



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

AGENDA: 4

Prescribed Burning in the Bay Area

**Stationary Source and Climate Impacts
Committee Meeting
May 10, 2023**

**Patrick Wenzinger
Supervising Air Quality Specialist
pwenzinger@baaqmd.gov**

Presentation Outcome



The Stationary Source and Climate Impacts Committee will receive an overview of prescribed burning in the Bay Area.

Presentation Outline



- Regulatory Background
- Prescribed Burning
- Smoke Management Plans
- Historical Data
- Program Enhancements

Presentation for Information Only



No requested action.

Regulation 5: Open Burning



- Limits outdoor burning to 17 Allowable Fires
- Burning allowed on designated permissive burn days when meteorological conditions are favorable for smoke dispersion
- Notification and Fees required to burn

Prescribed Burning



- Planned, controlled burning of vegetation to achieve natural resource management goals
- Designed to burn less intensely than wildfires and are lit under controlled conditions to minimize potential smoke impacts
- Necessary to promote ecosystem health and lower the likelihood that severe wildfires will occur

Prescribed Burning (cont'd)



Prescribed Burning (cont'd)



Smoke Management Plan (SMP)



SMP Requirements (Reg 5-408)

- Location and specific objectives
- Burn schedule and duration
- Nearby sensitive receptor areas
- Fuel loading and Particulate Matter (PM) emissions estimates
- Acreage and fuels information
- Combustion and meteorological prescriptions
- Monitoring specifications
- Public Outreach
- Contingency Actions

3/21/23, 10:31 AM 2023-Hobbs Road Pile Burn - Manzanita Point to Frog Lake - Printer Friendly Version

2023-Hobbs Road Pile Burn - Manzanita Point to Frog Lake

General Information

Primary Responsible Person	Mason Hyland
Email	mason.hyland@parks.ca.gov
Landowner(s) Name(s)*	CA State Parks, Henry W. Coe State Park
Landowner Mailing Address*	7800 Cienega Rd. Hollister CA 95023
Field Contact Name*	Mason Hyland
Field Contact 24-hour Phone/Pager*	4087227825

Project Description

Description of Objectives*	Consume burn piles to reduce fuels along a road that will be used in future broadcast burn projects.
Projected Burn Schedule*	April 1st - December 31st 2023. Any day of the week when conditions are within project prescription. Ignitions and burndown may take place at night if conditions allow.
Ignition start and end times*	0800 to 2100
Expected Duration of Project (hours or days)*	Ignition: 2 hours (each pile) Combustion: 4 hours (each pile) Burndown: 8 hours (each pile)

Review Burn Blocks

Pine Ridge

Acreage and Fuels Information			
Name	Acres	Unit Type	Fuel Condition
Pine Ridge	20	Hand Piles	Fuel made into piles by hand. Well consolidated. Piles may be covered to keep dry.

Location Information				
Legal Description	Latitude*	Longitude*	Mean Elevation (ft)*	County
9000 East Dunne Ave, Morgan Hill, CA 95037	37.192803	-121.542898	2800	Santa Clara

Pile and PM10 Emissions Information						
Pile Size	# of Piles	% Consumption	Tons per Pile	Total Tonnage	Emissions per Pile	PM10 Emissions
5' diameter x 4' height	500	90	0.12	54	0.0010	0.45
Totals	500	-	-	54	-	0.45

Ignition Prescription				
Wind Speed (mph)	Wind Direction	Mixing Height (ft)	Temperature (F)	Relative Humidity (%)
0-15 before 6pm. 5-15mph after 6pm.	0-360	min. 500'agl	40-85	15-100

Smoke Sensitive Receptors

No SSAs have been entered.

Ridgeview

Acreage and Fuels Information			
Name	Acres	Unit Type	Fuel Condition

<https://ssl.arb.ca.gov/pfrs/air/smp-plan-print.php> 1/4

SMP Process



SMP Initiated

- Land manager submits SMP 30 days in advance of the planned burn
- The SMP must be approved by the Air District prior to burning



Air District Review

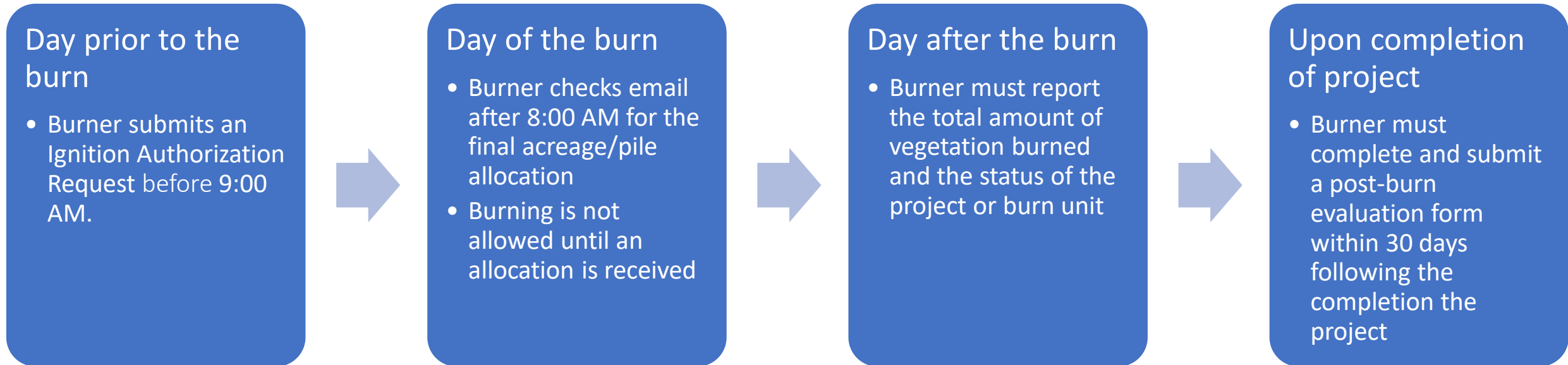
- Reviews for compliance with Reg 5
- Reviews Rx conditions
- Reviews emission estimates and smoke sensitive areas
- Recommends revisions if necessary



SMP Approved

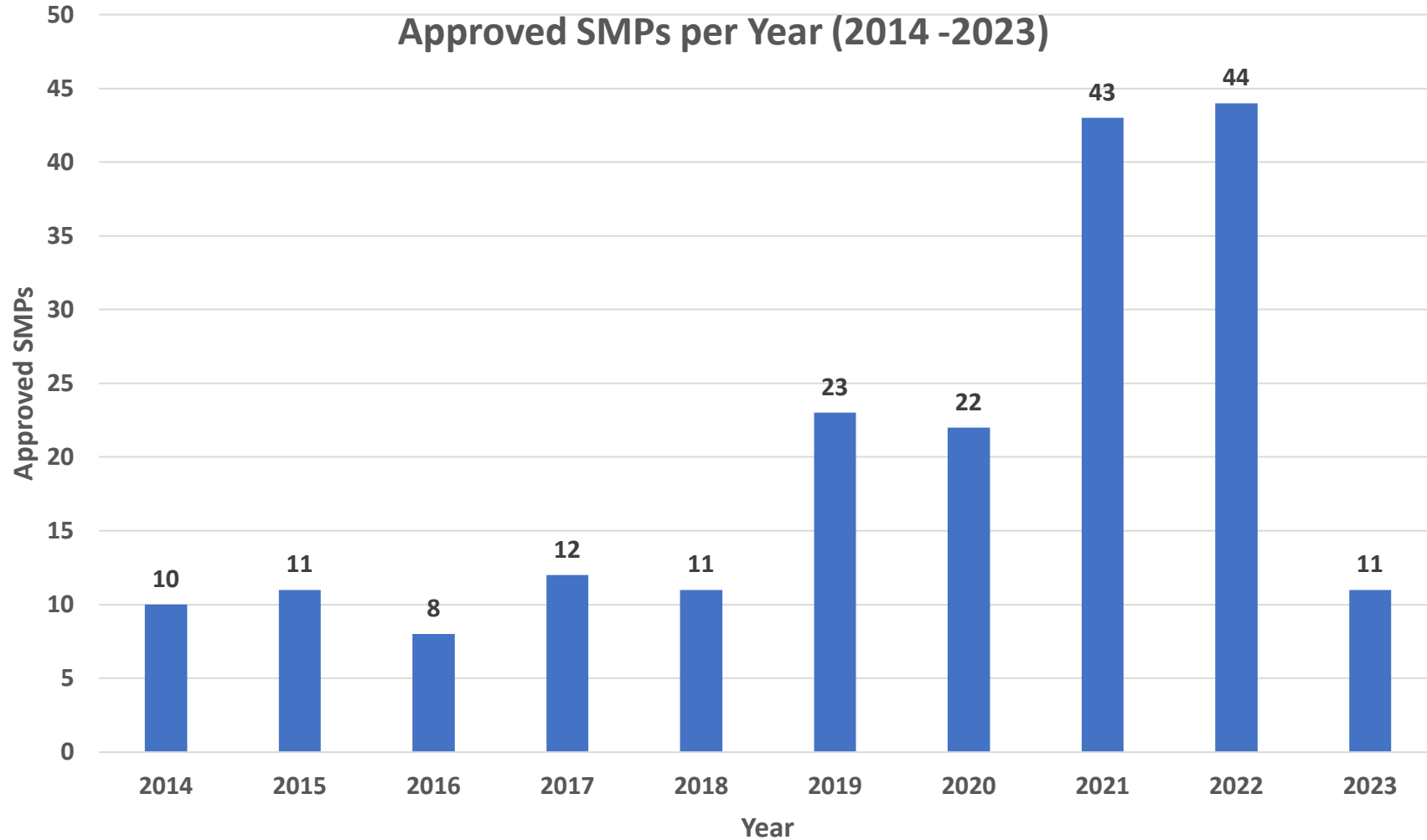
- Approval Letter
- Invoice
- Land manager must secure a burn permit from the local fire agency and/or CALFIRE prior to conducting the burn

Burn Allocation/Ignition Process

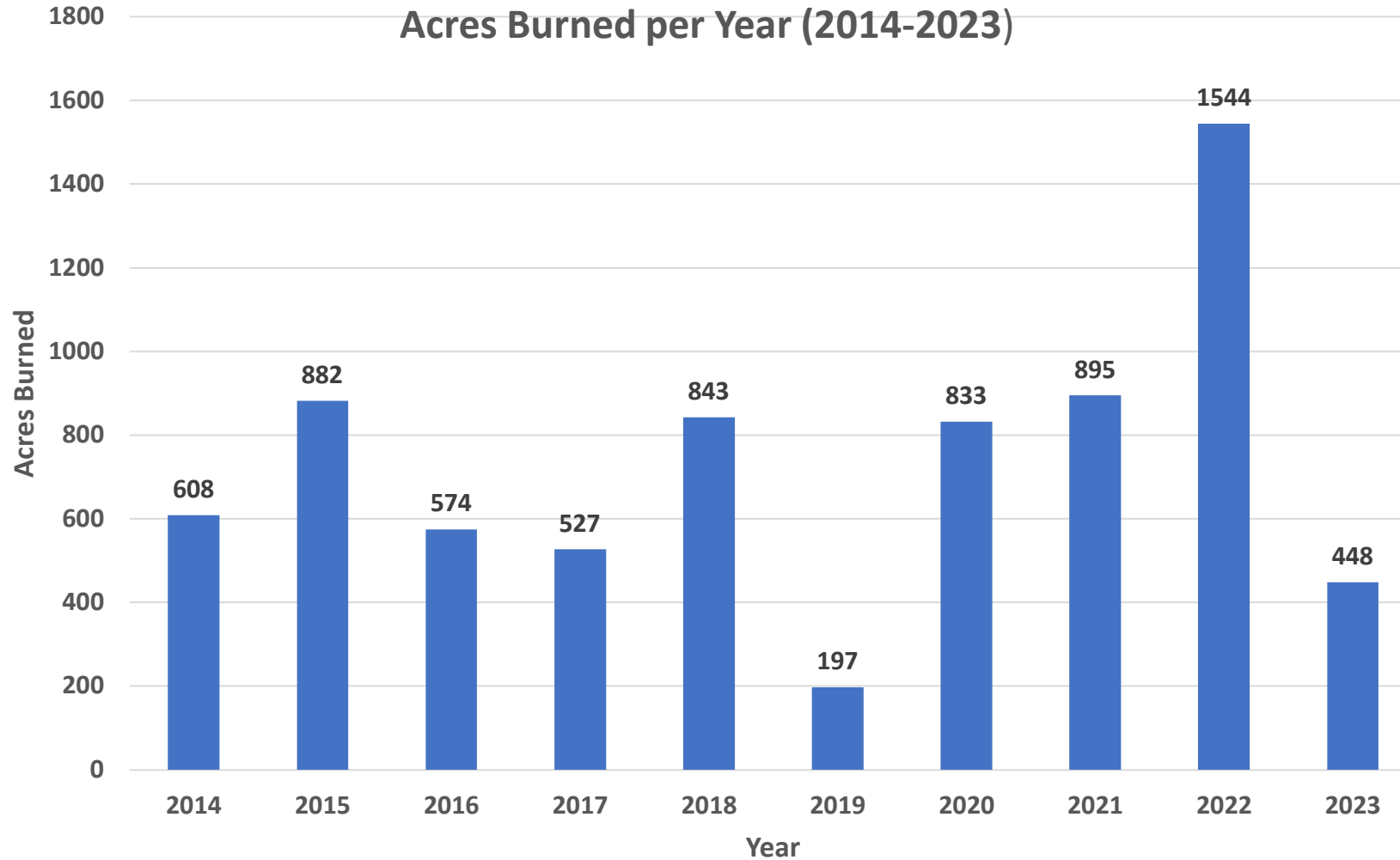


Forecasting services are available up to 96 hours (4 days) before a prospective burn day

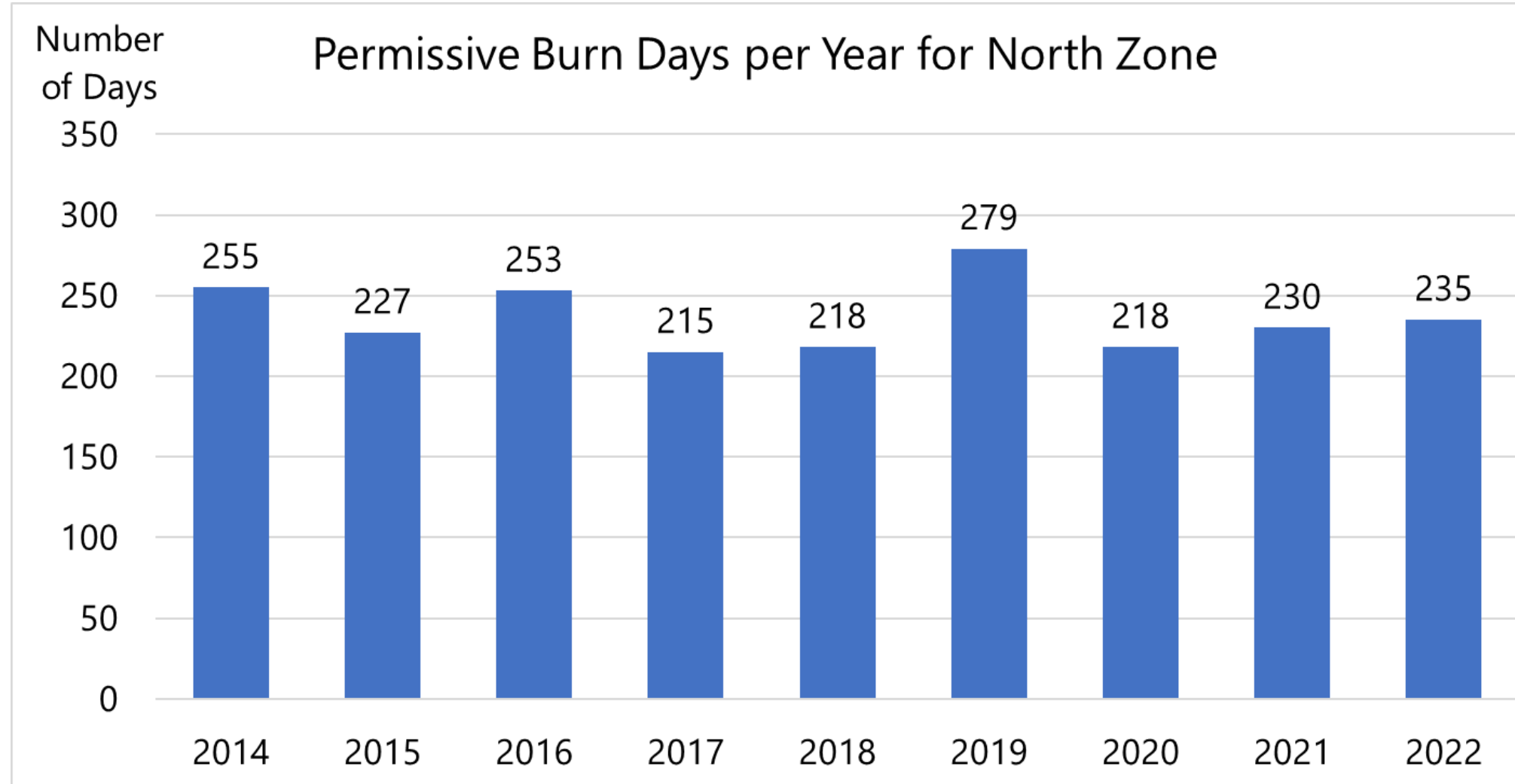
Approved SMPs (2014-2023)



Acres Burned (2014-2023) (cont'd)



Permissive Burns Days (2014-2022)



Program Enhancements



- Adopted Limited Fee Exemption for Public Agencies – 2019 Board action Reg 5 amendments
- Integrated with Prescribed Fire Information Reporting System (PFIRS)
- Increased outreach and coordination with prescribed burning stakeholders
- Approved more flexible prescriptions with experienced project partners

Feedback Requested/Prompt



Questions?



BAY AREA
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AGENDA: 5

Overview of Air District Legal Authorities

**Stationary Source Committee Meeting
May 10, 2023**

**Alexander Crockett
District Counsel
acrockett@baaqmd.gov**

Presentation Outline



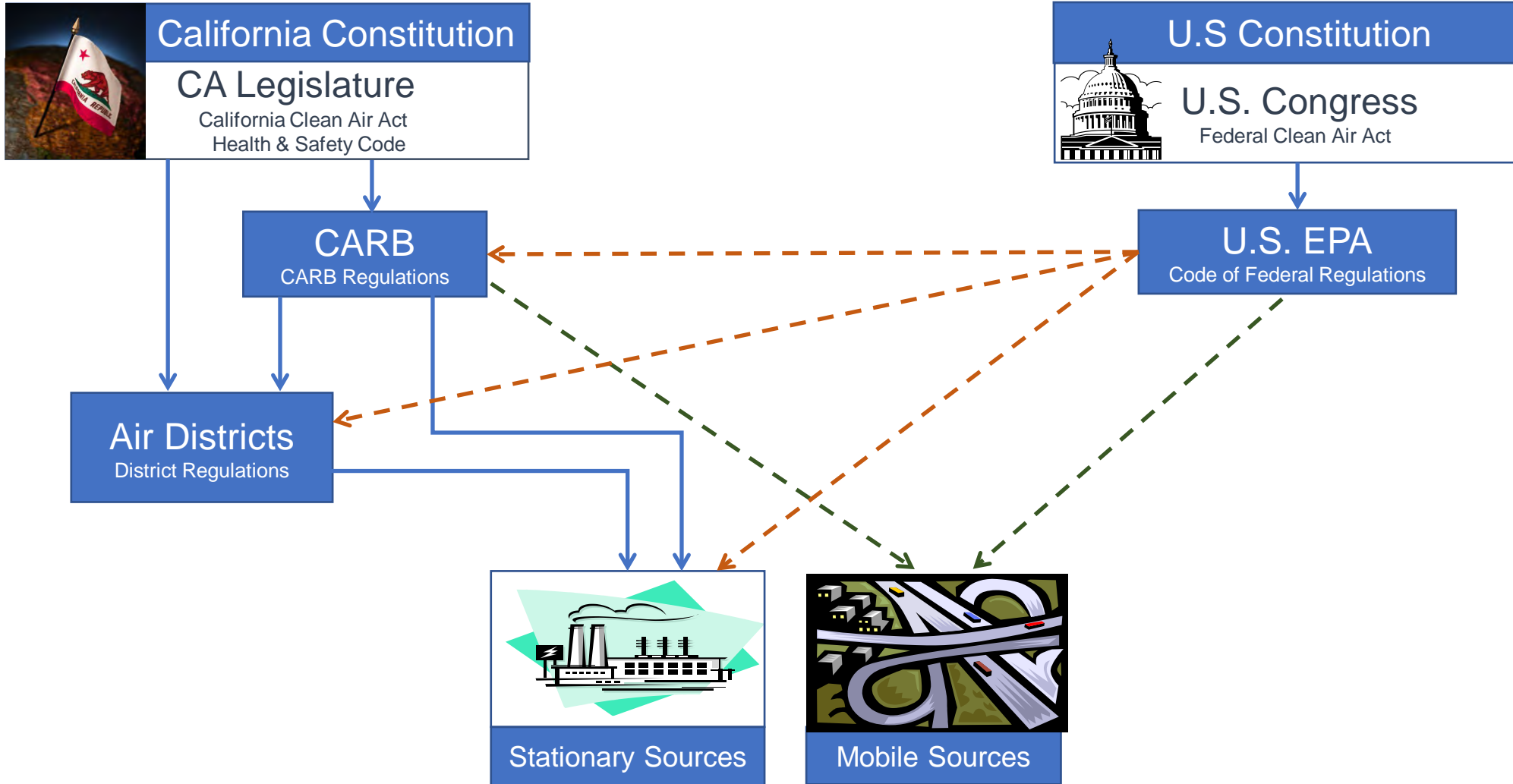
- Conceptual Overview of Applicable Legal Authorities
- Institutional Roles & Principal Statutory Sources of Authority
- Authorities for Regulating Various Types of Emissions
 - “Criteria” Air Pollutants
 - Toxic Air Contaminants
 - Greenhouse Gases
 - “Indirect Source” Emissions
- Permit Programs
- California Environmental Quality Act (“CEQA”)
- Environmental Justice

Presentation Outcome



- Inform the Stationary Source & Climate Impacts Committee about the Air District's legal authorities to regulate air emissions
- **Informational Item Only – No Action Requested**

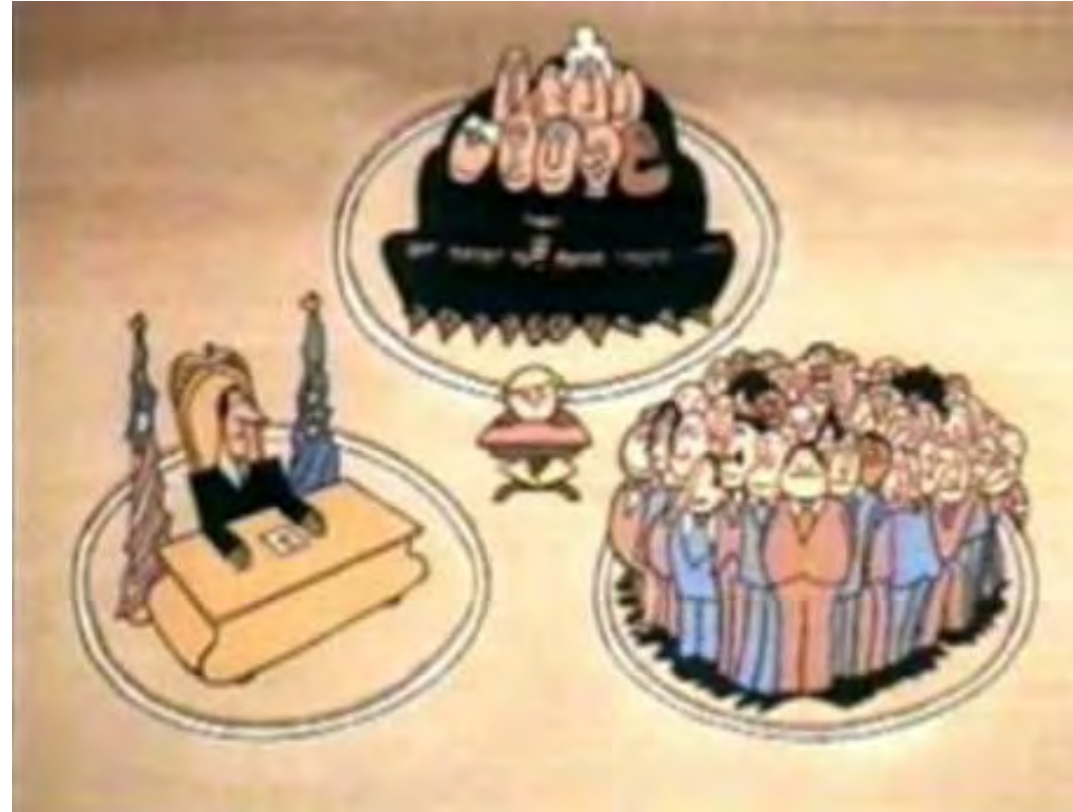
Conceptual Framework



Institutional Roles Within the Air District



- Board of Directors
 - Quasi-Legislative Branch
- APCO and District Staff
 - Quasi-Executive Branch
- Hearing Board
 - Quasi-Judicial Branch



Principal Statutory Authorities



- Health & Safety Code Section 40000:
 - “[L]ocal and regional authorities have the **primary responsibility** for control of **air pollution** from **all sources, other than ... motor vehicles.**”
- Health & Safety Code Section 40001:
 - “[T]he districts shall **adopt and enforce rules and regulations** to achieve and maintain the **state and federal ambient air quality standards** ... and shall enforce all applicable provisions of state and federal law..”
- Health & Safety Code Section 40702:
 - “A district **shall adopt rules and regulations** and do such **acts as may be necessary** or proper to execute the powers and duties granted to, and imposed upon, the district by [statute].”

Regulation of Criteria Air Pollutants



- Air quality standards based on “criteria”
- “Plan-Based” Approach
 - EPA and CARB adopt standards
 - Air District adopts Plan to attain standards
- Regulating *Existing* Stationary Sources
 - Best Available Retrofit Technology (BARCT)
- Regulating *New* Stationary Sources
 - New Source Performance Standards (NSPS)
 - New Source Review (NSR)
- Mobile source measures



Regulation of Toxic Air Contaminants



- Toxic Air Contaminants (TACs) / Hazardous Air Pollutants (HAPs)
- Federal Regulations
 - National Emission Standards for Hazardous Air Pollutants (NESHAPs)
 - Requires “Maximum Achievable Control Technology” (MACT)
- State Programs
 - Air Toxic Control Measures (ATCMs)
 - Air Toxics Hot Spots program (AB 2588)
- Air District Regulations
 - Permit requirement for new or modified sources (Toxics NSR)
 - Regulation 11 – Hazardous Pollutants

Regulation of Greenhouse Gases



- California Leads the Way – Primarily at the State Level
 - State GHG Reduction Goals: AB 32 (2020); SB 32 (2030); EOs (2045, 2050)
 - CARB Scoping Plan
 - Various Legislation & Related Programs (RPS, Cap and Trade, LCFS, etc.)
- Federal Story More of a Mixed Bag
 - Motor Vehicle Tailpipe Emission Standards
 - Flip-flopping on Power Plants by Successive Administrations
 - Permit Requirements for “Major” Stationary Sources
- Air District Role
 - Implements Federal Permit Requirements (Best Available Control Technology)
 - Methane Regulation
 - Regulatory Authority Over CO₂ Limited by AB 398 (Cap-and-Trade extension)

“Indirect” Air Pollution Sources



- Federal CAA Backlash
- California still provides authority
 - Health & Safety Code § 40716
 - District may adopt regulations to:
 - “Reduce ... emissions from indirect ... sources”
 - “[R]educe the number or length of vehicle trips”
- Limitations:
 - Cannot regulate mobile sources
 - Cannot infringe on local land use control
- South Coast Warehouse Rule example

Addressing Other Air Quality Problems



- Public Nuisances
- Visible emissions (opacity)
- Odors



Permit Programs



- Air District Permit Program – Regulation 2
 - Authority to Construct before installing new or modified source
 - Permit to Operate on an ongoing basis thereafter
 - Limited exemptions – generally must be below 5 tons per year
- Federal “Title V” Operating Permit Program
 - “Major” Sources (100 tpy criteria pollutant, 10/25 tpy HAP, 100,000 tpy CO₂e)
 - Does not impose substantive requirements
 - Collects all regulatory requirements in one comprehensive permit document
 - Ensures that there is sufficient monitoring in place to ensure compliance
 - Improves transparency, public awareness/participation, and enforceability

Cal. Environmental Quality Act (CEQA)



- CEQA requires public agencies to:
 - Evaluate potential impacts from any ***discretionary*** decision;
 - Make the decision in a way that will avoid ***significant*** environmental impacts
- District must comply with CEQA when:
 - Issuing permits
 - Adopting regulations
- District provides guidance on:
 - Air quality impacts
 - Climate impacts
 - New Environmental Justice section

Environmental Justice



- Environmental Justice defined [Gov't Code § 65040.12(e)]
 - “Environmental justice” means the **fair treatment** and **meaningful involvement** of people of all races, cultures, incomes, and national origins, with respect to the **development, adoption, implementation,** and **enforcement** of environmental laws, regulations, and policies.
- Gov't Code § 11135 & Anti-Discrimination Laws
- AB 617
 - Identify overburdened communities
 - Develop community-led action plans to reduce toxic health risk
- SB 1000 – Requires EJ policies in General Plans

Questions?

