



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

# PUBLIC HEARING NOTICE

April 15, 2013

TO: INTERESTED PARTIES  
FROM: EXECUTIVE OFFICER / APCO  
SUBJECT: **PUBLIC HEARING: PROPOSED  
AMENDMENTS TO REGULATION 3: FEES;  
and REGULATION 5: OPEN BURNING**

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On **Wednesday, May 15, 2013**, the Board of Directors of the Bay Area Air Quality Management District will conduct a public hearing to receive testimony on proposed amendments to District Regulation 3: Fees, and Regulation 5: Open Burning. The hearing will be held in the District Headquarters' Board Room, 7th floor, 939 Ellis Street, San Francisco. District Board meetings commence at 9:45 a.m.

The Board of Directors will conduct a second public hearing on Wednesday, June 19, 2013 to consider adoption of the proposed amendments to Regulation 3: Fees and proposed amendments to Regulation 5: Open Burning, and to approve the filing of a Notice of Exemption from CEQA. California Health and Safety Code Section 41512.5 requires a district board, prior to adopting or revising fees applicable to emission sources that are not permitted, to hold a public hearing at least 30 days prior to the meeting of the district board at which the fees are adopted or revised. Fee Schedules L, Q, R, S and new Schedule V pertain to fees from these sources.

The proposed amendments to the District's fee regulation would be effective on July 1, 2013 and would increase fee revenue in order to allow the District to meet budgetary needs for the upcoming fiscal year ending (FYE) 2014.

The fee rates in the following Fee Schedules would be amended as follows: (1) No change: Schedule C: Storage of Organic Liquids, Schedule G4: Miscellaneous Sources, Schedule M: Major Stationary Sources, Schedule N: Toxic Inventory, Schedule Q: Excavation of Contaminated Soil and Removal of Underground Storage Tanks, Schedule T: Greenhouse Gases, and Schedule U: Indirect Sources; (2) 5% increase: Schedule B: Combustion of Fuels, Schedule D: Gasoline Transfer at Gasoline Dispensing Facilities, Bulk Plants and Terminals, Schedule G5: Miscellaneous Sources, Schedule I: Dry Cleaners; (3)

7% increase: Schedule F: Miscellaneous Sources; (4) 9% increase: Schedule A: Hearing Board Fees, Schedule E: Solvent Evaporating Sources, Schedule G1: Miscellaneous Sources, Schedule G2: Miscellaneous Sources, Schedule G3: Miscellaneous Sources, Schedule H: Semiconductor and Related Operations, Schedule K: Solid Waste Disposal Sites, Schedule L: Asbestos Operations, Schedule P: Major Facility Review Fees, Schedule R: Equipment Registration Fees, and Schedule S: Naturally Occurring Asbestos Operations. The following fees in Regulation 3 would be increased by 3%: New and modified source filing fees, Emissions banking filing and withdrawal fees, Regulation 2, Rule 9 alternative compliance plan fees, and Permit to operate renewal processing fees. The proposed amendments to Regulation 3 add a fee for transfer of ownership and for a certificate of exemption equal to the new and modified source filing fee and also include language to clarify and conform to current District policy the provisions relating to permit to operate renewal and back fees for lapsed permits to operate.

In addition, the proposed amendments to Regulation 3 would add two new fees. A new Incident Response fee would recover the District's cost to respond to a non-routine release of an air contaminant that may cause adverse health consequences to the public. The fee would be based on the actual time and materials spent performing specified activities in response to the incident. A new Schedule V would be added to recover costs associated with allowed open burning. A \$98 fee would be assessed for any burn that requires notification, and variable fees would be assessed, depending on the size of the burn, for marsh management, wildland vegetation management burning and stubble burning. Filmmaking and public exhibition burns would be assessed a \$505 fee. Amendments to Regulation 5: Open Burning would reference the new fee requirement.

The District has determined that these amendments to Regulation 3 and Regulation 5 are exempt from provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) pursuant to State CEQA Guidelines, Sections 15061, subd. (b)(3) and 15273. The amendments increase District fees that are used to meet District operating expenses. The amendments are administrative in nature, do not affect air emissions from any sources, and can be seen with certainty to have no possibility of causing significant environmental effects. The District intends to file a Notice of Exemption pursuant to State CEQA Guidelines, Section 15062.

A copy of the proposed amendments may be viewed on the District's website at <http://www.baaqmd.gov/Divisions/Planning-and-Research/Rule-Development/Current-Regulatory-Public-Hearings.aspx>. Copies are also available by calling the Engineering Division at (415) 749-4990. Staff will accept written comments on the proposed amendments until June 5, 2013. Please direct comments or questions to Joe Slamovich, Senior Advanced Project Advisor, at (415) 749-4681, or electronically at [islamovich@baaqmd.gov](mailto:islamovich@baaqmd.gov).

**SAN FRANCISCO PUBLIC TRANSPORTATION**

**MUNI -- #47 AND #49 NORTH AND SOUTH ON VAN NESS AVENUE**

**#38 EAST AND WEST ON GEARY BOULEVARD/O'FARRELL STREET**

**BART -- CIVIC CENTER STATION 8<sup>th</sup> AND MARKET STREETS**

Attendees are encouraged to ride public transit, rideshare, bicycle or walk to and from the workshop.