAN AIR

Dr. Philip Fine, Executive Officer/Air Pollution Control Officer
Bay Area Air District
375 Beale Street, Suite 600
San Francisco, CA 94105

August 13, 2025

Comments on Proposed Amendments to Woodsmoke Rules Regulation 6, Rule 3: Wood-Burning Devices and Regulation 5: Open Burning

Families for Clean Air appreciate this opportunity to offer our comments on the proposed amendments to Regulation 6, Rule 3 and Regulation 5. Thank you for considering our input.

Amendments to Regulation 6, Rule 3

We strongly support the proposed amendments to Rule 6-3, and we commend the Air District for making these changes.

We support reducing the curtailment threshold level to $25 \mu\text{g}/\text{m}^3$. We do note that there is evidence to support reducing it even further, given the World Health Organization recommends a 24-hour $\text{PM}_{2.5}$ standard of $15 \mu\text{g}/\text{m}^3$. But $25 \mu\text{g}/\text{m}^3$ is an important improvement to the regulation.

We also support the proposed amendment to 6-3-308. This would limit visible emissions from startup fires to “not more than once in any four-hour period,” removing the provision that the emissions need to be consecutive. It will be important, however, for the Air District to formulate a well-thought-out enforcement plan for this provision.

The economic analysis of the changes to 6-3 focused on potential reduced sales of firewood and potential costs to wood-burning families, but did not mention the significant health-related economic benefits of reducing exposure to wood smoke. The costs related to wood smoke pollution, both to individuals and to society, are staggering—studies from around the world have made this clear. Any potential reduction in wood smoke is likely to have a positive economic benefit in terms of reduced healthcare costs.

Amendments to Regulation 5

We agree with the Air District’s goal of encouraging activities that reduce wildfire risks. However, we are concerned that the proposed change to Regulation 5 will create unintended consequences, resulting in additional woody debris burning that will not actually reduce wildfire

risks, but rather will, ironically, result in more air pollution and climate impacts than if the rule had not been changed.

The proposed amendment to Regulation 5 would “waive operation fees for all persons conducting prescribed burns, expanding the current exemption that applies only to public agencies.” The stated goal is to make it easier for more people to carry out prescribed burns, “particularly smaller-scale burns, where resource constraints and higher costs per acre can limit participation.” Yet the District states this is not expected to change the amount of prescribed burning or result directly in increased PM_{2.5} emissions. This seems to be a contradiction in logic, since in economic theory, reduced pricing leads to increased demand.

More importantly, the proposed rule change creates a perverse incentive for landowners and others to burn their wood debris rather than find less polluting methods of disposing of it. As the Air District is aware, mulching wood is far more beneficial from both an air quality and climate perspective than incineration. Disposing of wood in landfills is also preferable for air quality and climate impacts, since the stored carbon will be released over approximately a century, instead of instantly when it is incinerated. Yet the proposed rule change creates economic incentives that are preferential to incineration over these environmentally superior disposal methods.

If the proposed rule change is allowed to go forward, the District would need additional staff resources to review the increased burn plan submissions to prevent burning by the general public that is not actually conducted for wildfire reduction, but by individuals trying to dispose of wood refuse without having to pay disposal fees or go through the effort of mulching. Additionally, the increase in prescribed burning from this new incentive will lead to an additional burden on Air District enforcement staff, and without fees to compensate will force the District to reduce enforcement and services in other areas.

Expanding the definition of who may carry out a prescribed burn without paying a fee to “any person” creates the opportunity for unqualified individuals with little or no training to conduct burns, which could ironically lead to increased wildfire incidents. This is not farfetched when considering that even prescribed burns conducted by agency experts result in accidental wildfires. For example, the largest wildfire in New Mexico’s recorded history, which burned an area larger than the city of Los Angeles, destroying hundreds of homes and displacing thousands of people, was the result of two escaped prescribed burns¹. Even proponents of prescribed burns admit that there are about 10 escaped prescribed fires each year in California, and that these are more likely to occur on private land².

Furthermore, a minimum parcel size of only 10 acres will encourage more burning in close proximity to neighboring properties whose residents will suffer the health impacts of the wood smoke pollution.

1 Simon Romero, “The Government Set a Colossal Wildfire. What Are Victims Owed?” *New York Times*, June 21, 2022.

2 Shu Li, et al, “Temporal and Spatial Pattern Analysis of Escaped Prescribed Fires in California from 1991 to 2020,” *Fire Ecology* 21:3 (2025).

Finally, we must add that the science is far from settled on the purported public health benefits of prescribed burning. For example, earlier this year, researchers at Carnegie Mellon University found that smoke from wildfires and prescribed burning in the U.S. together caused \$200 billion in health damages in 2017, and was associated with 20,000 premature deaths. Fully half of these health damages were linked to smoke from prescribed fires. The study also found that this smoke disproportionately affects socially vulnerable communities³.

For all the reasons stated, we urge that the District keep the operation fees in place for the general public, and not expand the current exemption beyond public agencies.

Thank you for this opportunity to submit our comment.

Sincerely,

A handwritten signature in cursive script that reads "Susan Goldsborough".

Susan Goldsborough
Executive Director Families for Clean Air

³ Luke R. Dennin, et al, "Socially vulnerable communities face disproportionate exposure and susceptibility to U.S. wildfire and prescribed burn smoke," *Communications Earth & Environment* 6:190 (2025).

Miles Sarvis-Wilburn and Jeanne Wirka, LandPaths Comment Email
(Received 8/13/2025)

Comment:

Dear Bay Area Air District:

LandPaths is a 501(c)3 nonprofit organization with a mission to foster a love of the land in Sonoma County. We regularly conduct safe and efficient prescribed burns while engaging our community, with a focus on youth, the Spanish speaking community, and others who would otherwise not have easy access. We are writing in firm support of the proposed amendments to Regulation 5 to waive Smoke Management Plan fees for all persons conducting prescribed burns. This change is much-needed boost to our efforts to increase the pace and scale of ecologically beneficial prescribed burns in the Sonoma County.

As you know, this change is intended to reduce administrative barriers and improve operational flexibility for nonprofit organizations and private landowners who are leading the charge to expand the use of beneficial fire. As the private and NGO prescribed burn community has become more efficient with burn implementation, SMP fees have become a significant hurdle, sometimes comprising half of the direct cost of a burn project. This change will allow us to spend our limited budgets more efficiently. Additionally, the proposed expansion of the exemption supports statewide efforts to expand beneficial fire practices for wildfire prevention and land stewardship.

Thank you for your consideration of this proposed amendment. The Bay Area District has been an important partner in the development and implementation of our prescribed burn projects, and we look forward to the continued partnership in years to come.

Sincerely,

Miles Sarvis-Wilburn

Senior Stewardship Field Specialist, Good Fire Program, LandPaths

Jeanne Wirka

Community Stewardship Manager, LandPaths

Kristel Rietesel, Bay Area Clean Air Coalition Comment Email (Received 8/13/2025)

Comment:

Dear BAAQMD,

Thank you so much for proposing to further mitigate exposure to pollution in the Bay Area. This matters to me personally because I have a daughter with asthma and I have asthma myself. I am also representing the local organization the Bay Area Clean Air Coalition, which has around 180 members.

Thank you for noting there is no safe level of exposure to PM 2.5. Please remember that fine particulate matter affects virtually every organ in the body (The Guardian 2019).

Regarding strengthening Rule 6-3, I support setting the wood-burning curtailment threshold to 25 $\mu\text{g}/\text{m}^3$, down from 35 $\mu\text{g}/\text{m}^3$. I would advise this go even lower, since there are no safe levels of particulate matter. I would like to see even more advertising about wood burning harm for increased participation. I would recommend more fines given for those not in compliance (the workshops have not provided data on this, but news sources report it is very low).

It would be good to apply 6-3 to ozone AQI (of about 80) too - Multnomah County (Oregon) uses ozone and PM 2.5 AQI for wood-burning bans.

The wood-burning curtailment threshold should continue to be moved downward from that as quickly as possible. The WHO says annual fine particulate matter levels shouldn't exceed 28 AQI, and 24-hour increments shouldn't exceed 62 AQI more than 3 - 4 days per year. We will almost certainly exceed this with wildfire smoke, so need to do all we can to stop unnecessary pollution. Since you note that "Most residential wood burning in the Bay Area is for aesthetic or recreational purposes, and cost-effective alternatives to wood heat exist for households eligible for the sole source of heat exemption," we have no reason not to work toward banning wood burning. Other cities have or are doing so. The Bay Area could set a date to ban non-emergency wood burning, as Canberra (2045) and Utrecht (2030) have done.

More needs to be done for those with wood burning neighbors as well. Localized air pollution can get very high. Since people can't dump oil in drains or toxic waste in neighbor's driveways or lawns, why can people pollute others' air? Some ideas to mitigate high localized pollution include banning fire pits since other new wood-burning devices are banned, lowering the threshold for wood burning device replacements to a number as far below \$15,000 as possible, putting warning labels on wood-burning devices, putting warnings on wood-burning devices on real estate as we do with

warnings on lead, and using pollution reports for consistently high woodsmoke (that could be proven by air district cars w/monitors) to lead to education and fines. Smoke reports should continue to allow anonymity.

Regarding Regulation 5, please remember all purposely-created smoke is a socialized health cost. Will ecological experts be available for stopping unnecessary public projects? Will other non-burning methods be supported or even favored (perhaps subsidized to lessen the health costs)? Most important, will waiving the oversight of prescribed burns in a warming and less stable climate cause more wildfires (escaped burns)? Are escaped fires being prevented enough? Can the stats on escaped fires be presented?

Finally, part of stopping air pollution is to have easy-to-find graphs showing air pollution as tracked year to year, not just as percentages of a whole. The public needs full transparency. Along with tracking each aspect of air pollution year to year, deaths and hospital visits due to each segment of that would be fair to share.

Thank you for the chance to comment.

Sincerely,

Kristel Rietesel

Admin of Bay Area Clean Air Coalition

Ingrid Behrsin Comment Email (Received 8/13/2025)

Comment:

Hi,

I am a Kensington resident (zip code 94708) and I strongly support lowering the burn ban threshold to 80 AQI instead of 100 AQI. I also support increasing enforcement of this rule.

Thank you,

Ingrid Behrsin

[Redacted]

Kensington, CA

94708

Tony Fisher, Coalition For Clean Air Comment Email (Received 8/13/2025)

Comment:

Dr. Julia Luongo:

The Coalition For Clean Air supports the recent BAAQMD proposed White Paper amendments to

- Strengthen the Air District's burn curtailment (i.e. periodic wood burning ban) program to a PM 2.5 daily max level of 25 ug/m3 instead of 35 ug/m3 .*

Since Staff is seeking input on the mechanism for its proposed policy changes, we recommend:

1) A continued focus on Hot Spot areas around all residents in its Bay Area region using its monitoring data and other reputable sources like Purple Air, in determining Spare The Air Alerts for the following day or time periods and

2) A prompt notification on Spare The Air Alerts to real-time Radio, TV and Public Health Officials along with key contacts in all its BAAQMD counties & cities.

If you have any questions concerning our above recommendations, I can be reached by telephone at [Redacted] or via E-mail at [Redacted]

Tony Fisher

Rgkozel Comment Email (Received 8/11/2025)

Comment:

Ridiculous. All of it. So glad I'm now in North Carolina (or most any other state) where this nonsense would never be tolerated. Here's hoping someone someday (maybe Trump and his Administration?) takes you to court and wins!

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION NO. 2025-

**A Resolution of the Board of Directors of the Bay Area Air Quality Management District
Amending Air District Regulation 6, Rule 3 (Wood-Burning Devices)**

RECITALS

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District (“Air District”) has determined that a need exists to amend Air District rules and regulations by adopting amendments to Regulation 6, Rule 3 Wood Burning Devices (“Rule 6-3”) as set forth in Attachment A hereto (“Proposed Amendments”);

WHEREAS, the Board of Directors of the Air District obtains its authority to adopt, amend and repeal rules and regulations from Sections 40000, 40702, and 40725 through 40728.5 of the California Health & Safety Code;

WHEREAS, the Board of Directors of the Air District last amended Rule 6-3 on November 20, 2019;

WHEREAS, the Proposed Amendments aim to reduce public exposure to harmful woodsmoke emissions by decreasing wood-burning air pollution in the San Francisco Bay Area;

WHEREAS, the Air District published a Woodsmoke White Paper on November 6, 2024 along with a request for public comment and accepted public comments through January 20, 2025;

WHEREAS, on May 8, 2024, Air District staff presented a briefing to the Stationary Source Committee to inform the committee on the progress of the Woodsmoke White Paper and seek input on potential policy direction;

WHEREAS, on February 19, 2025, Air District staff presented a briefing to the Stationary Source Committee on staff’s recommendation in the Woodsmoke White Paper and the public comments received on the White Paper, and to initiate the rule amendment process;

WHEREAS, Air District staff held a virtual public workshop on June 3, 2025, to discuss the planned amendments with interested parties and the public;

WHEREAS, Air District staff revised the Proposed Amendments based on the public comments provided at the June 3, 2025 public workshop;

WHEREAS, on July 14, 2025, Air District staff published a notice in the newspaper and on the Air District’s website of a public hearing to be held on October 1, 2025 for the Proposed

Amendments along with a request for written public comments which were accepted until August 13, 2025;

WHEREAS, the Air District received thirteen public comment letters on the Proposed Amendments;

WHEREAS, Air District staff have prepared summaries of the public comments received and staff's responses in the Response to Comments document in the Final Staff Report, which has been considered by the Board of Directors of the Air District and is incorporated herein by reference;

WHEREAS, the Board of Directors of the Air District held a public hearing on October 1, 2025, which was properly noticed in accordance with the provisions of Health & Safety Code Section 40725 and was conducted in accordance with the provisions of Health and Safety Code Section 40726, to consider the Proposed Amendments in accordance with all provisions of law;

WHEREAS, at the October 1, 2025 public hearing, the subject matter of the Proposed Amendments was discussed with interested persons in accordance with all provisions of law;

WHEREAS, in accordance with Health & Safety Code Section 40727, and based on substantial evidence presented at the hearing and described in the Final Staff Report, the Board of Directors of the Air District has found and determined that the Proposed Amendments are necessary; that the Air District has the authority to adopt the Proposed Amendments; that the Proposed Amendments are clearly written and displayed; that the Proposed Amendments are consistent with other legal requirements; that the Proposed Amendments are not impermissibly duplicative of existing regulatory requirements; and that the Proposed Amendments will implement and make specific certain provisions of law as referenced and identified below;

WHEREAS, the Board of Directors has determined that a need exists to adopt the Proposed Amendments to address woodsmoke emissions in the San Francisco Bay Area;

WHEREAS, the Board of Directors of the Air District has determined, based on a review of the text of the Proposed Amendments set forth in Attachment A and the rulemaking materials prepared by Air District staff, including the Final Staff Report, that the Proposed Amendments are written and displayed so that their meaning can be easily understood by the persons directly affected by the Proposed Amendments, and by the public at large;

WHEREAS, the Board of Directors of the Air District has determined that the Proposed Amendments are in harmony with and not in conflict with or contradictory to existing statutes, court decisions, and state and federal regulations;

WHEREAS, the Board of Directors of the Air District has determined that the Proposed Amendments do not impose the same requirements as any existing state or federal regulation, and

are necessary and proper to execute the power and duties granted to and imposed upon the Air District;

WHEREAS, the Board of Directors of the Air District has identified and determined that the Proposed Amendments will implement, interpret and/or make specific the provisions of Sections 40000, 40702, and 40727 of the California Health & Safety Code;

WHEREAS, the Board of Directors of the Air District finds and intends that its determinations stated in the preceding paragraphs constitute the findings the Board of Directors of the Air District is required to make before adopting the Proposed Amendments pursuant to Health & Safety Code Section 40727;

WHEREAS, the Air District has prepared, pursuant to the requirements of Health & Safety Code Section 40727.2, a written analysis of federal, state, and District requirements applicable to this source category and has found that the Proposed Amendments would not be in conflict with any federal, state, or other Air District rules, and the Board of Directors of the Air District has agreed with these findings;

WHEREAS, in accordance with the requirements of Health & Safety Code Section 40728 and other requirements of law, the Air District has maintained a file of the documents and other materials that constitute the record of proceedings on which this rulemaking project is based, which record documents and other materials are located at the Bay Area Air Quality Management District, 375 Beale Street, Suite 600, San Francisco, 94105, and the custodian for which is Marcy Hiratzka, Clerk of the Boards;

WHEREAS, in accordance with the requirements of Health & Safety Code Section 40728.5, the Board of Directors of the Air District has actively considered the socioeconomic impacts of the Proposed Amendments and has reviewed and considered the Socioeconomic Impact Analysis for the Proposed Amendments prepared for the Air District by Eastern Research Group, Inc., which concludes that the Proposed Amendments will not have any significant adverse socioeconomic impacts;

WHEREAS, Air District staff has determined that an incremental cost-effectiveness analysis of the Proposed Amendments pursuant to Health & Safety Code section 40920.6 is not required because the amendments do not impose best available retrofit control technology requirements;

WHEREAS, Air District staff has evaluated the Proposed Amendments and has determined that adopting them is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA's common sense exemption codified in CEQA Guidelines section 15061(b)(3) and the categorical exemptions in CEQA Guidelines sections 15307 (action to assure the maintenance, restoration, or enhancement of a natural resource) and 15308 (action to assure the maintenance, restoration, enhancement or protection of the environment);

WHEREAS, Air District staff has evaluated the exceptions to the categorical exemptions in CEQA Guidelines section 15300.2 and has determined that there is no substantial evidence indicating that any of the exceptions applies;

WHEREAS, the Board of Directors of the Air District concurs in staff's determination that adoption of the Proposed Amendments is exempt from CEQA, and that there is no substantial evidence that any exception to the categorical exemptions applies;

WHEREAS, this matter has been duly noticed and heard in compliance with applicable requirements of the Health & Safety Code and other applicable provisions of law;

WHEREAS, Air District staff recommends that the Board of Directors adopt the Proposed Amendments and approve the determination that such adoption is exempt from CEQA; and

WHEREAS, the Board of Directors concurs with the recommendations of Air District staff regarding the Proposed Amendments and the exemptions from CEQA.

RESOLUTION

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the Bay Area Air Quality Management District does hereby adopt the Proposed Amendments to Rule 6-3 as set forth in Attachment A and as discussed in the Final Staff Report and all other documents in the record, pursuant to the authority granted by law, with instructions to staff to correct any typographical or formatting errors before final publication of the Proposed Amendments.

BE IT FURTHER RESOLVED that in support of and as part of its adoption of the Proposed Amendments, the Board of Directors of the Bay Area Air Quality Management District hereby makes the following additional findings: For all of the reasons contained in the Final Staff Report, Section X: Conclusion/Recommendations and summarized in the Recitals above, which are incorporated by reference as if fully set forth herein, the Proposed Amendments are necessary; the Air District has the authority to adopt the Proposed Amendments; the Proposed Amendments are clearly written and displayed; the Proposed Amendments are consistent with other legal requirements; the Proposed Amendments are not impermissibly duplicative of existing regulatory requirements; and the Proposed Amendments will implement and make specific provisions of law as referenced and identified.

BE IT FURTHER RESOLVED, that in support of and as part of its adoption of the Proposed Amendments, the Board of Directors of the Bay Area Air Quality Management District hereby determines that adoption of the Proposed Amendments is statutorily and categorically exempt from the requirements of the California Environmental Quality Act pursuant to CEQA's common sense exemption codified in CEQA Guidelines section 15061(b)(3) and the categorical exemptions in CEQA Guidelines sections 15307 and 15308, and that no exceptions to the categorical exemptions

applies.

BE IT FURTHER RESOLVED that the record documents and other materials supporting this Resolution shall be maintained and made available for public review at the headquarters of the Bay Area Air Quality Management District at 375 Beale Street, Suite 600, San Francisco, CA 94105, and that the custodian for these documents and other materials shall be Marcy Hiratzka, Clerk of the Boards.

The foregoing Resolution was duly and regularly introduced, passed, and adopted at a public meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of Director _____, seconded by Director _____, on the _____ day of October, 2025, by the following vote of the Board:

AYES:

NOES:

ABSENT:

ATTEST:

Lynda Hopkins
Chairperson of the Board of Directors

Marcy Hiratzka
Clerk of the Boards

ATTACHMENT A

Proposed Amendments to Regulation 6, Rule 3: Wood-Burning Devices

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PARTICULATE MATTER AND VISIBLE EMISSIONS
RULE 3
WOOD-BURNING DEVICES
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REGULATION 6
PARTICULATE MATTER AND VISIBLE EMISSIONS
RULE 3
WOOD-BURNING DEVICES

(Adopted July 9, 2008)

6-3-100 GENERAL

6-3-101 Description: The purpose of this rule is to limit emissions of particulate matter and visible emissions from wood-burning devices used for primary heat, supplemental heat or ambiance.
(Amended 10/21/15)

6-3-102 Applicability: This Rule applies to:

- 102.1 Any person who owns or operates any wood-burning device for use within the District as defined in Section 6-3-229.
- 102.2 Wood heater manufacturers and retailers.
- 102.3 Any person who advertises, sells, offers for sale or resale, supplies, installs or transfers a new or used wood-burning device.
- 102.4 Any person selling, renting or leasing real property.
- 102.5 Any person or builder building new construction, or
- 102.6 Any person who sells, offers for sale, or supplies any wood intended for use in a wood-burning device.

6-3-110 Limited Exemption, Sole Source of Heat: ~~Until October 31, 2016, the requirements of Section 6-3-301 shall not apply to any person whose sole source of heat is a wood-burning device.~~

~~110.1 Effective November 1, 2016, t~~The requirements of Section 6-3-301 shall not apply to any person whose sole source of heat is an EPA certified wood-burning device that is registered with the District per the requirements of Sections 6-3-404 and 405 and who does not have available to them a permanently-installed natural gas, propane or electric heating device. Qualification for exemption is subject to verification.

~~110.21 Effective November 1, 2018, r~~Rental properties subject to Section 6-3-305 located in areas with natural gas service do not ~~longer~~ qualify for this exemption ~~in Section 6-3-110.1.~~

(Amended 10/21/15)

6-3-111 Limited Exemption, Non-functional, Permanently Installed Heater: ~~Effective November 1, 2015, t~~The requirement of Section 6-3-301 shall not apply to any person whose only non-wood-burning, permanently-installed source of heat is non-functional and requires repair to resume operation. A dwelling may qualify for a 30-day exemption if there is no alternate form of heat and the non-functional heater is repaired to resume function within 30 days. Qualification for this exemption is subject to verification and must be supported by documentation of repair, which must be submitted to the District within 10 days of a receipt of a request for such records.

(Adopted 10/21/15)

6-3-112 Limited Exemption, Loss of Natural Gas and/or Electric Power: The requirement of Section 6-3-301 shall not apply to a person whose dwelling is in an area that has a temporary loss of gas and/or electric utility service and there is no alternate form of heat available. Qualification for exemption is subject to verification.

(Amended 10/21/15)

6-3-200 DEFINITIONS

- 6-3-201** **Alternate Form of Heat:** A form of heat that does not burn wood or any other solid fuels. Alternate forms of heat include, but are not limited to gas-fueled (e.g. propane or natural gas) or electric heat.
(Adopted 10/21/15)
- 6-3-202** **APCO:** The Air Pollution Control Officer of the Bay Area Air Quality Management District (District) or the designee thereof.
- 6-3-203** **Builder:** Any individual or company that constructs or sells any residential or commercial property.
(Amended 10/21/15)
- 6-3-204** **Electric Heating Device:** Any device that produces heat through use of an element utilizing resistance from alternating current or other means of electrical space heating, including, but not limited to, electric fireplaces, heat pumps, or wall heaters.
(Amended 10/21/15)
- 6-3-205** **EPA:** United States Environmental Protection Agency.
(Adopted 10/21/15)
- 6-3-206** **EPA Certified:** Any wood-burning heater that meets the standards set forth in Title 40 Code of Federal Regulations (CFR), Part 60, Subpart AAA in effect at the time of installation and is certified and labeled pursuant to those regulations. An EPA certified wood heater may be freestanding, built-in, or an insert within a fireplace.
(Adopted 10/21/15)
- 6-3-207** **Fireplace:** Any installed masonry or factory-built wood-burning device designed to operate with an air-to-fuel ratio greater than or equal to 35-to-1.
- 6-3-208** **Garbage:** Any solid, semisolid, or liquid waste generated from residential, commercial, and industrial sources, including trash, refuse, rubbish, industrial wastes, asphaltic products, manure, vegetable or animal solid or semisolid wastes, and other discarded solid or semisolid wastes.
- 6-3-209** **Gas-fueled Heating Device:** Any device that utilizes natural gas or propane as a fuel source exclusively including, but not limited to, gas-fueled fireplaces, gas-fueled room heaters, or gas-fueled inserts.
(Amended 10/21/15)
- 6-3-210** **Insert:** A wood or gas-fueled heater designed to be installed in an existing masonry or factory-built fireplace.
(Adopted 10/21/15)
- 6-3-211** **Mandatory Burn Ban:** Any period so declared to the public by the APCO during which ~~the air quality is forecast by the District to be unhealthy due to ambient levels of particulate matter exceeding 35 µg/m³ and~~ burning wood or any solid fuels is illegal within District boundaries in the Bay Area. A Mandatory Burn Ban is announced through a Spare the Air Alert.
(Adopted 10/21/15; Amended 11/20/19)
- 6-3-212** **Manufacturer:** Any person who constructs or imports a wood-burning fireplace or wood-burning heater.
(Adopted 10/21/15)
- 6-3-213** **New Building Construction:** Any single or multi-family housing unit, for which construction began on or after November 1, 2016. Construction is deemed to occur when the foundation for the structure is installed.
(Adopted 10/21/15)

- 6-3-214 Pellet-fueled Wood Heater:** A wood-burning device which is operated on pellet-fuel and is either EPA certified or exempted under U.S. EPA requirements set forth in Title 40 Code of Federal Regulation (CFR), Part 60, Subpart AAA. Pellet fuel may be composed of compressed wood, corn or other biomass.
(Amended 10/21/15)
- 6-3-215 Permanently Installed:** A device that is fixed to the structure of a dwelling or unit and is not readily movable.
(Adopted 10/21/15)
- 6-3-216 Particulate Matter (PM):** As defined in Regulation 6, Section 6-206 – Any material that is emitted as liquid or solid particles, or as gaseous material that becomes liquid or solid particles at the testing temperatures specified in the source test method, excluding uncombined water vapor, water mist or steam.
(Adopted 10/21/15)
- 6-3-217 PM_{2.5}:** ~~PM_{2.5} has an aerodynamic diameter equal to or less than 2.5 microns.~~ As defined in Regulation 6, Section 6-206.3 – Particulate matter with an aerodynamic diameter equal to 2.5 microns or less, including both filterable solid or liquid particles with a diameter of 2.5 microns or less, and gaseous emissions that condense to form such particles at ambient temperatures. These liquid and/or solid particles are identified using EPA Test Method 201A and 202. If necessary, alternate approved test methods may be used as described in Regulation 2, Rule 1, Section 2-1-603.
(Adopted 10/21/15)
- 6-3-218 Real Property:** The land and anything affixed to the land, such as a building or structures.
(Adopted 10/21/15)
- 6-3-219 Remodel:** A change to the appearance and/or functional utility of a fireplace or chimney that requires a building permit.
(Adopted 10/21/15)
- 6-3-220 Retailer:** Any person engaged in the sale of wood-burning fireplaces, wood-burning heaters, or outdoor wood-burning devices.
(Adopted 10/21/15)
- 6-3-221 Ringelmann Chart:** ~~A numerical ranking system whereby graduated shades of gray varying by five equal steps between white and black are visually compared to the density of smoke. The chart, as distributed by the United States Bureau of Mines, provides the graduated shades 1, 2, 3, 4 and 5, which are known as Ringelmann No. 1, 2, 3, 4 and 5, respectively. The system is used in determining whether emissions of smoke are within limits or standards of opacity.~~ As defined in Regulation 6, Section 6-207 – The chart used to measure opacity published by the United States Bureau of Mines.
- 6-3-222 Seasoned Wood:** Firewood that has a moisture content of 20 percent or less by weight using the testing method specified in Section 6-3-602.
- 6-3-223 Solid Fuel:** Any wood, wood-based product, non-gaseous or non-liquid fuel, including but not limited to: manufactured logs, pressed logs, wood or other pellet products.
- 6-3-224 Spare the Air Alert (STA):** An alert by the APCO that notifies the public when a Mandatory Burn Ban is in effect. Members of the public can verify status of a burn ban through the following methods:
- Listen to local TV or Radio News;
 - Call 1-877-4NO-BURN;
 - Check www.sparetheair.org; or

- Follow District social media.

(Amended November 20, 2019)

6-3-225 Treated Wood: Wood of any species that has been chemically impregnated, painted, or similarly modified to improve resistance to insects or weathering.

(Renumbered November 20, 2019)

~~**6-3-226 Uncertified Wood Heater:** A wood heater that is not certified by the U.S. EPA to meet requirements in Title 40 Code of Federal Regulations, Part 60, Subpart AAA.~~

~~(Adopted 10/21/15; Renumbered 11/20/19)~~

~~**6-3-227 Visible Emissions:** Emissions which are visually perceived by an observer. Restrictions on visible emissions in District regulations are expressed as numbers on the Ringelmann Chart, as published by the United States Bureau of Mines.~~

~~(Renumbered November 20, 2019)~~

6-3-228⁶ Wood Heater: An enclosed wood-burning device capable of and intended for space heating such as a wood stove, pellet-fueled wood heater, or wood-burning fireplace insert. [\[Formerly Section 6-3-228\]](#)

(Adopted 10/21/15; Renumbered 11/20/19)

6-3-229⁷ Wood-burning Device: Any wood heater, fireplace, or any indoor permanently installed device used to burn any solid fuel for space-heating or aesthetic purposes. [\[Formerly Section 6-3-229\]](#)

(Renumbered November 20, 2019)

6-3-300 STANDARDS

6-3-301 Burning Prohibited During Mandatory Burn Ban: No person shall operate or combust wood or solid-fuel products in any wood-burning device during a Mandatory Burn Ban. [A Mandatory Burn Ban is so declared by the APCO when forecasted ambient 24-hour average PM_{2.5} concentration is expected to exceed 25 µg/m³ for any area within District boundaries.](#)

(Amended 10/21/15; 11/20/19)

6-3-302 Requirements for Wood Heater Manufacturers and Retailers: No manufacturer or retailer shall advertise, sell, offer for sale or resale, supply, install or transfer a new or used wood-burning device intended for use within District boundaries unless the device meets or exceeds the [applicable](#) requirements ~~of in~~ Title 40 Code of Federal Regulations, Part 60, Subpart AAA, ~~which are as follows:~~

~~**302.1** Effective May 15, 2015, any wood heater that is manufactured must be certified to meet the 4.5 g/hr emissions rating specified in 40 C.F.R. § 60.532(a).~~

~~**302.2** Effective December 31, 2015, any wood heater that is sold at retail must be certified to meet the emissions rating of 4.5 g/hr as specified in 40 C.F.R. § 60.532(a).~~

~~**302.3** Effective May 15, 2020, any wood heater that is manufactured or sold at retail must meet an emissions rating of 2.5 g/hr if crib tested, or 2.0 g/hr if cordwood tested, as specified in 40 C.F.R. § 60.532(b) and (c).~~

(Adopted 10/21/15)

6-3-303 Sale, Resale, Transfer or Installation of Wood-Burning Devices: ~~Effective December 1, 2015, n~~No person shall advertise, sell, offer for sale or resale, supply, install or transfer a new or used wood-burning device intended for use within District boundaries unless the device meets or exceeds the [applicable](#) requirements ~~of in~~ Title 40 Code of Federal Regulations, Part 60, Subpart AAA. This requirement does not apply if a wood-burning device is an installed fixture included in the sale or transfer of any real property.

(Amended 10/21/15)

- 6-3-304 Disclosure Requirements for Real Property:** ~~Effective June 1, 2016, a~~Any person selling, renting or leasing real property shall provide sale or rental disclosure documents that describe the health hazards of PM_{2.5} from burning wood or any solid fuel as a source of heat. Disclosure documents must disclose PM_{2.5} health hazards in accordance with guidance made available on the District's website.
(Adopted 10/21/15)
- 6-3-305 Requirements for Rental Properties:** ~~Effective November 1, 2018, a~~All real property offered for lease or rent in areas with natural gas service shall have a permanently-installed form of heat that does not burn solid fuel.
(Adopted 10/21/15)
- 6-3-306 Requirements for New Building Construction:** ~~Effective November 1, 2016, n~~No person or builder shall install a wood-burning device in a new building construction.
(Amended 10/21/15)
- 6-3-307 Requirements for Remodeling a Fireplace or Chimney:** ~~Effective November 1, 2016, n~~No person shall remodel a fireplace or chimney unless a gas-fueled, electric, or EPA certified device is installed that meets applicable requirements in Title 40 Code of Federal Regulations, Part 60, Subpart AAA. This requirement is triggered by a fireplace or chimney remodel where a total cost exceeds \$15,000 and requires a local building permit. The total cost excludes the cost of a building permit.
(Adopted 10/21/15)
- 6-3-308 Visible Emissions Limitation:** ~~Effective November 1, 2015, n~~No person shall cause or allow a visible emission from any wood-burning device in any building or structure that exceeds No. 1 on the Ringelmann Chart or 20 percent opacity for a period or periods aggregating more than 3 minutes in any hour. Visible emissions from the startup of a new fire shall not be subject to this provision for a period not to exceed twenty consecutive minutes, and not more than once in any ~~consecutive~~ four-hour period ~~are not subject to this provision~~.
(Amended 10/21/15)
- 6-3-309 Prohibition Against Burning Garbage, Non-Seasoned Wood or Certain Materials:** No person shall cause or allow any of the following materials to be burned in a wood-burning device: garbage, treated wood, non-seasoned wood, used or contaminated wood pallets, plastic products, rubber products, waste petroleum products, paints and paint solvents, coal, animal carcasses, glossy or colored paper, salt water driftwood, particle board, and any material not intended by a manufacturer for use as a fuel in a wood-burning device.
- 6-3-310 Requirements for Sale of Wood:** No person shall sell, offer for sale, or supply any wood (not to include manufactured logs) intended for use in a wood-burning device that does not meet one of the following requirements:
310.1 Have a moisture content of 20 percent or less by weight, or
310.2 For moisture content of greater than 20 percent by weight, be identified as unseasoned wood and include instructions on how to dry out the wood, as required in Section 6-3-40~~3~~3.3, before combustion.
- 6-3-400 ADMINISTRATIVE REQUIREMENTS**
- 6-3-401 Device Sale or Installation, Public Awareness Information:** Any person offering for sale, selling or installing a new or used wood-burning device subject to Sections 6-3-302 and 6-3-303 shall provide public awareness information to each purchaser of a wood-burning device in the form of pamphlets, brochures, or fact sheets addressing proper installation, operation, and maintenance of the wood-burning device and the health effects of wood smoke. The information on health effects of wood smoke shall include the following statement:

“Wood smoke contains harmful particulate matter (PM) which is associated with numerous negative health effects.

6-3-402 Device Manufacturer’s Certification or Proof of Equivalency: The manufacturer and retailer of any wood-burning device shall provide documentation to any purchaser that the device is U.S. EPA certified or that the device meets the equivalent Title 40 Code of Federal Regulations (CFR), Part 60, Subpart AAA.

6-3-403 Labeling for Solid Fuel or Wood Sale: Any person offering for sale, selling or providing solid fuel or wood intended for use in a wood-burning device within District boundaries shall:
403.1 Attach a label to each package of solid fuel or wood sold that states the following:

“Use of this and other solid fuels may be restricted at times by law. Please check 1-877-4-NO-BURN or <http://www.8774noburn.org/> before burning.”

403.2 If wood is seasoned (not to include manufactured logs), then the label must also state the following:

“This wood meets air quality regulations for moisture content to be less than 20 % (percent) by weight for cleaner burning.”

403.3 If wood is not seasoned (not to include manufactured logs), then the label must state the following:

“This wood does **NOT** meet air quality regulations for moisture content and must be properly dried before burning.”

In addition to the disclosure listed above, any person offering for sale or selling wood that is not seasoned for use in a wood-burning device shall also provide written instructions on how to properly dry the wood to achieve a 20% (percent) by weight moisture content.

6-3-404 Registration of EPA Certified Wood Heaters: ~~Effective November 1, 2016, a~~Any person seeking to claim the exemption provided in Section 6-3-110 must have previously registered their EPA certified wood heater in the District’s registration program and must maintain documentation that the device is operated according to manufacturer’s specifications. The following wood heaters are eligible to be registered:

404.1 Wood heaters that are EPA Certified to meet performance and emission standards set forth in Title 40 Code of Federal Regulations (CFR), Part 60, Subpart AAA in effect at the time of registration ~~of 7.5 g/hr or less.~~

404.2 A pellet-fueled wood heater exempt from EPA certification requirements pursuant to the requirements in Title 40 Code of Federal Regulations (CFR), Part 60, Subpart AAA at time of purchase or installation.

(Adopted 10/21/15)

6-3-405 Registration Renewal: Registration pursuant to Section 6-3-404 shall be for a term of 5 years. Application for renewal of registration must be received by the District prior to expiration of the 5-year term.

(Adopted 10/21/15)

6-3-500 MONITORING AND RECORDS

6-3-501 Burden of Proof: The burden of proof of eligibility for exemption pursuant to Section 6-3-110, 111, and 112 is on the claimant. Any person claiming exemption shall maintain adequate documentation or records demonstrating that the registered device is the sole source of heat. Such records must be provided to the APCO upon request. Qualification for the exemption provided in Section 6-3-110 is subject to inspection and verification.

(Amended 10/21/15)

6-3-502 Proof of Certification or Equivalency: Upon request of the APCO, a manufacturer shall demonstrate that each wood-burning device subject to the requirements of Section 6-3-302 meets the standards set forth in this regulation.

6-3-600 MANUAL OF PROCEDURES

6-3-601 Determination of Visible Emissions: Ringelmann standard shall be determined by Manual of Procedures-Volume 1 – Enforcement Procedures, Evaluation of Visible Emissions or any other EPA method that has been approved by APCO.

(Amended 10/21/15)

6-3-602 Determination of Moisture Content: Moisture content of wood shall be determined by ASTM Test Method D 4442-92 or a hand-held moisture meter operated in accordance with ASTM Test Method D 4444-92, Standard Test Methods for Use and Calibration of Hand-Held Moisture Meters.

6-3-603 Determination of EPA Certification or Equivalency: EPA certification or demonstration of equivalence for wood burning-devices shall be performed in accordance with EPA Guidance Document for Residential Wood Combustion, Method 28, 5G, 5H, or other EPA approved methodology.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION NO. 2025-

**A Resolution of the Board of Directors of the Bay Area Air Quality Management District
Amending Air District Regulation 5 (Open Burning)**

RECITALS

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District (“Air District”) has determined that a need exists to amend Air District rules and regulations by adopting amendments to Regulation 5: Open Burning (“Regulation 5”) as set forth in Attachment A hereto (“Proposed Amendments”);

WHEREAS, the Board of Directors of the Air District obtains its authority to adopt, amend and repeal rules and regulations from Sections 40000, 40702, and 40725 through 40728.5 of the California Health & Safety Code;

WHEREAS, the Board of Directors of the Air District last amended Regulation 5 on November 20, 2019;

WHEREAS, the Proposed Amendments aim to reduce administrative and cost barriers to allow beneficial fires for the purpose of reducing wildfire risk in the San Francisco Bay Area;

WHEREAS, Air District staff held a virtual public workshop on June 2, 2025, to discuss the planned amendments with interested parties and the public;

WHEREAS, Air District staff revised the Proposed Amendments based on the public comments provided by at the June 2, 2025 public workshop;

WHEREAS, during this rule development process, Air District staff presented a briefing to the Board of Directors on June 4, 2025;

WHEREAS, on July 14, 2025, Air District staff published a notice in the newspaper and on the Air District’s website of a public hearing to be held on October 1, 2025 for the Proposed Amendments along with a request for written public comments which were accepted until August 13, 2025;

WHEREAS, the Air District received thirteen public comment letters on the Proposed Amendments;

WHEREAS, Air District staff have prepared summaries of the public comments received and staff’s responses in the Response to Comments document in the Final Staff Report, which has been considered by the Board of Directors of the Air District and is incorporated herein by reference;

WHEREAS, the Board of Directors of the Air District held a public hearing on October 1, 2025, which was properly noticed in accordance with the provisions of Health & Safety Code Section 40725 and was conducted in accordance with the provisions of Health and Safety Code Section 40726, to consider the Proposed Amendments in accordance with all provisions of law;

WHEREAS, at the October 1, 2025 public hearing, the subject matter of the Proposed Amendments was discussed with interested persons in accordance with all provisions of law;

WHEREAS, in accordance with Health & Safety Code Section 40727, and based on substantial evidence presented at the hearing and described in the Final Staff Report, the Board of Directors of the Air District has found and determined that the Proposed Amendments are necessary; that the Air District has the authority to adopt the Proposed Amendments; that the Proposed Amendments are clearly written and displayed; that the Proposed Amendments are consistent with other legal requirements; that the Proposed Amendments are not impermissibly duplicative of existing regulatory requirements; and that the Proposed Amendments will implement and make specific certain provisions of law as referenced and identified below;

WHEREAS, the Board of Directors has determined that a need exists to adopt the Proposed Amendments to address wildfire risk and smoke emissions in the San Francisco Bay Area;

WHEREAS, the Board of Directors of the Air District has determined, based on a review of the text of the Proposed Amendments set forth in Attachment A and the rulemaking materials prepared by Air District staff, including the Final Staff Report, that the Proposed Amendments are written and displayed so that their meaning can be easily understood by the persons directly affected by the Proposed Amendments, and by the public at large;

WHEREAS, the Board of Directors of the Air District has determined that the Proposed Amendments are in harmony with and not in conflict with or contradictory to existing statutes, court decisions, and state and federal regulations;

WHEREAS, the Board of Directors of the Air District has determined that the Proposed Amendments do not impose the same requirements as any existing state or federal regulation, and are necessary and proper to execute the power and duties granted to and imposed upon the Air District;

WHEREAS, the Board of Directors of the Air District has identified and determined that the Proposed Amendments will implement, interpret and/or make specific the provisions of Sections 40000, 40702, and 40727 of the California Health & Safety Code;

WHEREAS, the Board of Directors of the Air District finds and intends that its determinations stated in the preceding paragraphs constitute the findings the Board of Directors of the Air District is required to make before adopting the Proposed Amendments pursuant to Health & Safety Code

Section 40727;

WHEREAS, the Air District has prepared, pursuant to the requirements of Health & Safety Code Section 40727.2, a written analysis of federal, state, and District requirements applicable to this source category and has found that the Proposed Amendments would not be in conflict with any federal, state, or other Air District rules, and the Board of Directors of the Air District has agreed with these findings;

WHEREAS, in accordance with the requirements of Health & Safety Code Section 40728 and other requirements of law, the Air District has maintained a file of the documents and other materials that constitute the record of proceedings on which this rulemaking project is based, which record documents and other materials are located at the Bay Area Air Quality Management District, 375 Beale Street, Suite 600, San Francisco, 94105, and the custodian for which is Marcy Hiratzka, Clerk of the Boards;

WHEREAS, in accordance with the requirements of Health & Safety Code Section 40728.5, the Board of Directors of the Air District has actively considered the socioeconomic impacts of the Proposed Amendments and has reviewed and considered the Socioeconomic Impact Analysis for the Proposed Amendments prepared for the Air District by Eastern Research Group, Inc., which concludes that the Proposed Amendments will not have any significant adverse socioeconomic impacts;

WHEREAS, Air District staff has determined that an incremental cost-effectiveness analysis of the Proposed Amendments pursuant to Health & Safety Code section 40920.6 is not required because the amendments do not impose best available retrofit control technology requirements;

WHEREAS, Air District staff has evaluated the Proposed Amendments and has determined that adopting them is statutorily and categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code section 21080(b)(4) (necessary to prevent or mitigate an emergency) and CEQA Guidelines sections 15269(c) (prevention or mitigation of an emergency), 15307 (action to assure the maintenance, restoration, or enhancement of a natural resource), and 15308 (action to assure the maintenance, restoration, enhancement or protection of the environment);

WHEREAS, Air District staff has evaluated the exceptions to the categorical exemptions in CEQA Guidelines section 15300.2 and has determined that there is no substantial evidence indicating that any of the exceptions apply;

WHEREAS, the Board of Directors of the Air District concurs in staff's determination that adoption of the Proposed Amendments is statutorily and categorically exempt from CEQA, and that there is no substantial evidence that any exception to the categorical exemptions applies;

WHEREAS, this matter has been duly noticed and heard in compliance with applicable requirements of the Health & Safety Code and other applicable provisions of law;

WHEREAS, Air District staff recommends that the Board of Directors adopt the Proposed Amendments and approve the determination that such adoption is exempt from CEQA; and

WHEREAS, the Board of Directors concurs with the recommendations of Air District staff regarding the Proposed Amendments and the exemptions from CEQA.

RESOLUTION

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the Bay Area Air Quality Management District does hereby adopt the Proposed Amendments to Regulation 5 as set forth in Attachment A and as discussed in the Final Staff Report and all other documents in the record, pursuant to the authority granted by law, with instructions to staff to correct any typographical or formatting errors before final publication of the Proposed Amendments.

BE IT FURTHER RESOLVED, that in support of and as part of its adoption of the Proposed Amendments, the Board of Directors of the Bay Area Air Quality Management District hereby makes the following additional findings: For all of the reasons contained in the Final Staff Report, Section X: Conclusion/Recommendations and summarized in the Recitals above, which are incorporated by reference as if fully set forth herein, the Proposed Amendments are necessary; the Air District has the authority to adopt the Proposed Amendments; the Proposed Amendments are clearly written and displayed; the Proposed Amendments are consistent with other legal requirements; the Proposed Amendments are not impermissibly duplicative of existing regulatory requirements; and the Proposed Amendments will implement and make specific provisions of law as referenced and identified.

BE IT FURTHER RESOLVED, that in support of and as part of its adoption of the Proposed Amendments, the Board of Directors of the Bay Area Air Quality Management District hereby determines that adoption of the Proposed Amendments is statutorily and categorically exempt from the requirements of the California Environmental Quality Act pursuant to Public Resources Code section 21080(b)(4) and CEQA Guidelines sections 15269(c), 15307, and 15308, and that no exceptions to the categorical exemptions applies.

BE IT FURTHER RESOLVED, that the record documents and other materials supporting this Resolution shall be maintained and made available for public review at the headquarters of the Bay Area Air Quality Management District at 375 Beale Street, Suite 600, San Francisco, CA 94105, and that the custodian for these documents and other materials shall be Marcy Hiratzka, Clerk of the Boards. The foregoing Resolution was duly and regularly introduced, passed, and adopted at a public meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of Director _____, seconded by Director _____

_____, on the _____ day of October, 2025, by the following vote of the Board:

AYES:

NOES:

ABSENT:

Lynda Hopkins
Chairperson of the Board of Directors

ATTEST:

Marcy Hiratzka
Clerk of the Boards

ATTACHMENT A

Proposed Amendments to Regulation 5: Open Burning

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REGULATION 5 OPEN BURNING

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REGULATION 5 OPEN BURNING

5-100 GENERAL

5-101 Description: This Regulation forbids open burning within the District with certain exceptions.

(Amended November 2, 1994)

5-102 Applicability: This Regulation applies to any person igniting, causing to be ignited, permitting to be ignited, or suffering, allowing, or maintaining any open burning fires within the District.

5-110 Exemptions: The following fires are exempt from this Regulation:

- 110.1 Fires set only for cooking of food for human beings.
- 110.2 Fires burning as safety flares or for the combustion of waste gases.
- 110.3 The use of flame cultivation when the burning is performed with LPG or natural gas-fired burners designed and used to kill seedling grass and weeds and the growth is such that the combustion will not continue without the burner.
- 110.4 Fires set for the purposes of fire training using one gallon or less of flammable liquid per fire.

(Amended 12/19/90; 11/2/94; 3/6/02; 7/9/08)

5-111 Special Conditions for Allowable Fires: The following special conditions must be met for fires allowed by subsections 5-401.1 through 401.17 unless specifically exempted, altered, or further restricted in that subsection, or unless otherwise waived in writing by the APCO prior to burning, and these conditions shall be complied with during any burning permitted under those subsections. In addition, a condition, requirement, or parameter stated in or imposed by a smoke management plan approved by the APCO may supersede any one of these conditions.

- 111.1 No burning shall take place before 10:00 a.m. local time on any day.
- 111.2 No additional materials or fuel shall be ignited, nor shall any material or fuels be added to any fire after two hours before sunset on any day.
- 111.3 No material or fuel shall be ignited, nor shall any material or fuel be added to any fire when the wind velocity is less than five (5) miles per hour except for crossfiring, or when the wind direction at the site shall be such that the direction of smoke drift is toward a populated area in order to minimize local nuisances caused by smoke and particulate fallouts.
- 111.4 Prior to ignition, all piled material shall have dried for a minimum of 60 days, and be managed to ensure that burning the material does not produce smoke after sunset on any day.
- 111.5 All material to be burned shall be reasonably free of dirt or soil.
- 111.6 Piled material shall be limited to a base area not to exceed 25 square yards and the height shall be at least 2/3 of the average width of the pile.
- 111.7 Ignition material shall be limited to those listed by the State Director of Forestry, as follows: orchard torches; drip torches; pressurized diesel torches; propane or LPG torches; commercial petroleum gel materials, pressurized or solid (napalm or blivets); commercial safety fuses; commercial type ignition grenades, e.g. Fenner, etc.; fuses; commercial fuse lighters and matches. All fires shall be ignited so as to burn as rapidly as possible within conditions of safety and minimum pollution.
- 111.8 Ignition shall be initiated at or near the top of the piled material. No additional material, except ignition material, shall be added to the fire.
- 111.9 Tonnage, volume or acreage of material burned on any given day and/or at any specified site is subject to limitations set by the APCO, but may not exceed any limits set by the CARB.

(Amended 12/19/90; 11/2/94; 3/6/02, 11/20/19)

5-112 Limited Exemption, Recreational Fires: A fire set for recreational purposes is exempt from the requirements of Section 301.

(Adopted July 9, 2008)

- 5-113 **Limited Exemption, ~~Public Agency Wildfire Prevention Prescribed Burning:~~** Any ~~public agency person~~ conducting a prescribed burn as defined in Section 5-219 ~~for the purpose of wildfire prevention~~, pursuant to a smoke management plan approved by the APCO, is exempt from the operation fees requirement of Section 5-411. ~~A public agency seeking to rely on this exemption shall request that it be applicable upon submittal of the smoke management plan required by Section 5-401.15.~~

(Adopted November 20, 2019)

5-200 DEFINITIONS

- 5-201 **Agricultural Fire:** A fire used for the purpose of initiating, continuing or maintaining agriculture as a gainful occupation. Fuels are limited to materials grown on the site and shall not include feed or fertilizer containers, finished or treated wood, plastic or rubber products, plumage, hides, fur, offal or fecal material or refuse from plant or animal processing other than from initial crop harvesting, pruning or attrition of fruit and nut trees, vines and cane crops.

(Amended 11/2/94; 3/6/02)

- 5-202 **APCO:** As defined in Regulation 1, Section 1-203 – The Air Pollution Control Officer of the Bay Area Air Quality Management District or the designee thereof. [Formerly Section 5-218] ~~Fire: Any combustion of combustible materials of any type outdoors.~~

(Amended July 9, 2008)

- 5-203 **Backfiring:** A field crop burn ignition technique where the fire is ignited at the downwind side of the burn area, so that the fire must burn into the wind towards the fuel source. [Formerly Section 5-214] ~~Flue: Any duct or passages for air, gases, or the like, such as a stack or chimney.~~

- 5-204 **Calendar Day:** Consecutive days that include every day on the calendar, including weekends and holidays. ~~Gainful Occupation: Any occupation from which there is proof of gross profit or loss as evidenced by tax receipts, sales slips or other such documents.~~

- 5-205 **CARB:** Also known as ARB, as defined in Regulation 1, Section 1-204 – The Air Resources Board of the State of California. [Formerly Section 5-219] ~~Deleted December 19, 1990~~

- 5-206 **Contraband:** Any illegal or prohibited good that has been confiscated by a public law enforcement agency, including but not limited to explosives, pyrotechnics and illegal drugs. [Formerly Section 5-210] ~~Permissive Burn Day: Any day that is so declared by the APCO when, in his opinion, air pollution caused by open burning will not adversely affect ambient air quality or downwind population. In declaring such permissive burn days, the meteorological criteria established by the ARB for the San Francisco Bay Area Air Basin shall be used as a guideline.~~

(Amended November 2, 1994)

- 5-207 **District:** As defined in Regulation 1, Section 1-212 – The Bay Area Air Quality Management District. [Formerly Section 5-220] ~~Treated Brush: Material which has been felled, crushed or uprooted with mechanical equipment, or has been desiccated with herbicide.~~

- 5-208 **Fire:** Any combustion of combustible materials of any type outdoors. [Formerly Section 5-202] ~~Hazardous Material: Any combustible or flammable material which may pose a fire or explosion hazard including but not limited to, natural vegetation or other native growth cleared away to create or maintain a firebreak around any building or structure on a property as required to comply with Section 4291 of the State Public Resources Code to reduce the risk of a wildfire.~~

(Adopted 3/17/82; Amended 12/19/90; 11/2/94; 3/6/02, 11/20/19)

- 5-209 **Flue:** Any duct or passages for air, gases, or the like, such as a stack or chimney. [Formerly Section 5-203] ~~Public Fire Official: An officer of a public agency charged with the responsibilities of setting or allowing fires. Public fire official includes but is not limited to, local, state, and federal officers.~~

(Adopted December 19, 1990)

- 5-210 **Forest:** A vegetation type or plant community covering a tract of land, which is named and described as a series, habitat or unique stand according to the California Native Plant Society (CNPS) classification system set forth in the most current edition

of *A Manual of California Vegetation* published by CNPS, and dominated by trees growing more or less closely together. For the purposes of this regulation, the dominant vegetation form must be described as a broadleaf deciduous, broadleaf evergreen, conifer, or mixed broadleaf-conifer forest. Forest does not include chaparral, scrub and grassland communities, or the eucalyptus series, as these vegetation types are described in the CNPS classification system. [Formerly Section 5-221] ~~Contraband: Any illegal or prohibited good that has been confiscated by a public law enforcement agency, including but not limited to explosives, pyrotechnics and illegal drugs.~~

(Adopted 12/19/90; Amended 11/2/94)

5-211 **Gainful Occupation:** Any occupation from which there is proof of gross profit or loss as evidenced by tax receipts, sales slips or other such documents. [Formerly Section 5-204] ~~Deleted March 6, 2002~~

5-212 **Hazardous Material:** Any combustible or flammable material which may pose a fire or explosion hazard including but not limited to, natural vegetation or other native growth cleared away to create or maintain a firebreak around any building or structure on a property as required to comply with Section 4291 of the State Public Resources Code to reduce the risk of a wildfire. [Formerly Section 5-208] ~~Stubble: The remaining stalk, stem, or trunk of a herbaceous plant or cereal grass (primarily oats, wheat and hay) after harvest of a field crop.~~

(Adopted November 2, 1994)

5-213 **Liquefied Petroleum Gas (LPG):** A compressed fuel gas composed of one or more of the following flammable hydrocarbons: propane, n-butane, isobutane, propylene, and butylenes. ~~Prescribed Burning: The planned, controlled application of fire to vegetation to achieve a specific natural resource management objective(s) on land areas selected in advance of that application. The fire is conducted within the limits of a plan and prescription that describes both the acceptable range of weather, moisture, fuel, and fire behavior parameters to achieve the desired effects. For the purposes of this regulation, prescribed burning also means any Forest Management fire, Range Management fire, Hazardous Material fire not related to Public Resources Code Section 4291, or any Crop Replacement fire for the purpose of establishing an agricultural crop on previously uncultivated land, that is expected to exceed 10 acres in size or burn piled vegetation cleared or generated from more than 10 acres of land. These specific fire types shall be regulated as Wildland Vegetation Management fires and subjected to all of the requirements applicable to subsection 5-401.15. In addition, prescribed burning includes any naturally-ignited wildland fire managed for resource benefits that is subject to the applicable requirements in Section 5-408.~~

(Adopted 11/2/94; Amended 3/6/02)

5-214 **Mandatory Burn Ban:** Any period so declared to the public by the APCO during which burning wood or any solid fuels is illegal within District boundaries, as defined in Regulation 6, Rule 3: Wood-Burning Devices, Section 6-3-211. [Formerly Section 5-223] ~~Backfiring: A field crop burn ignition technique where the fire is ignited at the downwind side of the burn area, so that the fire must burn into the wind towards the fuel source.~~

(Adopted November 2, 1994)

5-215 **Marshland:** A type of wetland ecosystem periodically or permanently inundated to a depth of up to 2 meters (6.6 feet) that supports a cover of low or tall emergent vegetation. Habitats within these water-land areas include diked, seasonally managed wetlands, unmanaged tidal wetlands, open bays, sloughs, and associated upland grasslands. [Formerly Section 5-222] ~~Stripfiring: A field crop burn ignition technique where the fire is ignited in parallel strips by walking straight through the burn area into the wind.~~

(Adopted November 2, 1994)

5-216 **Open Burning:** The ignition and combustion of any material in an outdoor environment where the products of combustion are emitted directly into the atmosphere. ~~'X' or Crossfiring: A field crop burn ignition technique where the fire is ignited in two semi-circle arch patterns that almost intersect in the middle of the burn area. The first fire is lit by walking into the wind from the downwind side. The second fire is lit by walking with the wind from the headwind side of the field. This technique is used during light (less than five miles per hour) and variable winds only.~~

- (Adopted November 2, 1994)
- 5-217** **Permissive Burn Day:** Any day that is so declared by the APCO when, in their opinion, air pollution caused by open burning will not adversely affect ambient air quality or downwind population. In declaring such permissive burn days, the meteorological criteria established by CARB for the San Francisco Bay Area Air Basin shall be used as a guideline. [Formerly Section 5-206] ~~**Property:** A single parcel of real property, as determined by the County Assessor. The term also includes contiguous parcels under the same ownership.~~
- (Adopted November 2, 1994)
- 5-218** **Person:** As defined in Regulation 1, Section 1-221 – Any natural person, corporation, government agency, public officer, association, joint venture, partnership or any combination of such or such entities as are included in Section 39047, California Health and Safety Code. ~~**APCO:** The Air Pollution Control Officer of the Bay Area Air Quality Management District or the designee thereof.~~
- (Adopted November 2, 1994)
- 5-219** **Prescribed Burning:** The planned, controlled application of fire to vegetation to achieve a specific natural resource management objective(s) on land areas selected in advance of that application. The fire is conducted within the limits of a plan and prescription that describes both the acceptable range of weather, moisture, fuel, and fire behavior parameters to achieve the desired effects. For the purposes of this regulation, prescribed burning also means any Forest Management fire, Range Management fire, Hazardous Material fire not related to Public Resources Code Section 4291, or any Crop Replacement fire for the purpose of establishing an agricultural crop on previously uncultivated land, that is expected to exceed 10 acres in size or burn piled vegetation cleared or generated from more than 10 acres of land. These specific fire types shall be regulated as Wildland Vegetation Management fires and subjected to all of the requirements applicable to subsection 5-401.15. In addition, prescribed burning includes any naturally-ignited wildland fire managed for resource benefits that is subject to the applicable requirements in Section 5-408. [Formerly Section 5-213] ~~**ARB:** The Air Resources Board of the State of California.~~
- (Adopted November 2, 1994)
- 5-220** **Property:** A single parcel of real property, as determined by the County Assessor. The term also includes contiguous parcels under the same ownership. [Formerly Section 5-217] ~~**District:** The Bay Area Air Quality Management District.~~
- (Adopted November 2, 1994)
- 5-221** **Public Agency:** Any agency, political subdivision, or unit of local, state or federal government. [Formerly Section 5-225] ~~**Forest:** A vegetation type or plant community covering a tract of land, which is named and described as a series, habitat or unique stand according to the California Native Plant Society (CNPS) classification system set forth in the most current edition of A Manual of California Vegetation published by CNPS, and dominated by trees growing more or less closely together. For the purposes of this regulation, the dominant vegetation form must be described as a broadleaf deciduous, broadleaf evergreen, conifer, or mixed broadleaf-conifer forest. Forest does not include chaparral, scrub and grassland communities, or the eucalyptus series, as these vegetation types are described in the CNPS classification system.~~
- (Adopted March 6, 2002)
- 5-222** **Public Fire Official:** An officer of a public agency charged with the responsibilities of setting or allowing fires. Public fire official includes but is not limited to, local, state, and federal officers. [Formerly Section 5-209] ~~**Marshland:** A type of wetland ecosystem periodically or permanently inundated to a depth of up to 2 meters (6.6 feet) that supports a cover of low or tall emergent vegetation. Habitats within these water-land areas include diked, seasonally managed wetlands, unmanaged tidal wetlands, open bays, sloughs, and associated upland grasslands.~~
- (Adopted March 6, 2002)
- 5-223** **Recreational Fires:** A fire used for social, cultural or other activities including, but not limited to, campfires, bonfires, ceremonial fires, handwarming fires, raku or pit pottery curing fires, or fires conducted as part of an unusual event such as fire walking provided only clean dry wood and fire starter is used, and the activity is not part of a business for gainful occupation. [Formerly Section 5-224] ~~**Mandatory Burn**~~

~~**Ban:** Any period so declared to the public by the APCO when negative impact upon public health is anticipated from burning, as defined in Regulation 6, Rule 3: Wood-Burning Devices, Section 6-3-211.~~

(Adopted 7/9/08, Amended 11/20/19)

- 5-224 **Stripfiring:** A field crop burn ignition technique where the fire is ignited in parallel strips by walking straight through the burn area into the wind. [Formerly Section 5-215] ~~**Recreational Fires:** A fire used for social, cultural or other activities including, but not limited to, campfires, bonfires, ceremonial fires, handwarming fires, raku or pit pottery curing fires, or fires conducted as part of an unusual event such as fire walking provided only clean dry wood and fire starter is used, and the activity is not part of a business for gainful occupation.~~

(Adopted July 9, 2008)

- 5-225 **Stubble:** The remaining stalk, stem, or trunk of a herbaceous plant or cereal grass (primarily oats, wheat and hay) after harvest of a field crop. [Formerly Section 212] ~~**Public Agency:** Any agency, political subdivision, or unit of local, state or federal government.~~

(Adopted November 20, 2019)

- 5-226 **Treated Brush:** Material which has been felled, crushed or uprooted with mechanical equipment, or has been desiccated with herbicide. [Formerly Section 5-207]

- 5-227 **Working Day:** Any day the District is open for business. The District operates Monday through Friday, excluding weekends and holidays.

- 5-228 **'X' or Crossfiring:** A field crop burn ignition technique where the fire is ignited in two semi-circle arch patterns that almost intersect in the middle of the burn area. The first fire is lit by walking into the wind from the downwind side. The second fire is lit by walking with the wind from the headwind side of the field. This technique is used during light (less than five miles per hour) and variable winds only. [Formerly Section 5-216]

5-300 STANDARDS

- 5-301 **Prohibition of Fires:** Except as provided in this regulation:
- 301.1 A person shall not ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any fires within the District.
 - 301.2 No burning shall take place within the District ~~on~~ other than on a permissive burn day, or in excess of any acreage burning allocation or limitation.
 - 301.3 A person shall not violate any condition, requirement, or parameter stated in or imposed by a smoke management plan approved by the APCO, or any special condition or administrative requirement in this regulation.

(Amended 11/94; 3/6/02)

- 5-302 **Mandatory Burn Ban for Recreational Fires:** No person shall ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any recreational fires during ~~Mandatory B~~urn ~~B~~an periods, as defined in Regulation 6, Rule 3: Wood-Burning Devices, Section 6-3-301.

(Adopted 7/9/08; Amended 11/20/19)

5-400 ADMINISTRATIVE REQUIREMENTS

- 5-401 **Allowable Fires:** The following fires may be allowed on permissive burn days:
- 401.1 Disease and Pest: Agricultural fires set for the purpose of disease and pest prevention. The fire must be set or allowed by the Agricultural Commissioner of the County in the performance of official duty. Prior reporting pursuant to Section 5-406 must be made to the APCO, by the person setting the fire.
(Amended 12/19/90; 11/2/94; 3/6/02)
 - 401.2 Crop Replacement: Agricultural fires set for the purpose of establishing an agricultural crop in a location that formerly contained another type of agricultural crop or on previously uncultivated land. The fire must be set or

allowed by the public fire official having jurisdiction, in the performance of official duty, and must be necessary for the crop replacement to proceed.

2.1 Fires 10 acres or smaller: Small Crop Replacement fires are limited to a period beginning October 1 and ending April 30; however, upon the determination of the APCO that heavy winter rainfall has prevented such burning, the burn period may be extended to no later than June 30. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

2.2 Fires larger than 10 acres: Any Crop Replacement fire set for the purpose of establishing an agricultural crop on previously uncultivated land that is expected to exceed 10 acres in size or burn piled vegetation cleared or generated from more than 10 acres of land, is considered prescribed burning and is regulated as a Wildland Vegetation Management (Prescribed Burning) fire and subject to the requirements in subsection 5-401.15. Prescribed burns are permissible year-round, and must be conducted in accordance with a District-approved smoke management plan.

(Amended 12/19/90; 11/2/94; 3/6/02; 11/20/19)

401.3 Orchard Pruning and Attrition: Agricultural fires set for the purpose of disposal of periodic prunings and attrition losses from fruit trees, nut trees, vineyards and cane fruits. Fires must be set or allowed by the public fire official having jurisdiction, in the performance of official duty, and must be necessary to maintain and continue the growing of the fruit trees, vineyards and cane fruits as a gainful occupation. Fires are limited to a period beginning November 1 and ending April 30; however, upon the determination of the APCO that heavy winter rainfall has prevented such burning, the burn period may be extended to no later than June 30. When pruning is performed between February 15 and April 30 for integrated pest management purposes, the following minimum drying time periods shall apply: trees and branches over six inches in diameter: 30 days; for grape vines and branches less than or equal to six inches in diameter: 15 days. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

(Amended 3/15/81; 12/19/90; 11/2/94; 3/6/02)

401.4 Double Cropping Stubble: Agricultural fires set for the purpose of disposal of grain stubble from agricultural land from which both grain and vegetable crops are harvested during the same calendar year. Fires must be set or allowed by a public fire official having jurisdiction, in the performance of official duty, and must be necessary to remove the grain stubble and straw before a field vegetable crop can be planted. All material to be burned shall be free of visible surface moisture. No fires shall take place before 10:00 a.m. local time on any day. Fires are limited to a period beginning June 1 and ending August 31. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

(Amended 12/19/90; 11/2/94; 3/6/02)

401.5 Stubble: Agricultural fires set for the purpose of disposal of stubble and straw. Fires must be set or allowed by a public fire official having jurisdiction, in the performance of official duty, and must be necessary to maintain and continue the growing of field crops as a gainful occupation. Fire ignition techniques shall be limited to backfiring, stripfiring, and 'X' or crossfiring unless an alternate technique is approved by the APCO in writing where a specific field condition is determined not to lend itself to these techniques in a given year. All material to be burned shall be free of visible surface moisture. After 0.15 inches or more rainfall, the material must pass the "crackle" test pursuant to Section 5-601 prior to burning. No fires shall take place before 10:00 a.m. local time on any day. Fires are limited to a period beginning September 1 and ending December 31. Outside of Sonoma County, no more than 100 acres of any property shall be burned in a single day. Within Sonoma County, no person shall conduct a burn without receiving an acreage burning allocation from the APCO and no more than 500 acres total

of all properties shall be burned in a single day. In addition, no more than 100 acres of any property shall be burned in a single day. If by 12:00 p.m. local time the daily 500-acre burn acreage limitation has not been allocated, up to 200 acres of any property may be burned in a single day provided:

- 5.1 the additional acreage burning allocation has been approved verbally by the APCO; and
- 5.2 no more than two fields exceeding 100 acres total are burned simultaneously on the same property.

(Amended 12/19/90; 11/2/94; 3/6/02; Renumbered 11/20/19)

401.6 Hazardous Material: Any fire set for the purpose of the prevention or reduction of a fire hazard, including the disposal of dangerous materials. The fire must be set or allowed by any public fire official having jurisdiction, in the performance of official duty. The fire must, in the opinion of such officer, be necessary, and the fire hazard not able to be abated by any other means.

6.1 Fires 10 acres or smaller: Small Hazardous Material fires are not subject to the requirements of subsection 5-111.1. No fires involving piled material shall be ignited or take place before 9:30 a.m. local time on any day. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

6.2 Fires larger than 10 acres: Any Hazardous Material fire not related to Public Resources Code Section 4291 that is expected to exceed 10 acres in size or burn piled vegetation cleared or generated from more than 10 acres of land, is considered prescribed burning and is regulated as a Wildland Vegetation Management (Prescribed Burning) fire and subject to the requirements in subsection 5-401.15. Prescribed burns are permissible year-round, and must be conducted in accordance with a District-approved smoke management plan.

6.3 Public Resources Code Section 4291 fires: Hazardous Material fires conducted to dispose of materials generated to comply with an order or notice issued by a fire official pursuant to Section 4291 of the State Public Resources Code are permitted. Public Resources Code Section 4291 fires are not subject to the requirements of subsection 5-111.1. No fires involving piled material shall be ignited or take place before 9:30 a.m. local time on any day. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire. All of the following conditions must also be satisfied:

- 3.1 only natural vegetation or other native growth may be burned;
- 3.2 the amount of material to be burned shall be greater than 5 cubic yards cleared annually from a single property;
- 3.3 the material is burned where it was grown without being moved to a different location unless approved by the APCO;
- 3.4 the material is inaccessible for removal by vehicle and available alternatives to burning such as shredding, chipping, composting, disking, plowing, and harrowing are not feasible; and
- 3.5 the material, if ignited accidentally, would result in a fire of such magnitude as to immediately threaten life or adjacent improved property or resources and require an excessive fire suppression effort.

(Amended 12/19/90; 11/2/94; 3/6/02; 11/20/19)

401.7 Fire Training: Fires set for the exclusive purpose of instruction of either public or industrial employees in fire fighting methods. The fire must be set or allowed by the public fire official having jurisdiction, in the performance of official duty, and must be, in the opinion of the public fire official ~~his opinion~~, necessary. Notwithstanding contrary provisions of Section 5-111, a fire fighting agency may set one fire per quarter calendar year for the purpose of training volunteer or seasonal fire fighters. This may be done on a day other

than a permissive burn day if the APCO is notified in writing ~~or facsimile~~ at least ~~three working days~~~~two weeks~~ in advance. Fires may be conducted outside of the burn hour limits in subsections 5-111.1 and 111.2 if the APCO is notified in writing ~~or facsimile~~ at least ~~three~~~~seven~~ ~~working~~~~calendar~~ days in advance. Prior reporting pursuant to Section 5-406 must also be made to the APCO for other fire training by the person setting the fire.

(Amended 12/19/90; 11/2/94; 3/6/02)

- 401.8 Flood Debris: Agricultural fires set for the purpose of removing wood and vegetation debris deposited by floodwaters. The fire must be set or allowed by the public fire official having jurisdiction, in the performance of official duty, and must be necessary for the continuing or maintaining of agriculture as a gainful occupation. Fires are limited to a period beginning October 1 and ending May 31. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

(Amended 12/19/90; 11/2/94; 3/6/02)

- 401.9 Irrigation Ditches: Agricultural fires set for the purpose of controlling growth of vegetation in irrigation ditches and canals. The fire must be set or allowed by a public fire official having jurisdiction, in the performance of official duty, and must, in the opinion of such officer, be necessary to avoid interference with water flow or drainage into irrigated land. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

(Amended 12/19/90; 11/2/94; 3/6/02)

- 401.10 Flood Control: Fires set for the purpose of disposal of material which is lying or growing within natural channels or flood control channels. The fire must be set or allowed by a public official in charge of flood control activities. The fire must, in the opinion of such official, be a necessary incident to the clearing and maintenance of water courses and flood control channels for preventing or eliminating a flood hazard. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

(Amended 12/19/90; 11/2/94)

- 401.11 Range Management: Fires set for the purpose of range management and grazing. The fire must be set or allowed by the State Director of Forestry, or public fire official having jurisdiction, in the performance of official duty, and must be necessary to maintain and continue the grazing of animals as a gainful occupation. Brush to be burned shall be treated at least six months prior to burn if determined to be technically feasible by the State Director of Forestry or public fire official. Unwanted trees over 6 inches in diameter shall be felled prior to burn and dried for a minimum of six months. Feasibility shall be subject to the approval of the APCO.

11.1 Fires 10 acres or smaller: Small Range Management fires are limited to a period beginning July 1 and ending April 30. Subsections 5-111.1 and 5-111.6 may be waived by the State Director of Forestry or fire official when determined necessary in the public interest. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

11.2 Range Management fires larger than 10 acres: Any Range Management fire that is expected to exceed 10 acres in size or burn piled vegetation cleared or generated from more than 10 acres of land is considered prescribed burning and is regulated as a Wildland Vegetation Management (Prescribed Burning) fire subject to the requirements in subsection 5-401.15. Prescribed burns are permissible year-round, and must be conducted in accordance with a District-approved smoke management plan.

(Amended 12/19/90; 11/2/94; 3/6/02; 11/20/19)

- 401.12 Forest Management: Fires set for the purpose of removing forest debris and for forest management. The fire must be set or allowed by a public fire official having jurisdiction, in the performance of official duty, and must, in his opinion, be necessary.

12.1 Fires 10 acres or smaller: Small Forest Management fires are limited to a period beginning November 1 and ending April 30.

Subsections 5-111.1 and 5-111.6 may be waived by the fire official when deemed necessary in the public interest. All materials shall be piled or windrowed unless deemed poor practice by the fire official. Prior reporting pursuant to Section 5-406 must be made to the APCO by the person setting the fire.

- 12.2 Fires larger than 10 acres: Any Forest Management fire that is expected to exceed 10 acres in size or burn piled vegetation cleared or generated from more than 10 acres of land is considered prescribed burning and is regulated as a Wildland Vegetation Management (Prescribed Burning) fire subject to the requirements in subsection 5-401.15. Prescribed burns are permissible year-round, and must be conducted in accordance with a District-approved smoke management plan.

(Amended 12/19/90; 11/2/94; 3/6/02; 11/20/19)

- 401.13 Marsh Management: Fires set for the purpose of improvement of marshland for wildlife habitat. The fire must be declared necessary by the California Department of Fish and Wildlife. No such fire may be allowed on a given piece of land more than once in any 2-year period. The California Department of Fish and Wildlife shall provide the APCO such information as may be deemed necessary by the APCO to verify the necessity of each burn and land area burning frequencies. Any person seeking to set fires under this provision shall also comply with the requirements of Section 5-410 and receive written APCO approval of the smoke management plan prior to any burn. No fires shall take place before 10:00 a.m. or after 3:00 p.m. local time, nor shall any existing burning be allowed to continue after 3:00 p.m. local time on any day. Fires are limited to a Spring burning period beginning March 1 and ending April 15, and a Fall burning period beginning September 1 and ending October 15. Outside of the Suisun Resource Conservation District (SRCD), no person shall conduct a burn without receiving an acreage burning allocation from the APCO and no more than 100 acres of any property shall be burned in a single day. For fires conducted within the boundaries of the SRCD:

- 13.1 no person shall conduct a burn without receiving an acreage burning allocation from the APCO; and

- 13.2 total daily acreage to be burned shall be determined by the APCO, but in no case shall the total acreage burning allocation exceed 300 acres/day during the Fall burning period and 600 acres/day during the Spring burning period. In addition, no more than 100 acres of any property and no more than 100 acres of all properties designated by the same SRCD hundred-series ownerships shall be burned in a single day during the Fall or Spring burning period.

(Amended 3/15/81; 5/20/81; 8/3/83; 11/2/94; 3/6/02; 11/20/19)

- 401.14 Contraband: Fires set for the purpose of disposing of contraband. The fire ~~must~~may only be set or allowed by ~~any~~ peace officer or public fire official, in the performance of official duty. The fire must, in the opinion of such officer or official, be necessary and the material not be able to be disposed of by any other means. Prior reporting must be made to the APCO by the person setting the fire pursuant to Section 5-406.

(Adopted 12/19/90; Amended 11/2/94)

- 401.15 Wildland Vegetation Management (Prescribed Burning): The planned, controlled application of fire to vegetation to achieve a specific natural resource management objective(s) on land areas selected in advance of that application. ~~Prescribed burning by a public agency, or through a cooperative agreement or contract involving a public agency.~~ Any prescribed burning shall comply with the requirements of Section 5-408 and receive written approval of the smoke management plan by the APCO prior to any burn and comply with the smoke management plan during the burn. Prescribed burns are permissible year-round. Fires may only be conducted on a permissive burn day.

(Adopted 11/2/94, Amended 11/20/19)

401.16 **Filmmaking:** Fires set as part of commercial film or video production activities for motion pictures and television. The fire shall be set or allowed by the public fire official having jurisdiction, in the performance of official duty. Any person seeking to set fires under this provision shall comply with the requirements of Section 5-409 and receive APCO approval in writing at least 10 working days prior to the burn. This fire may be done on other than a permissive burn day, as defined in Section 5-20617, if approved by the APCO pursuant to subsection 5-409.2.

(Adopted November 2, 1994)

401.17 **Public Exhibition:** Fires set as part of a planned civic event designed to educate or otherwise benefit the public. The fire shall be set or allowed by the public fire official having jurisdiction, in the performance of official duty. Any person seeking to set fires under this provision shall comply with the requirements of Section 5-409 and receive APCO approval in writing at least 10-working days prior to the burn. This fire may be conducted on other than a permissive burn day, as defined in Section 5-20617, if approved by the APCO pursuant to subsection 5-409.2.

(Adopted 11/2/94; Amended 3/6/02)

5-402 Deleted November 2, 1994

5-403 Agricultural Land Use: Debris from land clearing shall not qualify under subsections 5-401.1, 5-401.2, 5-401.3, 5-401.4 or 5-401.5 unless applicant certifies, under penalty of perjury, that said land is to remain in agricultural use for a gainful occupation for a period of one year subsequent to the burning, and that applicant has not caused or contributed to the need for the burning of the material for any reason other than the promotion of agricultural use of the land for a gainful occupation. However, the County Agricultural Commissioner may waive this Section by certifying that burning of the material under subsection 5-401.1 is, in ~~their~~^{his} opinion, the only safe method of disposal. Failure to comply with the conditions of this Section shall be considered a violation of this Regulation. Each pile burned in violation shall be cited as a separate offense.

(Amended 11/2/94; 3/6/02)

5-404 Emergency Waivers: A public officer authorized under subsections 5-401.1, 5-401.6 and 5-401.10 to grant permission for open burning may grant waivers from subsections 5-111.1 through 5-111.9 when, in ~~their~~^{his} judgment, such emergency or summary action is necessary for the public safety. When such action is taken, the authorizing authority shall certify the following in a written report submitted to the APCO within 10 calendar days following the completion of burning: a description and quantity of the material burned and an explanation of the reasons for granting the permission.

(Amended 11/2/94; 3/6/02)

5-405 Deleted March 6, 2002

5-406 Prior ~~District~~ ^{Open Burn} Notification; Disease and Pest, Crop Replacement, Orchard Pruning and Attrition, Double Cropping Stubble, Forest Management, Flood Debris, Fire Training, Flood Control, Irrigation Ditches, Range Management, Hazardous Material, and Contraband: The person setting the fire shall provide electronic, typewritten, legibly handwritten, or computer printed notification to the District prior to the burn on a District-approved form ~~or facsimile thereof~~. If notification is submitted by mail, the document must be postmarked at least 5 calendar days prior to the burn. The notification form must be completely filled out with accurate information to satisfy this requirement. For structural fire training, written notification shall also be made to the APCO at least 10 working days prior to the burn pursuant to the requirements of Regulation 11-2-401.3 (Asbestos Demolition, Renovation and Manufacturing).

(Adopted 12/19/90; Amended 11/2/94; 3/6/02)

5-407 Deleted November 2, 1994

5-408 Wildland Vegetation Management (Prescribed Burning) Burn Requirements: Any person who seeks to conduct or conducts prescribed burning subject to subsection 5-401.15 shall comply with the following requirements:

- 408.1 Submit a smoke management plan to the APCO for review at least 30 calendar days prior to the proposed burning that is consistent with the most current USEPA guidance on wildland and prescribed fires (*Interim Air Quality Policy on Wildland and Prescribed Fires*, USEPA 1998, or any subsequent document that supersedes this document), and provides the following information:
- a. location and specific objectives of each proposed burn;
 - b. acreage, tonnage, type, and arrangement of vegetation to be burned;
 - c. directions and distances to nearby sensitive receptor areas;
 - d. fuel condition, combustion and meteorological prescription elements for the project;
 - e. projected burn schedule and expected duration of project ignition, combustion, and burn down (hours or days);
 - f. specifications for monitoring and of verifying critical parameters including meteorological conditions and smoke behavior before and during the burn;
 - g. specifications for disseminating project information to public;
 - h. contingency actions that will be taken during the burn to reduce exposure if smoke intrusions impact any sensitive receptor area;
 - i. certification by a qualified professional ~~resource ecologist, biologist, or forester~~ that the proposed burning is necessary to achieve the specific management objective(s) of the plan;
 - j. a copy of the environmental impact analysis prepared for the plan that includes an evaluation of alternatives to burning, if such an analysis was required by state or federal law or statute;
 - k. project fuel loading estimate (tons vegetation/acre) by vegetation type(s) and a description of the calculation method; and
 - l. particulate matter emissions estimate including referenced emission factor(s) and a description of the calculation method used.
- 408.2 Permission to burn shall be governed by the acreage burning allocation issued by the APCO.
- 408.3 Receive an acreage burning allocation from the APCO prior to ignition.
- 408.4 For each day on which burning occurs, report the total acreage and tonnage of vegetation actually burned to the APCO no later than 12:00 p.m. local time the following day.
- 408.5 Within 30 calendar days following completion of the burn project, provide a written post-burn evaluation to the APCO that addresses whether the project objectives were met and describes actual smoke behavior.

Any fire official seeking to conduct prescribed burning in a geographical area considered for a potential naturally-ignited wildland fire managed for resource benefits that is expected to exceed 10 acres in size shall annually register each burn project in writing with the APCO by December 31 each year, with updates as they occur. Once a decision is made to manage the fire for resource benefits, the fire official shall provide a smoke management plan for the burn project to the APCO, upon request.

(Adopted 11/2/94; Amended 3/6/02; 11/20/19)

5-409 Filmmaking and Public Exhibition Burn Petitions: Any person seeking to conduct a fire pursuant to subsection 5-401.16 or 401.17 shall comply with the following requirements:

- 409.1 Submit an open burning petition to the APCO that provides the following information, as applicable:
- 1.1. date(s) and specific location(s) of each proposed burn;
 - 1.2. type and quantity (tonnage, acreage, or volume) of each material to be burned;
 - 1.3. the projected fuel use rate in BTU per hour, if known, calculated using the higher heating value of each fuel; and
 - 1.4. the burn duration.
- 409.2 Permission to burn on other than a permissive burn day shall be subject to written approval of the open burning petition by the APCO.

- 409.3 Prior to ignition, notify the APCO on the day of each burn.
409.4 If the APCO grants written approval, such approval shall be available at the burn location for inspection by the APCO, upon request.

(Adopted 11/2/94; Amended 3/6/02; Renumbered 11/20/19)

5-410 Marsh Management Burn Requirements: Any person who seeks to conduct or conducts a fire pursuant to Subsection 5-401.13 shall:

- 410.1 In order to receive an acreage burning allocation, at least 30 calendar days prior to the proposed burning, submit a smoke management plan to the APCO for review using a District-approved form;
410.2 In securing the written necessity statement required by California Health and Safety Code Section 41861, submit to the California Department of Fish and Wildlife (DFW) and the APCO information that (1) identifies the non-burning alternatives considered by the property owner(s) given the recommendations or needed improvements described in existing Individual Ownership Management Plans, updated Individual Ownership Adaptive Management Habitat Plans, Wildlife Management Plans or other resource management plans as applicable; and (2) explains why water management practices and non-burn vegetation management practices cannot currently achieve the management objective(s) of the proposed fire and the property. Where DFW is conducting a burn on state lands, this information shall be submitted by DFW to the APCO prior to the proposed burning;
410.3 Prior to the proposed burning, submit the written statement required by Health and Safety Code Section 41861 to the APCO;
410.4 For each day on which burning occurs, report the total acreage of vegetation actually burned to the APCO by telephone no later than 12:00 p.m. local time the following day.

(Adopted 3/6/02, Amended 11/20/19)

5-411 Open Burning Operation Fees: The Open Burning Operation Fees contained in Regulation 3, Schedule V shall be paid prior to burning by any person subject to the requirements of (1) Section 5-406 Prior ~~District~~ Open Burn Notification; (2) Section 5-401.13 Marsh Management; (3) Section 5-401.15 Wildland Vegetation Management (Prescribed Burning); (4) Section 5-401.16 Filmmaking or Section 5-401.17 Public Exhibition; or (5) the acreage burning allocation pursuant to Section 5-401.5 Stubble.

(Adopted 6/19/13; Amended 11/20/19)

5-500 MONITORING AND RECORDS

5-501 Open Burning Records: Any person subject to Section 5-408 or 5-410 shall comply with the following requirements:

- 501.1 The person who conducts the fire shall maintain records on a daily basis that document and verify the actual acreage burned. Such documentation shall include the following information:
1.1 date and location of burn
1.2 a description of the method(s) or technique(s) used to verify the actual acreage burned
1.3 data collected that supports the burn acreage determination, and
1.4 type of vegetation and acreage actually burned.
501.2 Such records shall be retained for twelve months and made available to the APCO, upon request.

(Adopted 12/19/90; Amended 11/2/94; 3/6/02; Renumbered 11/20/19)

5-600 MANUAL OF PROCEDURES

5-601 Appraisal of Field Crop Fuel Moisture; The "Crackle" Test: Any person who wants to conduct an evaluation of fuel moisture in field crop stubble or straw remaining after harvest pursuant to subsection 5-401.5 shall satisfy the following criteria prior to burning:

- 601.1 Sampling: To ensure representative sampling, sample in accordance with the following requirements:
1.1 obtain samples from several different areas of the field

- 1.2 select some samples from underneath the straw mat including the bottom layer
- 1.3 a handful of sample material is considered a sufficient size to test.
- 601.2 Evaluation: The field is considered dry enough to burn, or passes the "crackle" test when:
 - 2.1 each sample is tested just prior to burning
 - 2.2 each sample tested makes an audible "crackle" when it is bent sharply.
 - 2.3 If the sample does not pass the test, then the area from which the sample was selected cannot be burned until such material is considered dry enough to burn.

(Adopted 11/2/94; Renumbered 11/20/19)



Proposed Amendments to Rule 6-3 and Regulation 5

Board of Directors Meeting

October 1, 2025

Julia Luongo, Ph.D.

Principal Air Quality Specialist

Regulatory Development Division

Recommended Action

Adopt the draft Resolutions to:

- Amend Regulation 6, Rule 3: Wood-Burning Devices;
- Amend Regulation 5: Open Burning; and
- Determine that the adoption of these amendments is exempt from the requirements of the California Environmental Quality Act (CEQA).

Presentation Outline

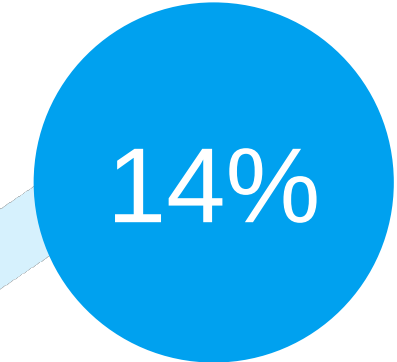
- Background
- Rule 6-3
 - Proposed Amendments
 - Findings
- Regulation 5
 - Proposed Amendments
 - Findings
- Public Engagement
- Resolution and Recommendation

Health Impacts

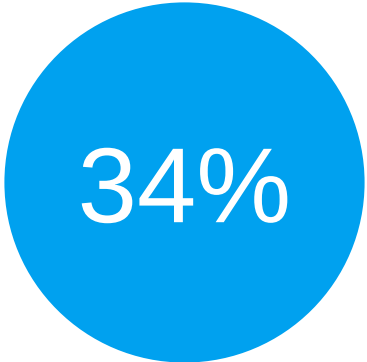
- Burning wood releases many harmful air pollutants
 - Visible smoke, soot, ash; fine particulate matter (PM_{2.5}); gaseous air toxics
 - PM_{2.5} is a focus of analyses performed by Air District staff
- The resulting exposures and impacts at current levels are significant
 - Short-term episodes and long-term average exposures, even at low levels, at both local and regional scales
 - Wide range of toxic effects on lungs, heart, other organs and endpoints
 - Modeling indicates hundreds of premature deaths per year due to PM_{2.5} from residential wood burning in the Bay Area alone

Contributions to Bay Area PM_{2.5}

Residential Wood Burning

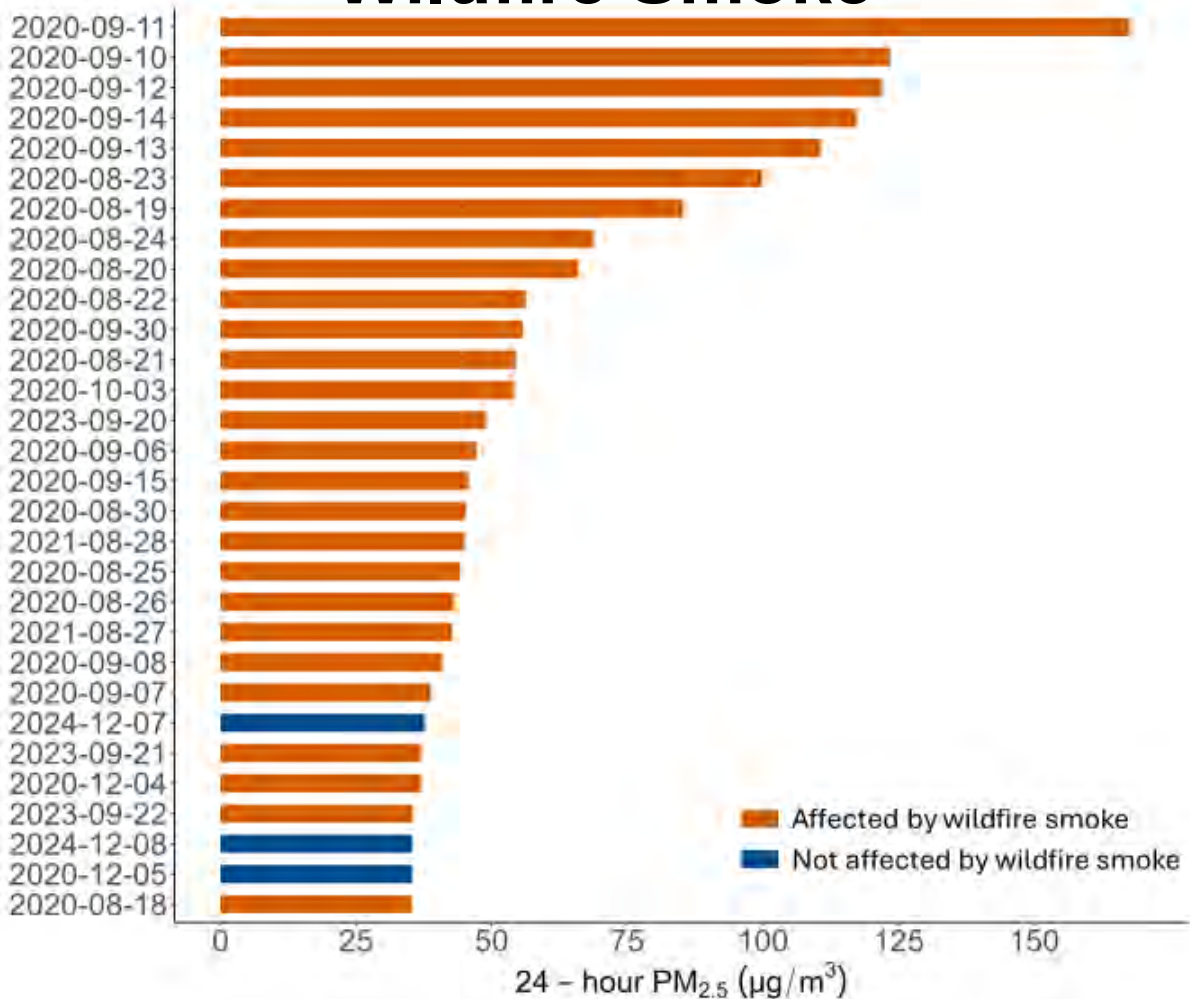


Annual PM_{2.5} Emissions Inventory



Dec-Jan PM_{2.5} Emissions Inventory

Wildfire Smoke



Top 30 highest daily (24-hour) PM_{2.5} values measured at Air District monitoring sites between 2020 and 2024.

µg/m³ = Micrograms per cubic meter

Rule 6-3: Wood-Burning Devices

What is a Wood-Burning Device?

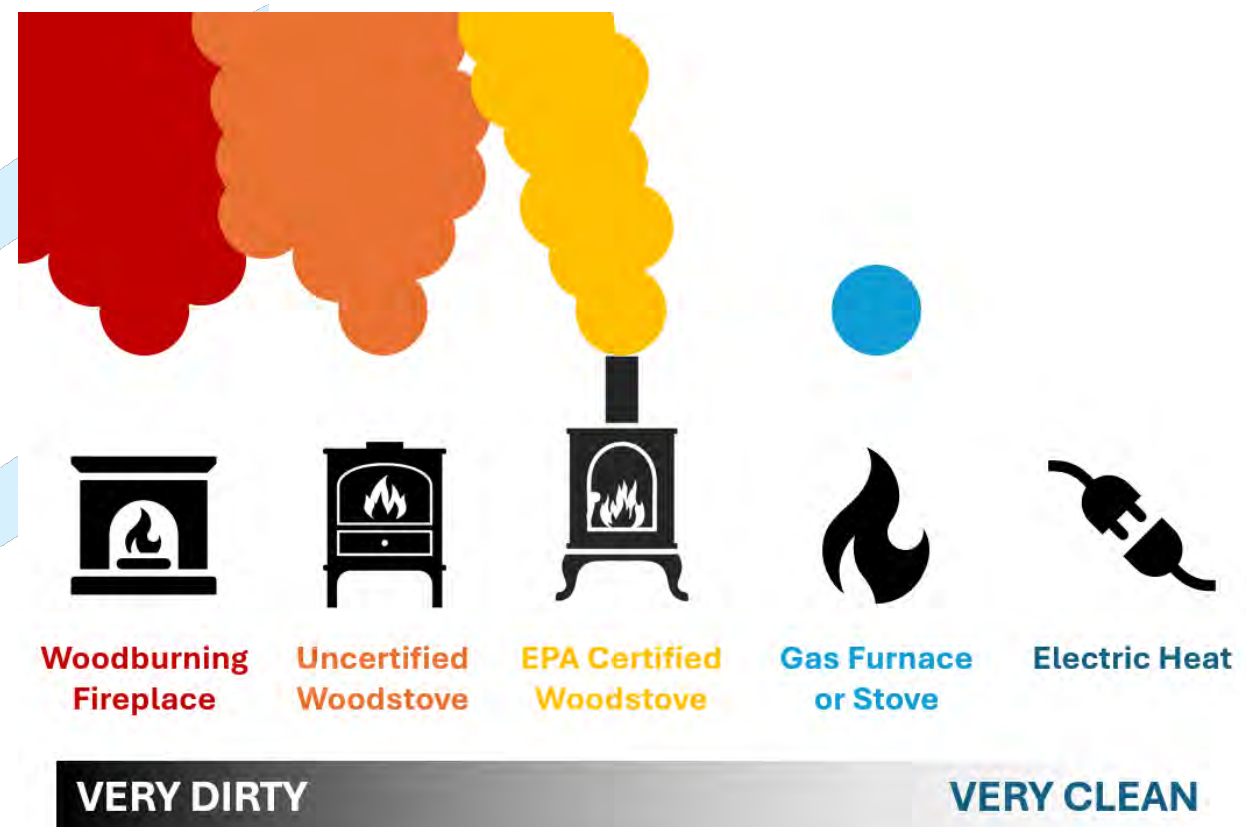


Image adapted from United States Environmental Protection Agency (US EPA) Burn Wise

Fireplaces



Fireplace Inserts and Wood Stoves



Certified by US EPA and subject to emissions standards

Current Rule 6-3: Wood-Burning Devices

- No wood burning on days when 24-hour average PM_{2.5} pollution is forecast to exceed 35 µg/m³ – *Spare the Air Alerts*
- Some exceptions apply, such as:
 - If wood is the only source of heat and you have a registered US EPA-certified wood-burning device
 - If the main heater is not working
 - During a power or gas outage

Current Rule 6-3: Wood-Burning Devices (cont.)

- New buildings are not allowed to install wood-burning devices (since Nov. 1, 2016)
- Major fireplace remodels (over \$15,000 and requiring a permit) must use:
 - Gas, electric, or US EPA-certified equipment
- Excessive smoke limits are enforced year-round

Woodsmoke Reduction Programs



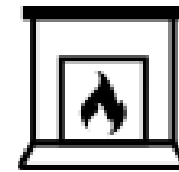
Spare the Air

Air quality
forecasting and
public
notification/outreach



Woodsmoke Enforcement

Woodsmoke patrols
in high-smoke and
complaint areas



Woodsmoke Reduction Incentive Programs

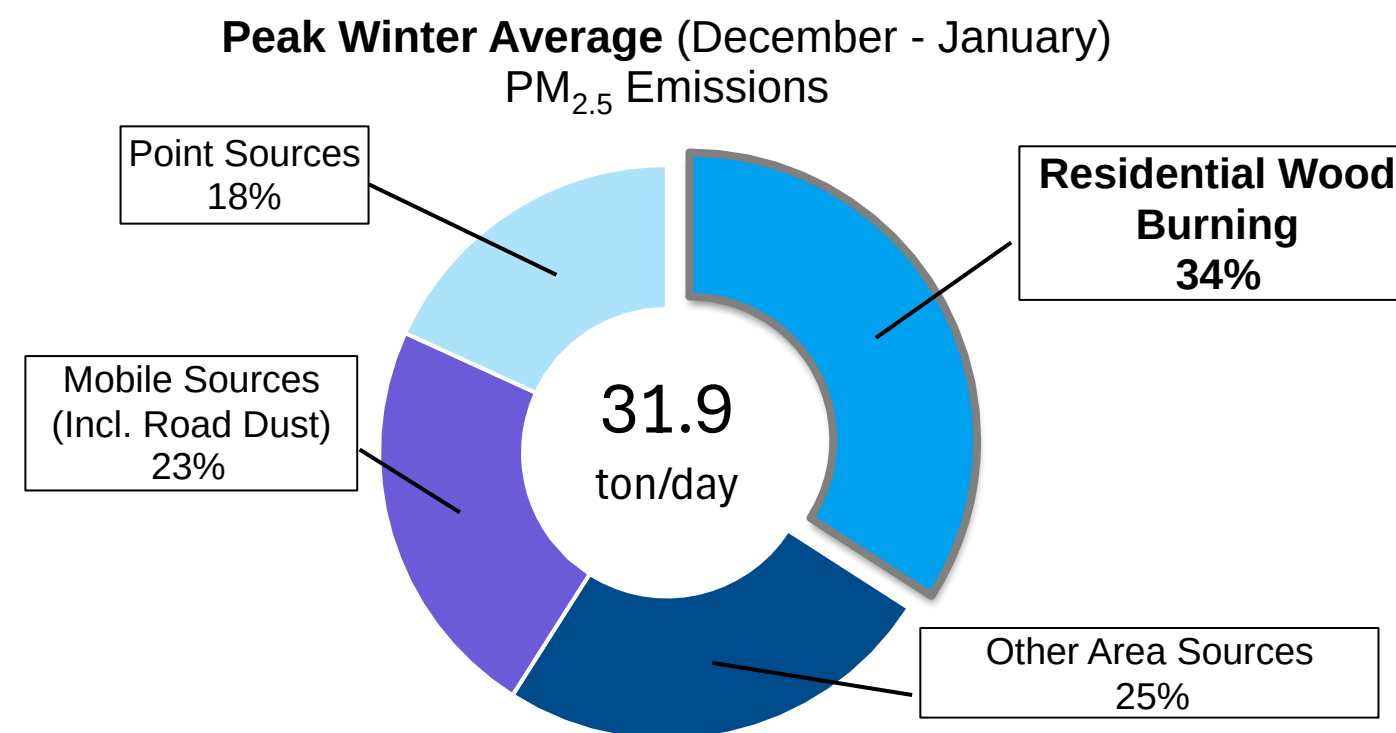
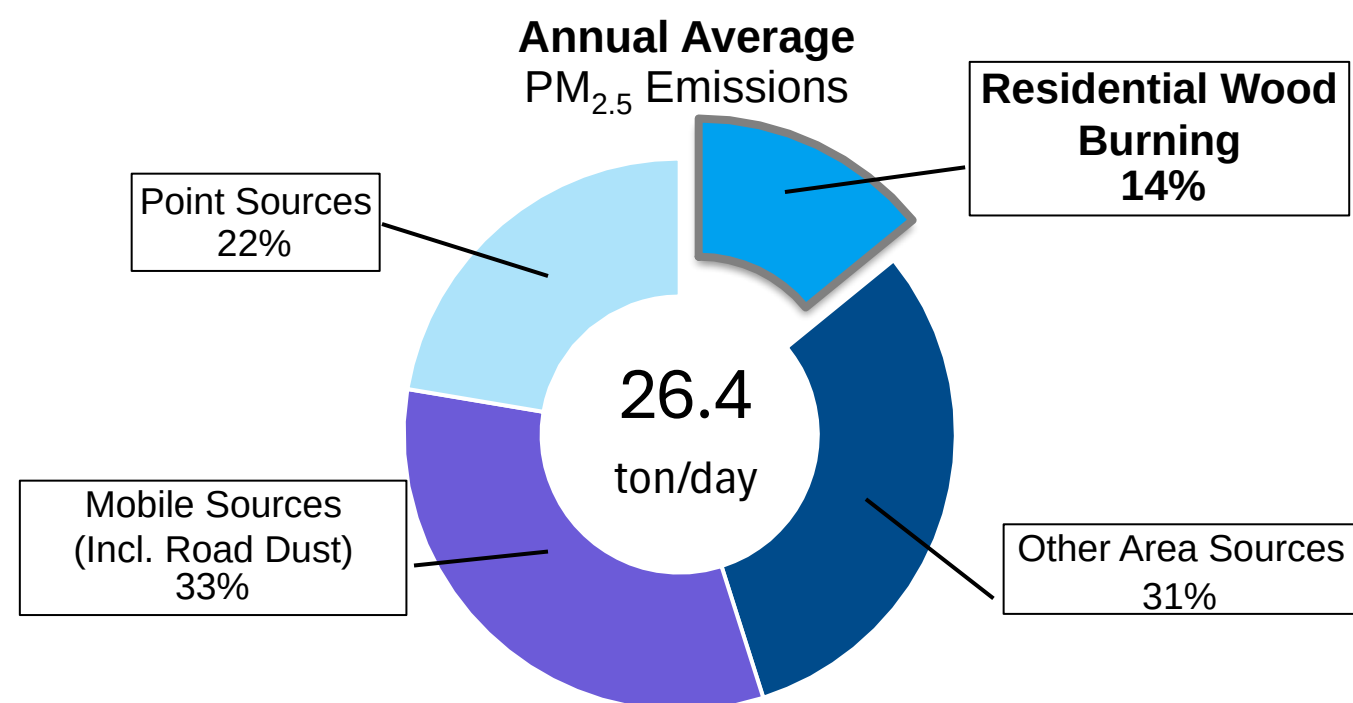
Programs to help
switch from wood-
burning devices to
cleaner alternatives



Public Awareness

Disclosure and
labeling
requirements

Share of Regional PM_{2.5} Emissions



Modeled Geographic Variation

Examples

Napa (city)

San Jose

Assembly Bill (AB) 617: East
Oakland

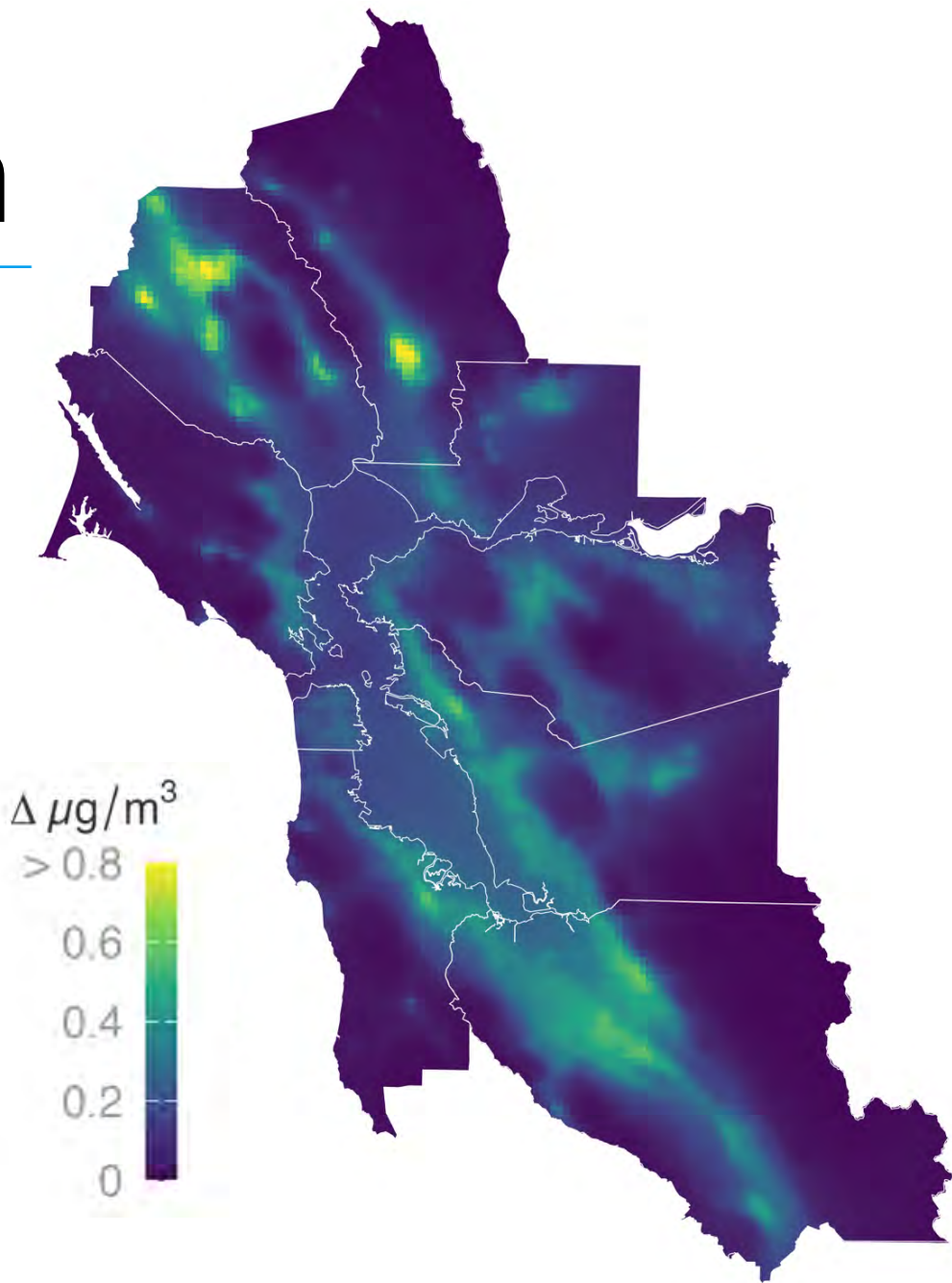
Bay Area (regional average)

AB 617: West Oakland

AB 617: Path to Clean Air

AB 617: Bayview Hunters Point-
Southeast San Francisco
(BVHP-SESF)

<u>Population-Weighted Average</u>	
As Concentration	As Percentile
0.60 $\mu\text{g}/\text{m}^3$	98%
0.46 $\mu\text{g}/\text{m}^3$	86%
0.43 $\mu\text{g}/\text{m}^3$	79%
0.34 $\mu\text{g}/\text{m}^3$	50%
0.29 $\mu\text{g}/\text{m}^3$	40%
0.27 $\mu\text{g}/\text{m}^3$	36%
0.25 $\mu\text{g}/\text{m}^3$	29%



Modeled contributions from residential wood burning to annual average $\text{PM}_{2.5}$ concentrations

Why these amendments?

AB 617 Community Emissions Reduction Plan Measures



Public Health Protection

- Alignment with Air District's Advisory Council Particulate Matter Reduction Strategy Report
- Guidance from various scientific and regulatory bodies
 - US EPA Clean Air Scientific Advisory Committee (CASAC), California Air Resources Board, Office of Environmental Health Hazard Assessment, California Division of Occupational Safety and Health, South Coast Air Quality Management District

Rule 6-3 Proposed Amendments

Mandatory Burn Ban Threshold

- Lower the Mandatory Burn Ban 24-hour average forecast threshold in Section 6-3-301 **from 35 $\mu\text{g}/\text{m}^3$ to 25 $\mu\text{g}/\text{m}^3$**
- Move the Mandatory Burn Ban $\text{PM}_{2.5}$ concentration threshold from Section 6-3-211 to Section 6-3-301
- Remove the term “unhealthy” from the definition of Mandatory Burn Ban in Section 6-3-211 to avoid confusion with Air Quality Index

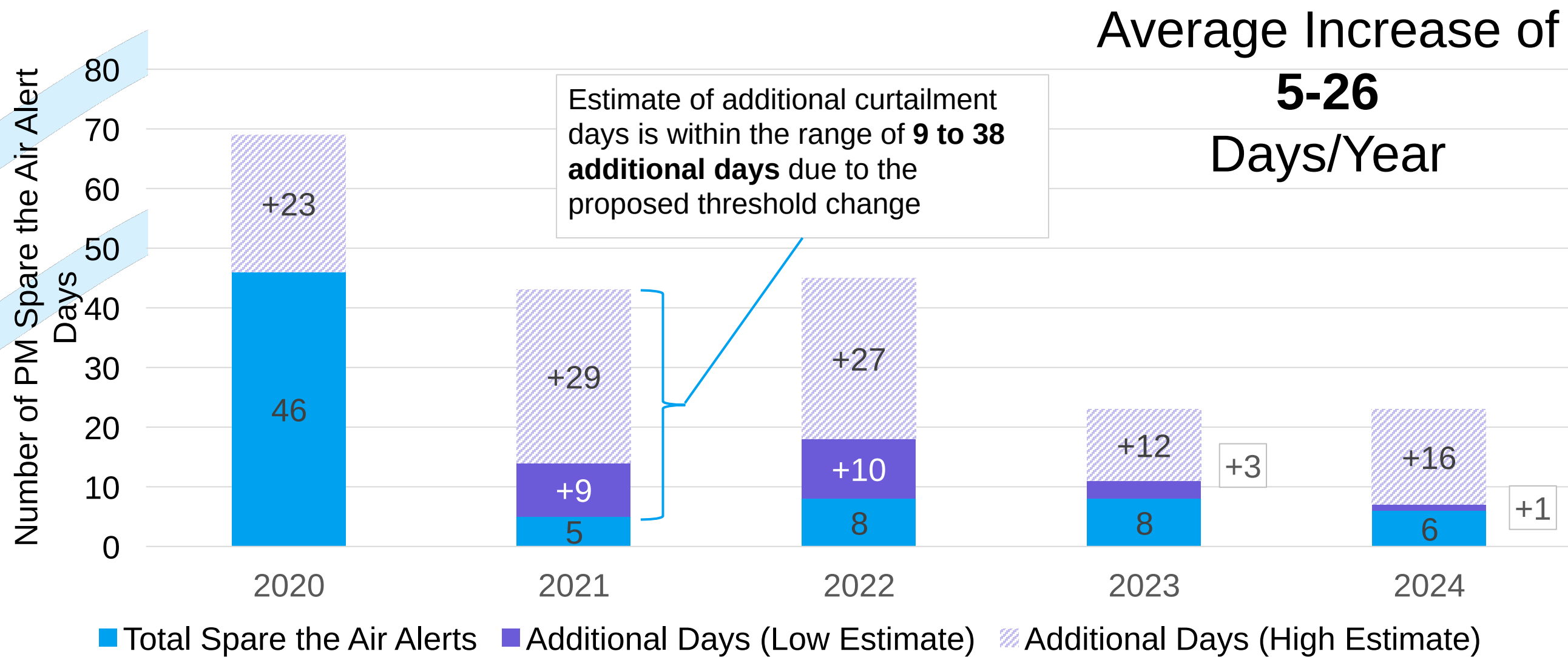
Emissions Ratings Updates

- Section 6-3-302: Reference the most current emissions standards in Title 40, Code of Federal Regulations, Part 60, Subpart AAA
- Remove references to specific emissions ratings
- Section 6-3-404.1: Update emission standard to that set forth in Title 40 Code of Federal Regulations, Part 60, Subpart AAA in effect at the time of registration of the EPA-Certified wood heater

Administrative Updates

- Removal of obsolete effective dates
- Addition of Applicability section
- Definitions clean-up
 - Remove unused definitions
 - Alignment with terms defined in *Regulation 6: Particulate Matter – Common Definitions and Test Methods*
 - Revise visible emissions limitation standard to improve clarity

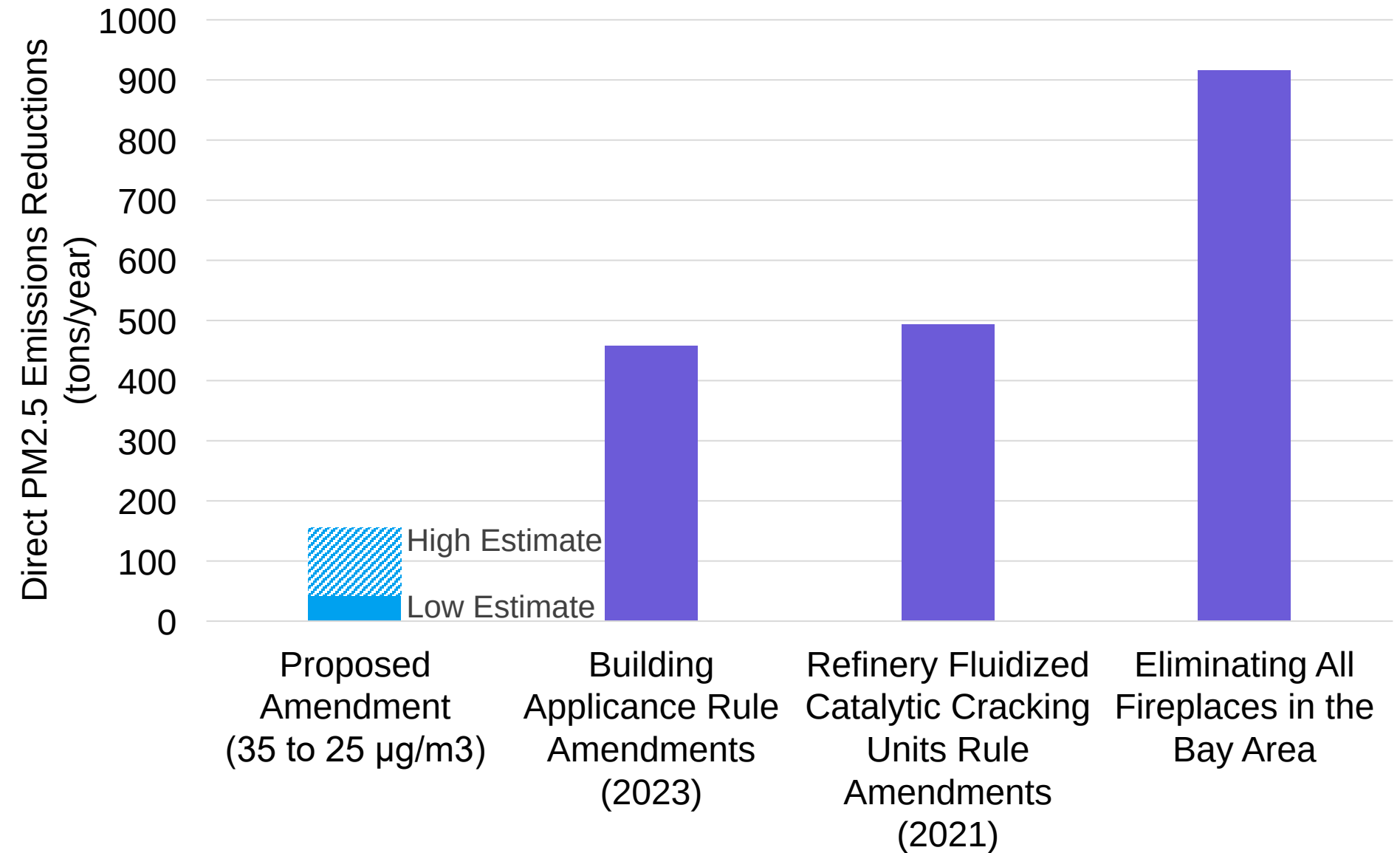
Additional Curtailment Days



PM_{2.5} Emissions Reductions

43 to 155
tons per
year

0.36 to 1.19
tons per
winter day



Socioeconomic Impacts

- Not expected to significantly affect households, other businesses, or the overall Bay Area economy
 - Cost-effective alternatives to wood burning—such as natural gas or electric heating—are widely available and more effective for heating
- May result in minor sales impacts for a small number of dedicated firewood suppliers
 - Could see a reduction of annual revenue of approximately 2 to 7 percent
 - Depends on nature of the business (part-time or seasonal operations, or those associated with other services (e.g., tree care))

Air District Impacts

Communications

- Public notification contracts - \$25,000 to \$50,000/year
- Overtime pay for after-hours and weekend staffing to support increased outreach activities

Forecasting

- Two months of full-time equivalent (FTE) effort to enhance forecasting models and operational protocols
- Additional staff resources to support forecast interpretation and interdepartmental coordination during more frequent Spare the Air

Alerts

Air District Impacts (cont.)

Enforcement

- More frequent deployments for woodsmoke patrols will require operational flexibility
- Existing staff will prioritize accordingly

Regulation 5: Open Burning

What is Regulation 5: Open Burning?

- Regulation 5 limits outdoor open burning to 17 allowable fire types
- Burning is only allowed on approved days when weather conditions help safely disperse smoke and reduce wildfire risk
- Fees required to burn



Pile burn on Angel Island State Park - Image from California State Parks

Prescribed Burning

- Planned, controlled fires used to manage land and natural resources
- Burn at lower intensity than wildfires and are carefully timed to reduce smoke impacts
- Help maintain ecosystem health and reduce the risk of severe wildfires



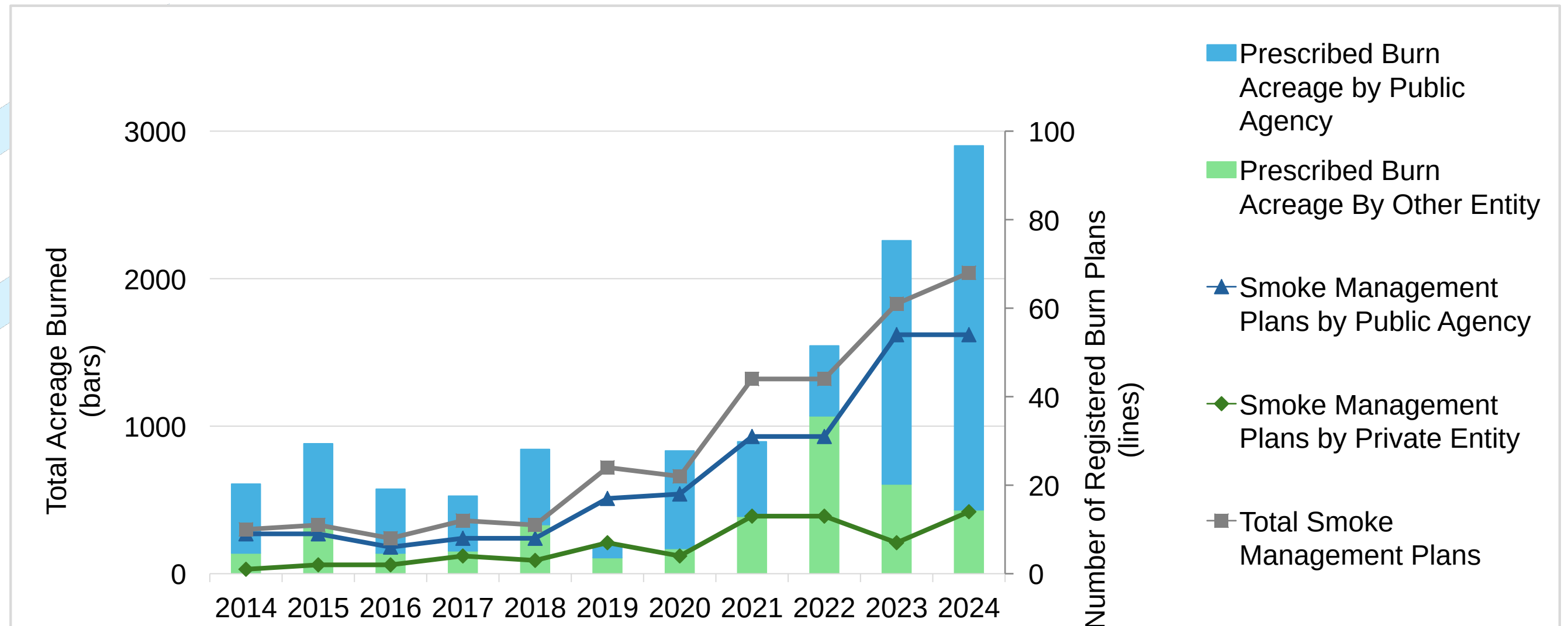
*Prescribed pile burn in Bothe-Napa Valley State Park
Image from California State Parks*

Why these amendments?

- Nonprofit organizations have advocated for a prescribed burn fee exemption, including during the 2019 amendment to Regulation 5, when the current exemption for public agencies was established
- Support statewide goals and strategic plan for expanding use of beneficial fire^{1,2}
- March 2025 emergency proclamation by Governor Newsom to expedite fuels reduction projects

1. Governor Brown issued Executive Order B-52-18 in May 2018 to improve forest and community resilience to wildfire and other climate impacts.
2. California's Strategic Plan for Expanding the Use of Beneficial Fire. March 2022.

Increasing Use of Prescribed Fire



Prescribed Burn Program Summary

Land Manager:

- Submits Smoke Management Plan (SMP) 30 days in advance of the planned burn for Air District review and approval
- Secures burn permit from the local fire agency and/or California Department of Forestry and Fire Protection (CAL FIRE)

Air District:

- Forecasting services are available up to 96 hours (4 days) before a prospective burn day
- Final acreage/pile authorization is allocated by 8 am on the day of the burn

Implementation Improvements Outside of Regulatory Work

- Meeting with prescribed burning practitioners to understand project implementation challenges
- Support expansion of prescribed burning capacity while protecting public health
 - Expanding *multi-day burn window approval* with daily allocation to offer more flexibility to prescribed burners
 - Allow extended burn hours to enable projects with larger and heavier fuels
 - Developing a "**Prescribed Burn Notice**" to inform the public as prescribed burning continues to increase

Regulation 5 Proposed Amendments

Regulation 5 Proposed Amendments

Prescribed Burning Limited Exemption

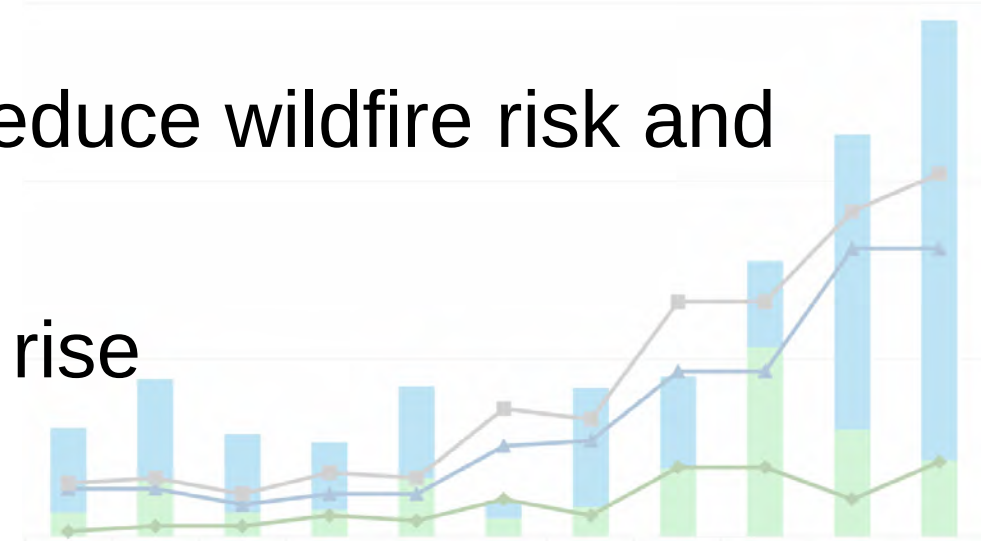
- Expand exemption that waives operational fees for prescribed burning to apply to all prescribed burns, regardless of the person performing the burn

Administrative Updates

- Reduce advance notice requirements for fire training burns
- Clean-up of definitions and rule language

Impacts of Proposed Amendments

- Prescribed burning will need to increase to reduce wildfire risk and meet state directives
- Volume of prescribed burns is expected to rise regardless of the proposed fee exemption
- Fee exemption is expected to make participation easier for nonprofit organizations and private landowners by removing a financial and administrative barrier, particularly for smaller or more complex projects where costs per acre are higher
- No socioeconomic impact



Air District Impacts

- Fee exemption is not expected to significantly affect program revenue
- Fees collected from currently non-exempt entities account for about 20% of total potential revenue and cover approximately 4% of the Air District's Open Burning program implementation costs

Combined Amendment Package

Public Participation Process

- May 2024 – Stationary Source Committee
- November 2024 – Published Woodsmoke White Paper and accepted public comments
- February 2025 – Stationary Source Committee
- June 2025 – Held two public workshops on planned amendments
- July 2025 – Published proposed amendments for public comment

Public Comments Received

Fourteen commenters overall

Reg 6-3 Amendments:

- Nine commenters expressed support
- One commenter expressed opposition

Reg 5 Amendments:

- Three commenters expressed support
- Four commenters expressed opposition

Public Comments – Rule 6-3

Concerns:

- Enforcement of Rule 6-3
- Localized woodsmoke impacts on non-Spare the Air days
- Further woodsmoke reductions beyond the proposal

Responses:

- Air District staff will prioritize their efforts to implement the proposed changes
- Encourage the use woodsmoke complaints
- Future rulemaking may consider additional measures to further limit residential wood burning

Public Comments – Regulation 5

Concerns:

- Health effects and risk of prescribed burning
- Use of alternatives to prescribed burning

Responses:

- Proposal does not change the strict safety, environmental, and notification requirements that must be met to conduct a prescribed burn
- Prescribed burns are subject to strict safeguards designed to minimize smoke exposure and protect public health (SMPs, careful timing using forecasted conditions)
- Air District promotes non-burning alternatives through the Agricultural Waste and Wildfire Prevention Chipping Programs

California Environmental Quality Act Requirements – Exempt

- Amendments to Rule 6-3 exempt under CEQA common sense exemption and categorical exemptions in Guidelines §§ 15307 (protection of natural resources) and 15308 (protection the environment)
- Amendments to Regulation 5 exempt under CEQA § 21080(b)(4) (actions necessary to prevent or mitigate emergency) and categorical exemptions in Guidelines §§ 15307 (protection of natural resources) and 15308 (protection the environment)

Statutory Findings

Before adopting, amending, or repealing a rule, the Board of Directors must make the following findings:

- **Necessity** – California Health & Safety Code (H&SC) Section 40727(b)(1)
- **Authority** – H&SC Section 40727(b)(2)
- **Clarity** – H&SC Section 40727(b)(3)
- **Consistency** – H&SC Section 40727(b)(4)
- **Non-Duplication** – H&SC Section 40727(b)(5)
- **Reference** – H&SC Section 40727(b)(6)

Recommended Action

Adopt the draft Resolutions to:

- Amend Regulation 6, Rule 3: Wood-Burning Devices;
- Amend Regulation 5: Open Burning; and
- Determine that the adoption of these amendments is exempt from the requirements of the California Environmental Quality Act (CEQA).

Questions & Discussion

For more information:

Julia Luongo, Ph.D. | Principal Air Quality Specialist

woodsmokerule@baaqmd.gov

BAY AREA AIR DISTRICT
Memorandum

To: Chairperson Lynda Hopkins and Members
of the Board of Directors

From: Philip M. Fine
Executive Officer/APCO

Date: October 1, 2025

Re: Overview of New Targeted Inspection Program & Pilot Project in Bayview
Hunters Point

RECOMMENDED ACTION

None; the Board will discuss this item, but no action is requested at this time.

BACKGROUND

The Air District's current inspection program and framework was originally developed in the 1990s and was designed primarily to address the region's non-attainment status for ozone. While the program has proven effective in meeting those objectives, it has not kept pace with today's evolving air quality challenges, particularly those related to environmental equity and the disproportionate impacts experienced by overburdened communities.

As part of the Air District's *2024-2029 Strategic Plan*, the new Targeted Inspection Program is aimed at enhancing enforcement by utilizing comprehensive data analyses and tools to better identify compliance issues, prioritize inspections, and target enforcement resources. The Targeted Inspection Program will advance Environmental Justice initiatives in the Strategic Plan, integrate new enforcement strategies and prioritize inspections in Assembly Bill (AB) 617 and overburdened communities.

DISCUSSION

The development of a Targeted Inspection Program represents a significant shift in the way the Air District prioritizes inspections. Stepping away from the 1990s model, current inspection schedules will be updated to address more current compliance and air quality concerns and to prioritize sources that have greater potential for emissions and health impacts. A key change in the inspection program will be focused on leveraging compliance and enforcement data, incorporating health risk data, and utilizing community knowledge to pinpoint local air quality issues.

Traditional inspection models often rely on predetermined schedules or random site visits based on the last inspection conducted. While these methods ensure broad regulatory coverage, implementing new program strategies will better identify sites and facilities for inspection and address evolving compliance concerns that arise. Incorporating an information-driven approach allows the Air District to target and allocate limited resources more effectively by prioritizing inspections based on:

- **Trends Identified through Enforcement Data and Compliance History** – Identify trends and patterns of non-compliance across specific source categories, operation types, and facilities by reviewing Notice of Violations (NOVs), complaints, and other enforcement actions to target inspection
- **Sources with the Highest Potential Impact on Public Health** – Leverage prioritization scores and emissions inventory data to target inspections at facilities with the highest potential risk to public health
- **Community Engagement and Partnership** – Utilize community knowledge and understanding of local air quality issues to better address compliance concerns

This information-driven inspection approach modernizes the Air District's air quality enforcement and aligns it with the Strategic Plan, ensuring that inspections are more strategic and impactful. Engaging AB 617 and other overburdened communities and coordinating with our regulatory partners will be a key facet of the program to spotlight compliance concerns and improve communications and transparency. The benefits of improving compliance, protecting vulnerable communities, and optimizing enforcement efforts make this program and policy shift a critical step forward to align with the goals and mission of the Air District.

As part of developing this new program, a pilot program in Bayview Hunters Point (BVHP) was conducted to test several inspection strategies. The pilot included inspections based on community-identified facilities of concern, a prioritization model that used compliance history and multiple enforcement data indicators, and a new weekend enforcement initiative to ensure compliance outside normal Air District business hours. The results of the pilot provided valuable feedback for the effectiveness of new program strategies, identifying both successes and challenges that will inform refinements as the Targeted Inspection Program moves toward full implementation.

Air District staff will provide an overview of the Targeted Inspection Program and BVHP Pilot Program and key program elements to be implemented in the 1st Quarter of 2026.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Dennis Quach
Reviewed by: Tracey Lee and Jeff Gove

ATTACHMENT(S):

1. Overview of New Targeted Inspection Program & Pilot Project in BVHP



Overview of New Targeted Inspection Program & Pilot Project in Bayview Hunters Point

Board of Directors Meeting

October 1, 2025

Dennis Quach

Air Quality Specialist

Compliance & Enforcement Division

Presentation Outline

- Strategic Plan Framework
- Program Goals and Objectives
- Background - Current Inspection Program
- Overview of New Targeted Inspection Program
 - General Inspection Program Priorities
 - Enhancing Inspection Priorities in Assembly Bill (AB) 617 Areas
 - Community Engagement & Partnership
- Pilot Project in Bayview Hunters Point (BVHP)
- New Program Elements in Quarter (Q)1 2026
- Next Steps
- Questions and Discussion

Strategic Plan Framework



Strategy 1.6:
New Enforcement Policy

Strategy 4.5:
Improve Compliance Investigations

Targeted Inspection Program: Goals & Objectives

- Align with the Air District Strategic Plan to provide **transparency** into how compliance work is prioritized across the nine Bay Area counties and with a key focus on overburdened communities, starting with AB 617 communities
- Improve inspection program by incorporating **routine data review and analysis** to identify sites/facilities in AB 617 communities that require additional enforcement efforts
- Integrate existing information with **community knowledge and experience** to pinpoint compliance issues
- Direct staffing resources **more efficiently and effectively** to target non-compliance, repeat violators, and resolve community concerns in AB 617 areas

Background - Current Inspection Program

- Permitted sources have set routine inspection frequencies based on:
 - Non-attainment status for Ozone from the 1990s
 - Volatile organic compounds (VOCs) such as solvent and coating operations, printing, petroleum refining, electronics and chemical manufacturing, etc.
- The set inspection frequencies are now outdated and do not effectively address other pollutants of concern, changing compliance issues, and community concerns

Routine Inspections

Fixed Inspection Schedules (Baseline) - Are set routine inspection timeframes by source category/operation type to ensure broad regulatory coverage and compliance of permitted sources. Inspections are conducted to verify compliance with:

- Applicable Air District, State, and Federal Regulations
- Permit Requirements and Operating Conditions
 - Sources and equipment, monitors, abatement and control devices
 - Emissions and usage limits, operating parameters, maintenance and general housekeeping
 - Compliance reporting and recordkeeping

Additional inspections may result from: community complaints; area patrols; investigations into incidents or other emission exceedances; referrals from external regulatory partners; internal referrals

Overview of New Targeted Inspection Program



General Inspection Program Priorities (*Air District-wide*)

- Update routine inspection frequencies across the nine counties based on various source types, facilities, and operations
 - Title V facilities
 - Sites/facilities with elevated health risk



Enhancing Inspection Priorities in AB 617 Areas

- Prioritizes and identifies community concerns
- Incorporates information-driven compliance strategies to target non-compliance

General Inspection Program Priorities

Title V & Synthetic Minor Facilities

- **Major Facility (Title V):** A facility with the potential to emit 100 tons/yr of criteria air pollutants (CAP) or 10 tons/yr of Hazardous Air Pollutant (HAP)
- **Synthetic Minor:** A facility that emits or has the potential to emit at or above 80% of the Title V threshold
- Federal US Environmental Protection Agency (EPA) Compliance Monitoring Strategy (CMS) recommends the following inspection frequency
 - **Title V:** Every **2 fiscal years**
 - **Synthetic Minor:** Every **5 fiscal years**

Fixed Inspection Schedules	
Title V & Synthetic Minor Facilities	1.5 years
Facilities with Elevated Health Risks	1.5 years
Industrial Sources and Operations (<i>non-Title V/Synthetic Minor Facilities</i>)	
- Landfills and Organic Material Handling Operations - Tanks, Terminals, and Bulk Plants - Metal Shredding and Recycling Operations - Aggregate, Cement, and Asphalt Plants	2 years
- Surface Coating and Prep, Solvent, Adhesive and Resin Operations - Wastewater Treatment Operations - Chrome Plating Operations - Combustion Sources - Gasoline Dispensing Facilities (Retail)	3 years
- Auto Body Coating Operations - Printing Operations - Soil Groundwater Remediation / Soil Vapor Extraction - Food & Agricultural Processes	4 years
Gasoline Dispensing Facilities (Non-Retail)	5 years

General Inspection Program Priorities (cont.)

Facilities with Elevated Health Risks

- Focus compliance efforts on facilities that have been identified with elevated health risks
 - Utilize prioritization scores to guide inspection priorities
 - Prioritization scores are based on the quantity of toxic air contaminants (TACs), the relative toxicity of the TACs emitted, and the proximity of the facility to possible receptors
 - Prioritization scores are updated annually

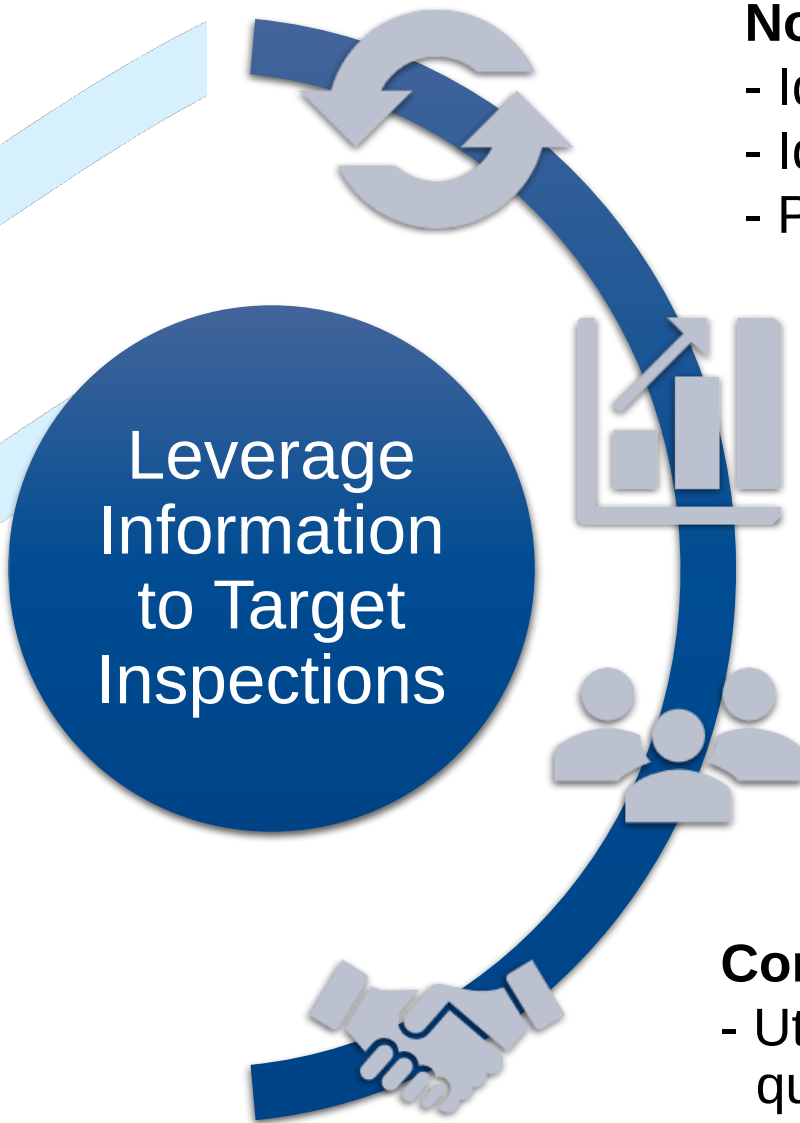
Fixed Inspection Schedules	
Title V & Synthetic Minor Facilities	1.5 years
Facilities with Elevated Health Risks	1.5 years
Industrial Sources and Operations (non-Title V/Synthetic Minor Facilities)	
- Landfills and Organic Material Handling Operations - Tanks, Terminals, and Bulk Plants - Metal Shredding and Recycling Operations - Aggregate, Cement, and Asphalt Plants	2 years
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- Auto Body Coating Operations - Printing Operations - Soil Groundwater Remediation / Soil Vapor Extraction - Food & Agricultural Processes	4 years
Gasoline Dispensing Facilities (Non-Retail)	5 years

General Inspection Program Priorities (cont.)

- Compliance priorities are based on the type of site, facility, and sources of operation
- Inspection frequencies and source categories to be inspected may occasionally be adjusted or augmented to address:
 - Known causes for potential compliance concerns
 - Community-identified site/facility of significance

Fixed Inspection Schedules	
Title V & Synthetic Minor Facilities	1.5 years
Facilities with Elevated Health Risks	1.5 years
Industrial Sources and Operations (<i>non-Title V/Synthetic Minor Facilities</i>)	
- Landfills and Organic Material Handling Operations - Tanks, Terminals, and Bulk Plants - Metal Shredding and Recycling Operations - Aggregate, Cement, and Asphalt Plants	2 years
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Gasoline Dispensing Facilities (Non-Retail)	5 years

Enhancing Inspection Priorities in AB 617 Areas



Leverage Information to Target Inspections

Notice of Violation (NOV) Data & Inspection History

- Identify sites/facilities with reoccurring violations
- Identify reoccurring non-compliance issues at the same sources/operations
- Prioritize additional inspections/investigations

Air Quality Complaint Data

- Identify hotspots, patterns and reoccurrences of emissions
- Prioritize area patrols and inspections

Collaborative Identification

- Enhance internal collaboration and align priorities across the Air District
- Coordinate with external partners and local regulators

Community Engagement and Partnership

- Utilize community knowledge and understanding of local air quality issues to target compliance concerns

Community Engagement and Partnership

- Key program strategy to integrate community knowledge and experiences to target air quality concerns



- Engaged Community Advisory Council (May) and AB 617 communities (June – August) to solicit program strategies for collecting community knowledge and information
- Ideas from community on how to improve outreach:
 - Engage with local schools and senior centers
 - Increase Air District presence at community events
 - Media campaign

BHVP Pilot Project

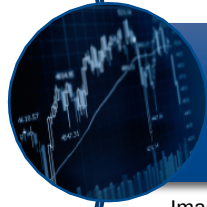
Purpose: Trial program scope, logistics, and scalability

Key Elements of the Pilot:



Community Knowledge

Image Source: Microsoft Office



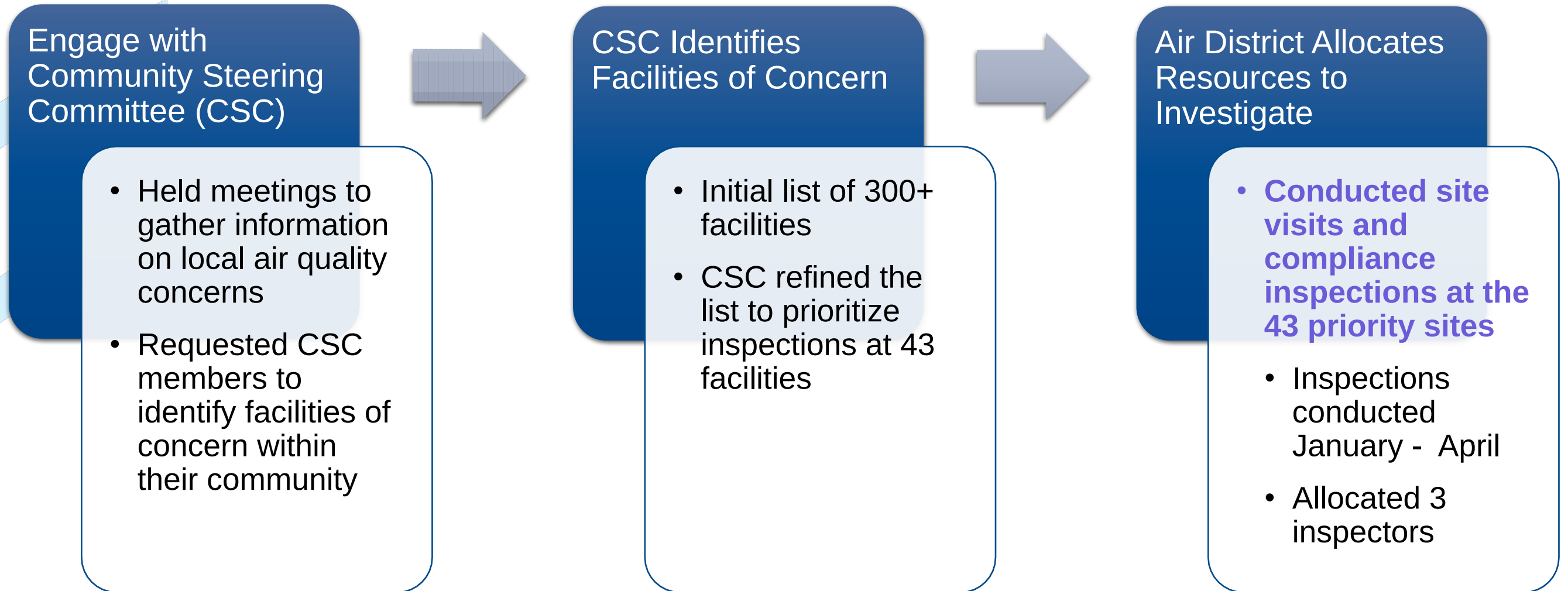
Enforcement Data

Image Source: Microsoft Office



Targeted Weekend Enforcement

BVHP Pilot: Targeted Inspections Based on **Community-Knowledge**



BVHP Pilot:

Targeted Inspections Based on Enforcement Data

Review and Analyze Enforcement Data

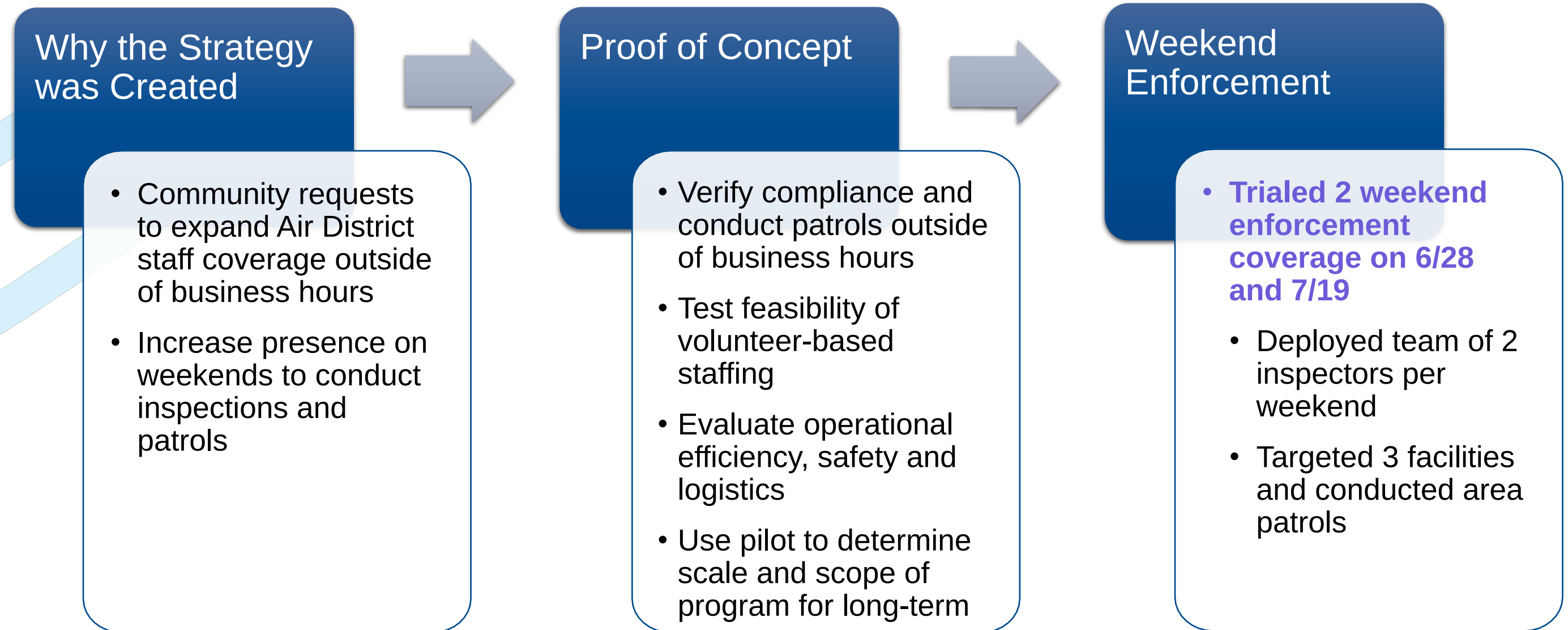
- Compliance history (e.g., NOVs, Complaints, etc.)
- Dates and frequencies of prior inspections
- Facility type (e.g., Title V, Synthetic Minor, or Reg. 11-18 facility)
- Referrals across divisions, including community and regulatory partners
- Permitted or unpermitted facility?



Targeted Top-Ranking Facilities

- **Focused efforts on the top 30+ facilities for the pilot, given the limited time**
- Inspections conducted May - August
- Allocated 7 inspectors

BVHP Pilot: Targeted Weekend Enforcement

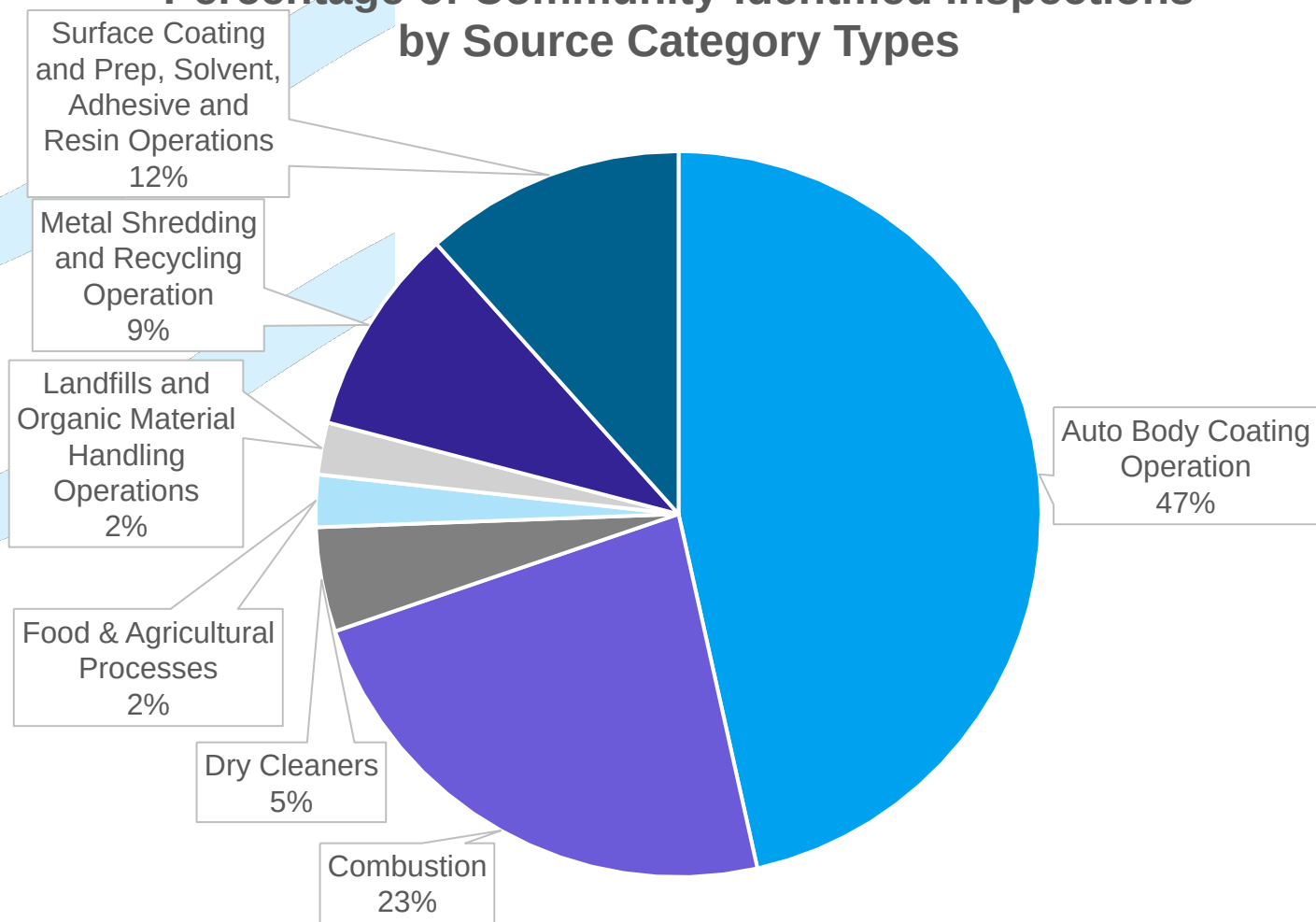


BVHP Pilot: Results and Findings

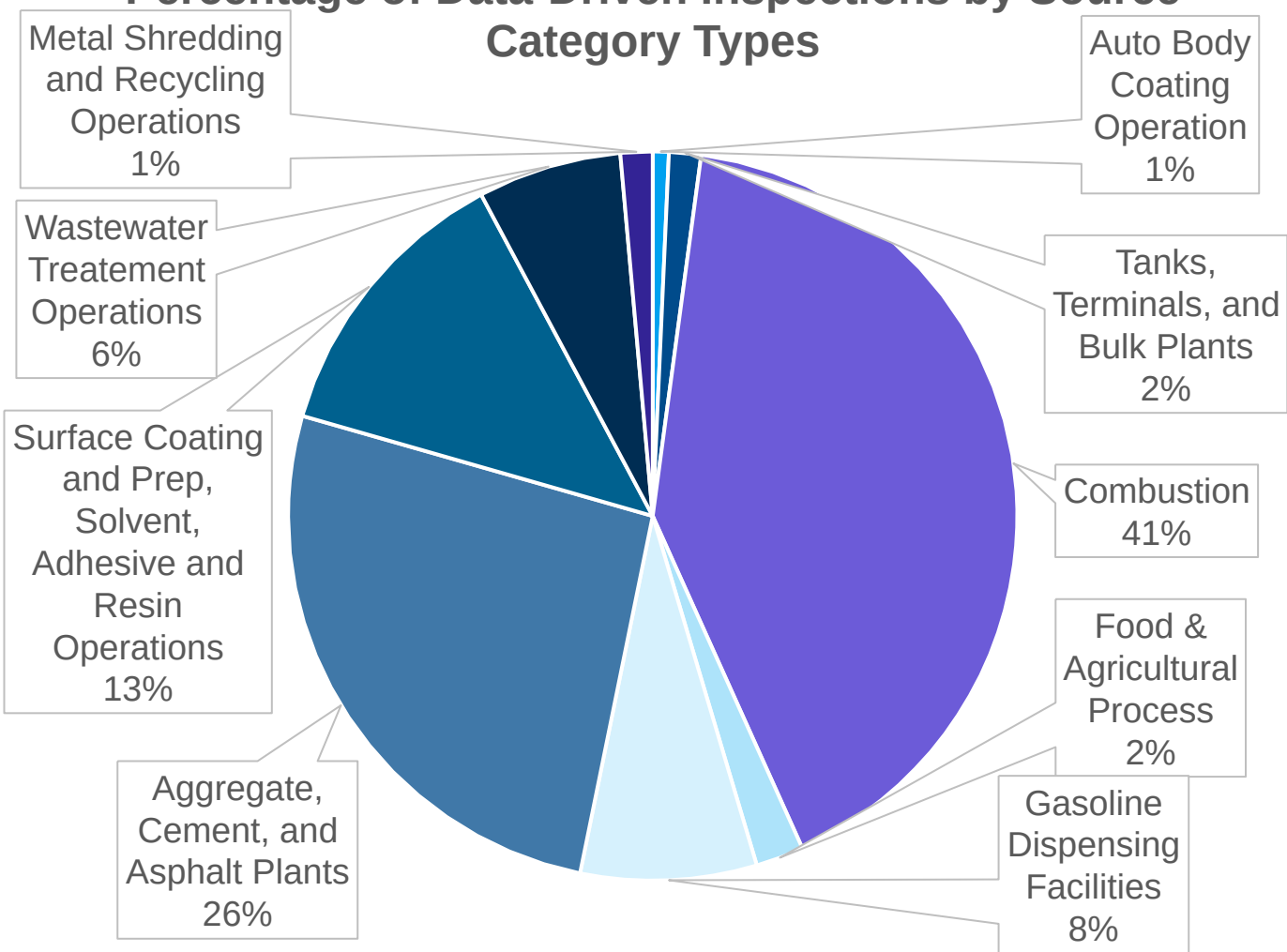
	Targeted Inspections Based on Community Knowledge	Targeted Inspection Based on Enforcement Data	Targeted Weekend Enforcement	Summary of Program Compliance
Sites/Facilities Inspected	43	33	3	79
Non-Compliant Facilities	5	14	1	20
NOV Issued	2 (4.6%)	11 (21.2%)	1 (33.3%)	14 (12.7%)
Notice to Comply (NTC) Issued	3 (6.9%)	9 (27.2%)	1 (33.3%)	13 (16.5%)
Compliance Summary	88.4% of facilities targeted were compliant 11.6% of facilities targeted resulted in some type of Enforcement Action (e.g. NOV or NTC)	57.6% of facilities targeted were compliant 42.4% of facilities targeted resulted in some type of Enforcement Action (e.g. NOV or NTC)	66.6% of facilities targeted were compliant 33.3% of facilities targeted resulted in some type of Enforcement Action (e.g. NOV or NTC)	74.7% of facilities targeted were compliant 25.3% of facilities targeted resulted in some type of Enforcement Action (e.g. NOV or NTC)

BVHP Pilot: Results and Findings (cont.)

**Percentage of Community-Identified Inspections
by Source Category Types**

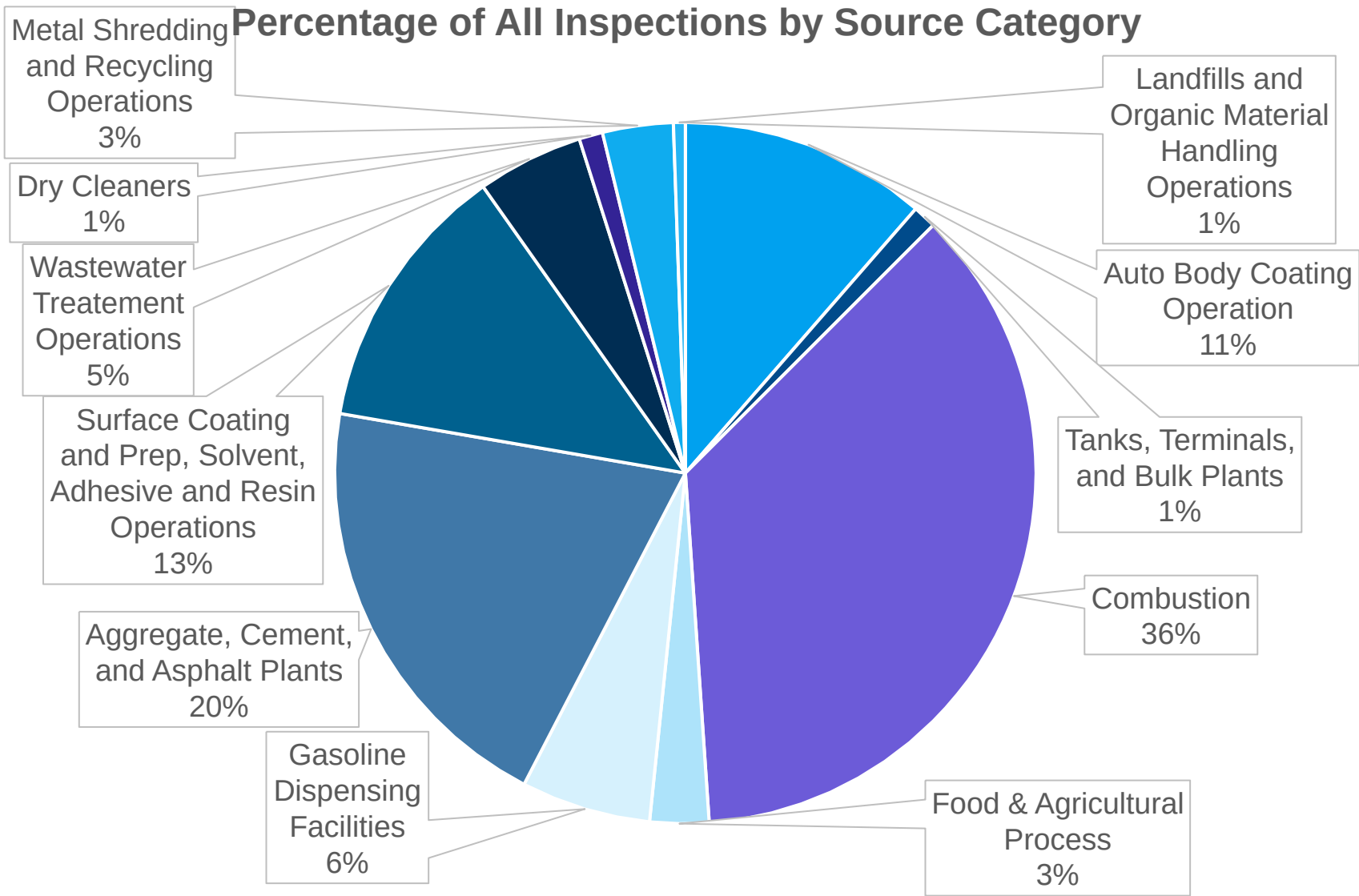


**Percentage of Data-Driven Inspections by Source
Category Types**



BVHP Pilot: Results and Findings (cont.)

	Summary of Program Compliance
Sites/Facilities Inspected	79
Non-Compliant Facilities	20
NOVs Issued	14 (12.7%)
NTCs Issued	13 (16.5%)
Compliance Summary	74.7% of facilities targeted were compliant 25.3% of facilities targeted resulted in some type of Enforcement Action (e.g. NOV or NTC)



BVHP Pilot: Results and Findings (cont.)

Enforcement Actions by Source Category and Strategy

Source Category	Community-Identified	Data-Driven Prioritization	Weekend Enforcement	TOTAL
Aggregate, Cement, and Asphalt Plant	0	1	0	1
Auto Body Coating Operation	2	0	1	3
Combustion	3	2	0	5
Gasoline Dispensing Facility	0	10	0	10
Surface Coating and Prep, Solvent, Adhesive and Resin Operations	0	1	0	1

BVHP Pilot: Successes, Challenges, and Lessons Learned

	Targeted Inspections Based on Community Knowledge	Targeted Inspection Based on Enforcement Data	Targeted Weekend Enforcement
Successes	- Addressed community-identified concerns, building trust and increasing responsiveness - Identified potential unpermitted sources and facilities	- Increased inspections in AB 617 community - Established a prioritization framework for inspections	- Increased visibility of enforcement presence in the community - Operationally feasible
Challenges	- High staff time investment for investigations and inspections - Difficulties validating community concerns	- Some facilities lacked sufficient compliance history to identify trends - Ensuring prioritization methods accurately reflect and address compliance concerns	- Facilities may not operate on the weekends, limiting inspection options - Not being able to meet with the designated facility contact for the inspection
Lessons Learned	Community information is valuable but needs a screening/triage process	Need for ongoing refinement of the prioritization model	Need stronger pre-screening methods to confirm actual weekend operations

Community Impressions and Comments

“Overall, your program is addressing some of the concerns of the CSC and is a good start.”

- Mykela (East Oakland CSC Member)

“Even this [BVHP] pilot is 3 or 4 times more effective...of inspections converting into a penalty...than current methodology, and that’s something that everyone should understand.”

- Community Advisory Council Member Patrick Messac

“I’m very glad that your effort includes looking into the Compliance & Enforcement database because that is something I think we should be doing more broadly.”

- Community Advisory Council Member Ken Szutu

New Program Elements in Q1 2026

- **Update general inspection schedules** of permitted sources
- **Integrate data analyses and community concerns** in AB 617 communities into inspection prioritization and planning
- **Enhance interagency coordination and tools** to support work across the Air District
 - Build relationships with regulatory partners to improve enforcement oversight
 - Improve internal communication and channels for information sharing
- Develop mechanisms to **share compliance updates with community/public**

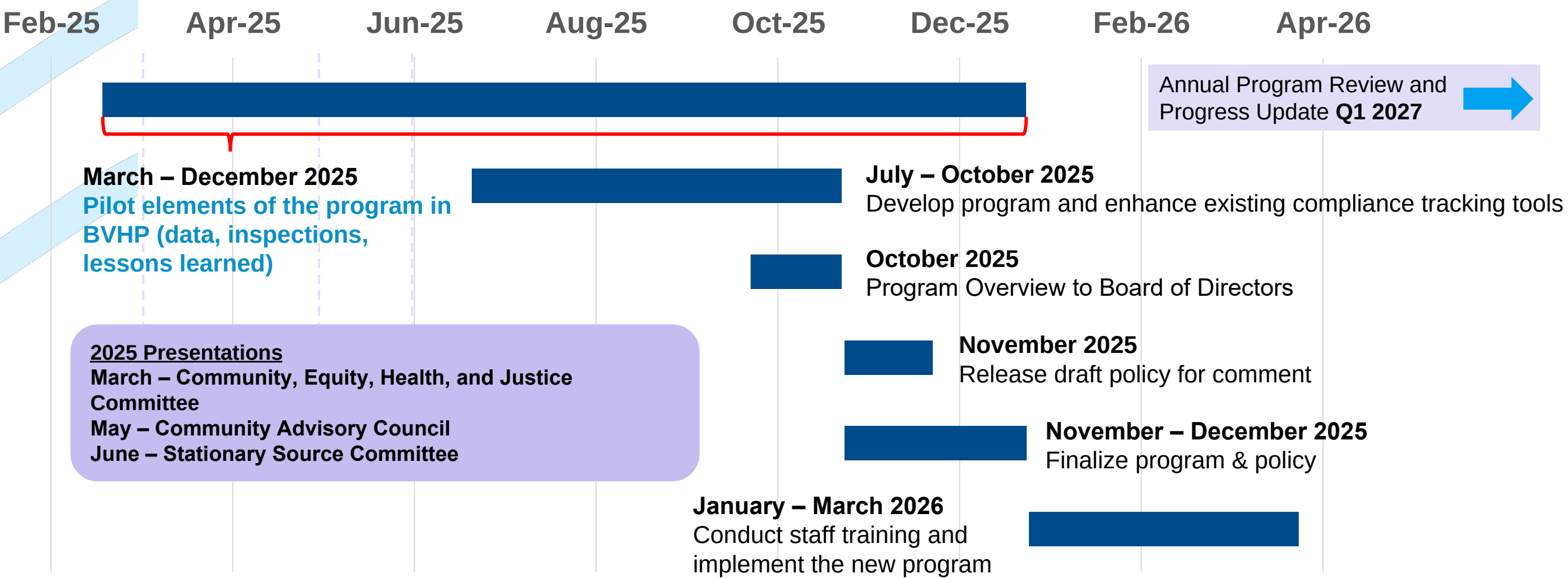
New Program Elements in Q1 2026 (cont.)

- Implement quarterly **weekend inspections/patrols in AB 617 communities**
- **Deploy new data gathering tools to enhance enforcement**
 - Create new **Air Pollution Log** to collect community data
 - Allows the public to log and document re-occurring air pollution concerns (separate of reporting a formal air quality complaint)
 - Provides additional data points to Air District to identify potential trends of non-compliance for further inspection, investigation, or patrols
 - Data can be shared across divisions to inform other actions and work
 - Create **“Whistleblower” Reporting**
 - A confidential reporting channel for employees and contractors to share information about suspected violations or non-compliance

New Program Elements in Q1 2026 (cont.)

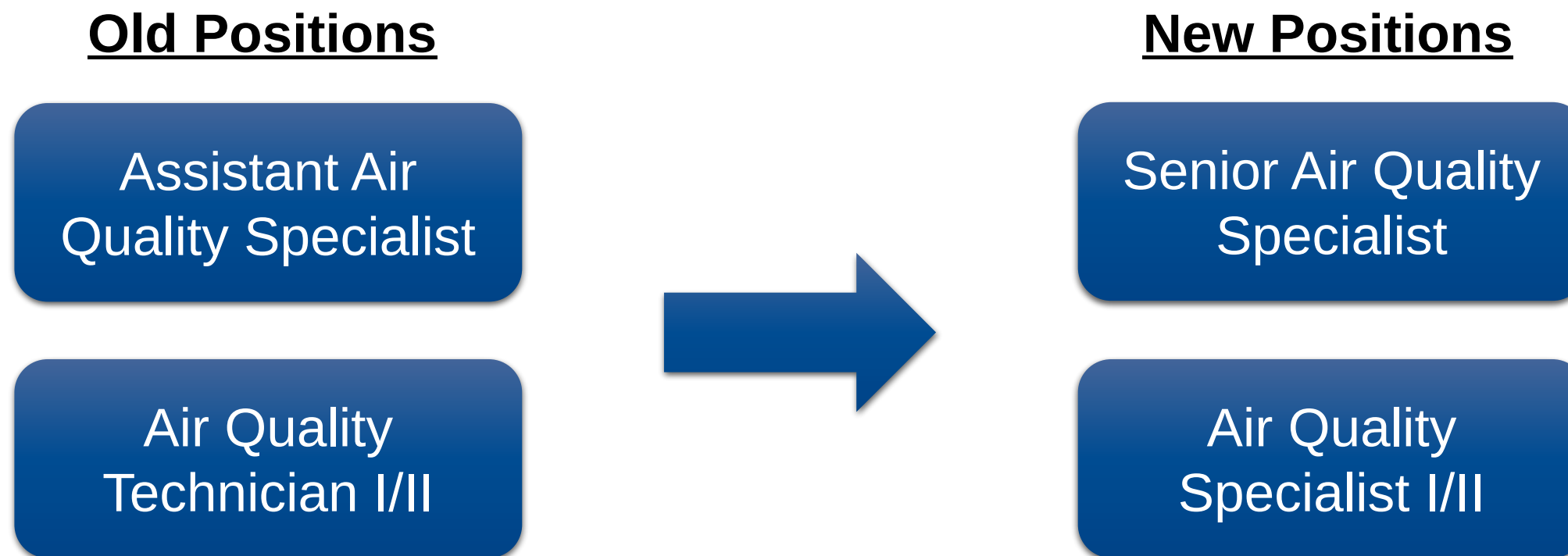
- **Expand Outreach Efforts**
 - New Targeted Inspection Program webpage and links to Air Pollution Log and Whistleblower Reporting
 - New brochures and informational materials (e.g. magnets, guidance docs, etc.)
 - Expand Public Libraries Outreach Project
 - + Other outreach efforts to discuss with Environmental Justice and Communications Teams

Next Steps & Project Timeline



Future Staffing Resources Needed for Program Implementation

- 1 Full-Time Employee: Supervising Air Quality Specialist
- Reclassify two existing and vacant positions:



Questions & Discussion

For more information:

Dennis Quach | Air Quality Specialist | dquach@baaqmd.gov