

Yolo-Solano Air Quality Management District
1947 Galileo Court, Suite 103
Davis, CA 95618
(530)757-3650
www.ysaqmd.org



YOLO-SOLANO
AIR QUALITY MANAGEMENT DISTRICT

**PROPOSED AMENDMENTS TO
RULE 4.2, AGRICULTURAL BURN PERMIT FEES**

FINAL STAFF REPORT

August 29, 2022

Prepared by: Paul Hensleigh, Interim Air Pollution Control Officer

I. EXECUTIVE SUMMARY

On September 14, 2022, the Yolo-Solano Air Quality Management District (District) Board of Directors will consider amendments to Rule 4.2, Agricultural Burn Permit Fees. Rule 4.2 establishes fees to cover the costs related to implementation of District Rule 6.1 (Agricultural Burning). The reason for the revision is to increase the fees because current revenues received from agricultural burn permit holders are far less than District expenses to implement the program.

The main amendments being proposed to Rule 4.2 are as follows:

- Increase the base permit fees in \$10 increments annually for the next 4 years (from current fee of \$30.00 to \$70 effective 1/1/2026)
- Increase the billable acreage fees incrementally over the next 4 years (currently the fee ranges from \$0.85 per acre to \$1.50 per acre depending on the crop type – raise it to \$2.00 per acre to \$4.00 per acre depending on crop type)
- Adopt a new billable acreage fee for orchard/vineyard removal – start at \$4.00 per acre and increase to \$10 per acre by 2026
- Add a “per burn fee” which is triggered after the first 5 burns per permit
- Add an “additional burn site fee”

The proposed amendments are for the modification of rates charged by our public agency for the purpose of meeting operating expenses. Therefore, staff prepared a Notice of Exemption to satisfy the requirements of the California Environmental Quality Act (CEQA). The notice states that the revisions to Rule 4.2 are exempt from the requirements of CEQA pursuant to a Statutory Exemption, Section 15273, Rates, Tolls, Fares, and Charges.

A. BACKGROUND

History

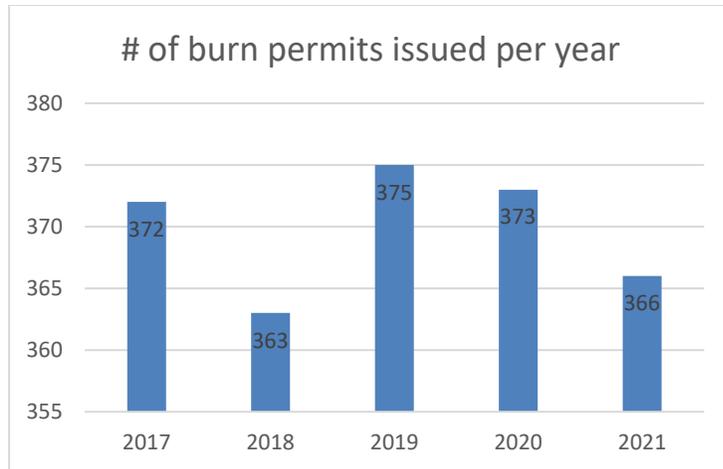
Rule 4.2 was adopted on December 8, 1993. The rule was revised on April 10, 1996 and again on January 1, 1997. This means the fees charged by this rule have not increased for the past 25 years. Obviously, the District’s costs to implement this program have increased substantially during this same time period.

Overview of source category

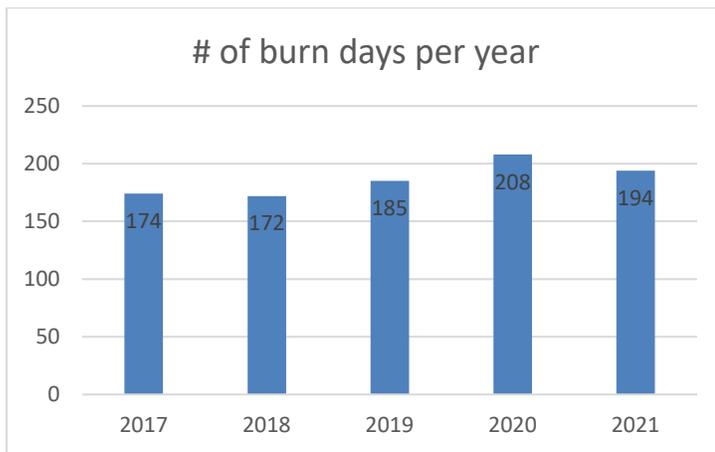
Rule 4.2 affects all current and potential future holders of agricultural burn permits. There are currently 308 growers that have burn permits for calendar year 2022.

Statistics

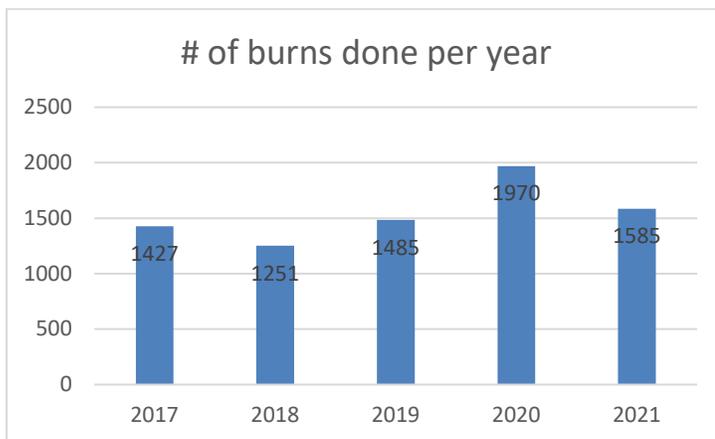
As a bit of background, the following are statistics for the past five years:



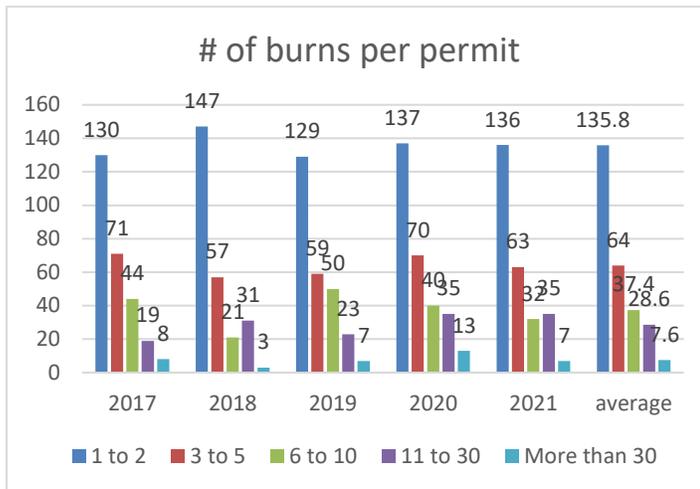
This shows the number of permits issued annually remains pretty steady, with an average of 370 permits issued per year.



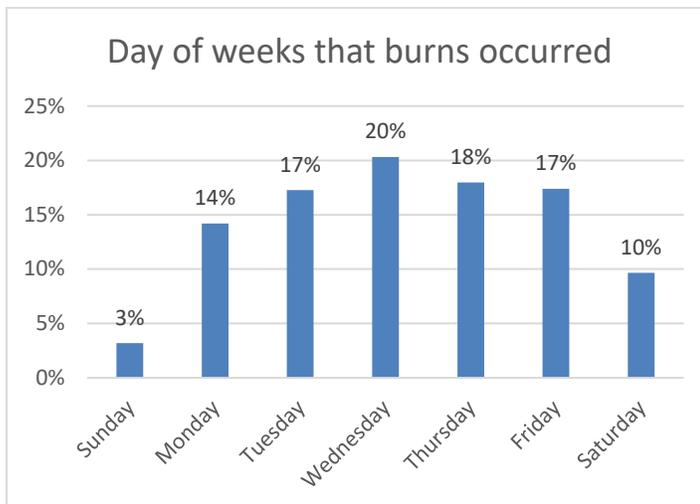
This shows the number of allowable burn days stays pretty steady, with an average of 187 burn days per year.



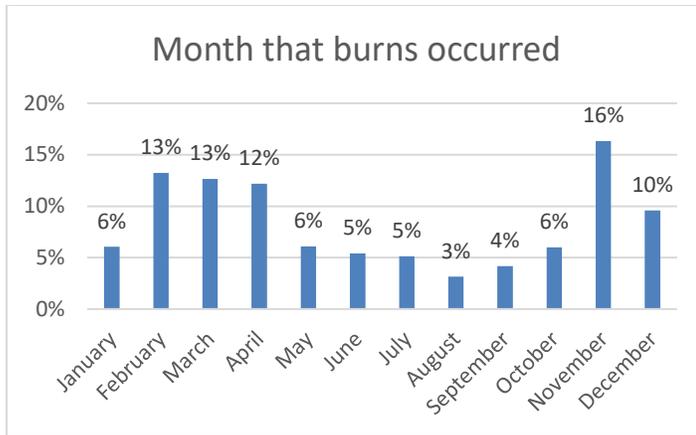
The number of actual burns that occur per year fluctuates a little, with the average being 1,544 burns conducted per year.



This shows the majority of burn permit holders only burn once or twice per year, but a handful of permit holders burn on more than 30 occasions per year (the highest was 95 times for 1 permittee in 2020). The amount of work required by the District is proportional to the number of times an entity requests to burn.



This shows that very little burning occurs on Sundays, and the work week (Monday through Friday) is fairly evenly distributed).



Resources required to administer program

The District administers the agricultural burning program every day of the year (365 days/year) which requires extensive resources. Over the past 10 years, the District has endeavored to improve the program and reduce the costs to administer, including the following steps.

- The primary day to day duties have been shifted from the Compliance Manager, then to Air Quality Specialists (inspectors), and currently to one of two Air Quality Technicians.
- The District implemented electronic permit application submittal option and simplified the process to renew a permit at the time the permit holders pay the previous year's acreage fees.
- The District started posting the current day's burn status on our ag burn twitter account so growers can get notified of the burn day status automatically. In addition, we link that daily tweet to our webpage so growers have an alternative to calling in to the District's phone line to check burn status.
- District staff is currently working to develop an online burn request process which should further streamline the process for growers and staff.

Despite the improvements made, the costs to implement the program far outweigh the fees received from growers for their permits and burning.

On a simplified level, the program tasks can be broken down into several main categories: issuing permits (annually), determining daily burn status, approving daily burn requests, end of year reporting and billing, and miscellaneous program aspects.

Issuing Permits

The District's ag burn permits are issued on a calendar year basis. Typically the growers apply for their permits in January so that when they are ready to burn throughout the year, they already have their permit in place. Occasionally, a new grower will apply for a permit at other points in the year, usually right before they want to burn. The work included with this task includes receiving the applications (either by e-mail or mail), initial billing (invoicing and posting the payments), reviewing and approving the permit, database entry, and sending the grower their permit. This work is done by the administrative assistants and the air quality technicians. To be conservative, it is estimated that the minimum amount of time required to issue permits is 15 minutes (0.25 hours) per permit.

With an average of 370 permits per year for the past 5 years, that would equate to 92.5 hours per year.

Determine Burn Status

Every day of the year, District staff make a determination on whether the day will be a burn day or not. The determination is made based on meteorological conditions, including air quality, wind, stability, pressure, and rain. Staff must consider not only the current conditions that exist, but also what is forecast to occur over the next 24 hours. Staff receive a daily allocation report from the Air Resources Board (ARB) which outlines whether the state will allow burning and provides a maximum allocation of acres per district within the Sacramento Valley. Staff then factor in local considerations including a commitment to local fire districts to restrict burning based on wind speeds.

Staff determines whether the day should be a “no burn day”, a “restricted burn day” where only certain types or limited amounts of burns will be allowed, or a “permissive burn day” where all burning is allowed with District approval. Some days are very easy (when it clearly won’t be a burn day because of rain or smoke) and some days are difficult when it’s a close call.

Once a decision is made, staff need to notify the fire dispatch agencies, the growers, and the public what the current burn day status is. This information is posted on our ag burn twitter account and the district’s ag burn voicemail messages are updated. The burn status is also recorded on a spreadsheet for end of year reporting.

To be conservative, it is estimated that the minimum amount of time required to determine burn status and notify everybody is 1 hour per day. This equates to 365 hours per year.

Approve requested burns

When it is a burn day, growers call in to the burn line and leave a message requesting to burn. Staff must retrieve the request, determine where the requested burn is located, review the location of the burn and determine whether to approve the burn. The factors that are considered are the wind speed, the type and amount of material requested to burn, and the distance and direction to nearby populated areas. Staff then contact the grower to notify the grower of whether they can burn, or why the burn would not be approved on that day. This information is logged for end of year reporting.

To be conservative, it is estimated that the minimum amount of time required to approve or deny burns is 15 minutes (0.25 hours) per burn. Over the past 5 years, the average number of burns approved is 1,544 burns per year. This equates to at least 386 hours per year.

Other

In addition to the above basic tasks, there are additional items that are required

- Basin Control Council (BCC) fees – each District in the Sacramento Valley must pay fees to the BCC to cover the administrative costs of the Smoke Management Plan. Our fees average \$11,361 per year.

- Training – each staff member that works on the ag burn program must attend annual training related to the smoke management plan. Our District has 5 people attend the half day training each year. This equates to 20 hours per year
- Complaint response – over the past 5 years, we have received an average of 30 smoke complaints per year which our inspectors must respond to. At a minimum, this takes 4 hours per complaint for a total of 120 hours per year
- End of year billing – the current fee structure requires permit holders to pay the base fee up front, and at the end of the year they are billed based on the actual number of acres of each crop type they burned. At the end of the year, staff must compile all the data and create bills to send to growers. Once the bills are paid, they must be posted and logged. To be conservative, it is estimated that the minimum amount of time it takes is 15 minutes per permit. With an average of 370 permits per year, this equates to 92.5 hours per year
- At the end of each year, staff must report to ARB the actual amount of burning (by crop type) that occurred in our District. At a minimum, this takes 4 hours per year

Task	Hours per year
Issue burn permits	92.5
Determine burn status	365
Approve burns	386
Miscellaneous	236.5
Total	1,080

Using the District’s published Time and Material rate of \$117 per hour (for fiscal year 2022/2023), that equates to \$126,360 in staff time. Adding in the BCC fees we paid last year of \$11,361 per year, the cost to administer the program is \$137,721 per year.

In addition to the above quantifiable costs, there are other factors that affect District resources, including:

- The District operates a network of air monitoring stations using 1 Full Time Equivalent (FTE) staff member. The data from the monitors is used for multiple purposes, including attainment planning, public messaging, and ag burn forecasting.
- Throughout the year, staff fields a lot of calls from the public, people who want to find out the requirements for ag burning, and also from fire agencies.
- Staff participate in ongoing meetings of the Fire Safe Council.
- Any work done on Saturdays or Sundays is overtime for the staff performing the work, at a minimum of 2 hours per day. If it’s a burn day, that amount of time is usually about 3 to 4 hours.

Revenue

The average permit revenue for the program for the past 5 years has been:

Fiscal Year	Revenue Received
2021/2022	\$21,429
2020/2021	\$22,357
2019/2020	\$22,672
2018/2019	\$17,433
2017/2018	\$20,495
Average	\$20,877

Fee Increases

Based on revenue of about \$21,000 per year and expenses of \$137,000 per year, it is necessary to increase agricultural burn fees.

Staff began the process to amend this rule back in 2017/2018, but those efforts got delayed. At the time, the Yolo County Farm Bureau provided the District with their suggestions on fee increases (the \$10/year increase from \$30 to \$70, the additional burn site fee of \$50, the per burn fee of \$20 for each burn over 5 burns) which we have incorporated. This original comment letter submitted by the Yolo County Farm Bureau is attached to this staff report under Appendix D for comments received. District staff is proposing one additional change - the billable acreage fee increase.

Staff is recommending the increases be phased in as follows:

- Base Fee (paid at the time of application):

Current	Effective 1/1/2023	Effective 1/1/2024	Effective 1/1/2025	Effective 1/1/2026
\$30	\$40	\$50	\$60	\$70

- Billable acreage fees (paid at the end of the calendar year):

	Current	Effective 1/1/2023	Effective 1/1/2024	Effective 1/1/2025	Effective 1/1/2026
Prunings	\$0.85	\$1.25	\$1.50	\$1.75	\$2.00
Field crop stubble	\$1.25	\$1.50	\$2.00	\$3.00	\$4.00
Rice stubble	\$1.50				
Miscellaneous	\$1.00				
Orchard/vineyard removal		\$4.00	\$6.00	\$8.00	\$10.00

- Additional Burn Site Fee: \$50 for each Burn Site (after the first site); and
- Additional Burn Fee: \$20 for each actual burn that occurs after the first 5 burns per permit per calendar year.
- A provision is being added to specify that if previous year’s fees (acreage and/or per burn fee) are not paid by the due date, a penalty of up to 50% may be imposed. If the fees and penalties are not paid, any future burn permits may be withheld.

Using some averages for the number of burn permits, the number of burns, and the average acreages burned over the past 5 years, the following are the estimated revenue impacts:

	Current annual revenue	Estimated annual revenue 2023	Estimated annual revenue 2024	Estimated annual revenue 2025	Estimated annual revenue 2026

Base permit	\$11,100	\$14,800	\$18,500	\$22,200	\$25,900
Acreage fee	\$9,888	\$14,097	\$17,385	\$21,846	\$26,307
Orchard removal		\$800	\$1,200	\$1,600	\$2,000
Additional location fee		\$3,700	\$3,700	\$3,700	\$3,700
Additional burn fee		\$3,000	\$3,000	\$3,000	\$3,000
Total	\$20,988	\$36,397	\$43,785	\$52,346	\$60,907

The above changes still won't get this program to full cost recovery, but it will be a big improvement.

II. DISCUSSION OF PROPOSED RULE 4.2 AMENDMENTS

The proposed amendments to Rule 4.2 are as follows:

Section 200 Definitions

Added definitions that will be used in the updated section 300.

Section 300 Standards

Section 301 is being amended to identify the new fees (as identified in the tables above).

Section 301.2 is being updated to clarify that the base permit fee covers the current cost of the fee our District pays to the BCC, however if the BCC fees increase in the future, those increases will be passed on to the permit holders.

Section 400 Administrative Requirements

Section 403 is being added to outline procedures to impose penalties and withholding future permits if fees are not paid.

III. COMPARISON WITH OTHER APPLICABLE REGULATIONS AND REQUIREMENTS

Health and Safety Code Section 40727.2 requires districts to prepare a written comparative analysis of any new control standard that identifies all existing federal air pollution control requirements, including, but not limited to, emission control standards constituting best available control technology (BACT) that apply to the same equipment or source type as the rule or regulation proposed for adoption or modification by the District. Since there are no new control standards being proposed with this rule, this requirement is not applicable.

IV. IMPACTS OF THE PROPOSED RULE

Emissions Impacts

The proposed amendments do not impose any new emission limits or standards. Therefore, the District does not expect the proposed amendments to impact emissions.

Cost Effectiveness

CH&SC Section 40703 requires the District, in the process of the adoption of any rule or regulation, to consider and make public its findings related to the cost effectiveness of the rule. Cost effectiveness for rulemaking purposes is calculated by dividing the cost of air pollution controls required by the rule by the amount of air pollution reduced. The amendments to this rule will not impact emissions and therefore cost effectiveness calculations cannot be performed.

Socioeconomic Impacts

California Health and Safety Code Section 40728.5 (a) requires the District, in the process of the adoption of any rule or regulation, to consider the socioeconomic impact if air quality or emission limits may be significantly affected. However, districts with a population of less than 500,000 persons are exempt from the provisions of Section 40728.5(a). The District's population is estimated to be approximately 331,600 and well below the 500,000-person threshold. Therefore, a socioeconomic analysis for this rulemaking is not required.

Incremental Cost Effectiveness

CH&SC Section 40920.6 requires an assessment of the incremental cost-effectiveness for proposed regulations relative to ozone, Carbon Monoxide (CO), Sulfur Oxides (SOx), Nitrogen Oxides (NOx), and their precursors. Incremental cost-effectiveness is defined as the difference in control costs divided by the difference in emission reductions between two potential control options that can achieve the same emission reduction goal of a regulation. Again, the District does not expect any emissions changes from these amendments, so no incremental cost-effectiveness analysis can be done.

Impacts to the District

The proposed rule amendments will increase the fees associated with agricultural burn program. An increase in fees as part of the rule amendments will assist the District in recovering the financial cost of administering the program.

V. ENVIRONMENTAL IMPACTS OF METHODS OF COMPLIANCE

California Public Resource Code Section 21159 requires the District to perform an environmental analysis of the reasonably foreseeable methods of compliance. The analysis must include the following information:

1. An analysis of the reasonably foreseeable environmental impacts of the methods of compliance.
2. An analysis of the reasonably foreseeable mitigation measures.
3. An analysis of the reasonably foreseeable alternative means of compliance with the rule or regulation.

The District does not expect any change in emissions from this rule amendment. Therefore, an evaluation under this section cannot be performed.

The proposed amendments are for the modification of rates charged by our public agency for the purpose of meeting operating expenses. Therefore, staff prepared a Notice of Exemption (Attachment B) to satisfy the requirements of the California Environmental Quality Act (CEQA). The notice states that the revisions to Rule 4.2 are exempt from the requirements of CEQA pursuant to a Statutory Exemption, Section 15273, Rates, Tolls, Fares, and Charges.

VI. REGULATORY FINDINGS

Section 40727(a) of the California Health & Safety Code (H&SC) requires that prior to adopting or amending a rule or regulation, an air district's board make findings of necessity, authority, clarity, consistency, nonduplication, and reference. The findings must be based on the following:

1. Information presented in the District's written analysis, prepared pursuant to H&SC Section 40727.2;
2. Information contained in the rulemaking records pursuant to H&SC Section 40728; and
3. Relevant information presented at the Board's hearing for adoption of the rule.

The required findings are:

Necessity: It is necessary for the District to adopt this amended rule in order to recoup district costs to effectively implement the agricultural burning program. [H&SC Section 40727(b)(1)]

Authority: The District is authorized to adopt rules and regulations by California Health and Safety Code, Sections 40001, 40702, 40716, 41010 and 41013. [H&SC Section 40727 (b)(2)]

Clarity: The proposed rule is written so that the meaning can be easily understood by the persons directly affected by it. In addition, the record contains no evidence that the persons directly affected by the rule cannot understand the rule. [H&SC Section 40727(b)(3)]

Consistency: The proposed rule does not conflict with and is not contradictory to, existing statutes, court decisions, or state or federal regulations. [H&SC Section 40727(b)(4)]

Non-Duplication: The proposed rule does not duplicate any state laws or regulations, regarding the attainment and maintenance of state and federal air quality limits. [H&SC Section 40727(b)(5)]

Reference: The District must refer to any statute, court decision, or other provision of law that the District implements, interprets, or makes specific by adopting, amending or repealing the rule. [H&SC Section 40727(b)(6)]

VII. PUBLIC COMMENTS AND STAFF RESPONSES

Workshop

Staff held a public workshop on July 6, 2022 at 2:00 PM to discuss the proposed amendments to Rule 4.2. Notification was sent to surrounding Air Districts, City Managers within the District, building/planning/community development departments within the YSAQMD, all city and county libraries within the District, all Board members, and all parties that have a 2022 agricultural burn permit. The public workshop notice was published in the Vacaville Reporter, Woodland Democrat, and the Davis Enterprise.

A copy of the public workshop notice, the draft staff report, and draft rule language, were posted on the District's web page prior to the public workshop. The District invited the public to submit written comments no later than July 20, 2022. No written comments were received.

There were 4 attendees for the public workshop, including representatives from Solano County Farm Bureau and Yolo County Farm Bureau.

Hearing

Staff will hold a public hearing on September 14, 2022 to discuss the proposed amendments to Rule 4.2. Notification was sent to surrounding Air Districts, City Managers within the District, building/planning/community development departments within the YSAQMD, all city and county libraries within the District, all Board members, and all parties that have a 2022 agricultural burn permit. The public hearing notice was published in the Vacaville Reporter, Woodland Democrat, and the Davis Enterprise.

A copy of the public hearing notice, the proposed staff report, and proposed rule language, were posted on the District's web page prior to the public hearing. The District requested comments by August 26, 2022. No written comments were received.

ATTACHMENT A

**PROPOSED RULE 4.2, PERMIT FEES – AGRICULTURAL BURNING
STRIKE-OUT UNDERLINE VERSION**

RULE 4.2 PERMIT FEES - AGRICULTURAL BURNING

ADOPTED December 8, 1993
REVISED April 10, 1996
REVISION-EFFECTIVE January 1, 1997
REVISED September 14, 2022

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100 GENERAL

101 **PURPOSE:** To establish permit fees to be charged to agricultural sources subject to Yolo-Solano Air Quality Management District Regulation VI.

102 **APPLICABILITY:** This rule applies to any person who conducts or allows to be conducted on property under ~~his~~their control open burning for agricultural operations, range improvement, wildlife habitat improvement and/or wildland vegetation management.

200 **DEFINITIONS:** All terms used in this Rule shall retain the definitions provided under Rule 1.1, GENERAL PROVISIONS AND DEFINITIONS, unless otherwise defined in this Rule.

201 BASE FEE: The fee paid at the time of applying for an agricultural burn permit. The base fee covers the first burn site (location) and the first five burns per calendar year.

202 BILLABLE ACREAGE: The acreage where the vegetative material came from. Roadways, fencelines, ditches, and field borders shall be considered part of the acreage billed.

203 BURN SITE: Each location where open burning occurs, including contiguous parcels under the same or common ownership or control.

204 MISCELLANEOUS BURN: All other open burning, including levee burns, ditch burns, range improvement burns, wildlife habitat improvement burns, and wildland vegetation management burns.

205 ORCHARD/VINEYARD REMOVAL BURN: Open burning of agricultural waste generated by the removal of orchards and/or vineyards, including but not limited to leaves, branches, trunks, roots, stumps, vines, and untreated stakes.

206 PRUNINGS BURN: Open burning of agricultural waste generated from the pruning of trees, orchards, and/or vineyards, including but not limited to branches, cuttings, twigs, leaves, and vines.

300 STANDARDS

301 **FEES:** No person shall open burn or authorize the open burning of agricultural crop
Yolo-Solano AQMD

Revised ~~April 10, 1996~~September 14, 2022

~~Revision Effective January 1, 1997~~

~~January 8, 1997 Section 301.1~~

~~—Corrected Health & Safety Code~~

waste or conduct any range or wildlife habitat, or wildland improvement burning without first obtaining a valid Agricultural Burning Permit from the ~~Air Quality Management~~ District and paying the following annual fees:

301.1 SCHEDULE OF FEES: Each Agricultural Burn Permit shall be subject to ~~the following a base fees of \$30.00 pursuant to Section 41512.5 of the California Health and Safety Code and the following additional acreage fees:~~

a. Base Fee (paid at the time of application):

<u>Current</u>	<u>Effective 1/1/2023</u>	<u>Effective 1/1/2024</u>	<u>Effective 1/1/2025</u>	<u>Effective 1/1/2026</u>
<u>\$30</u>	<u>\$40</u>	<u>\$50</u>	<u>\$60</u>	<u>\$70</u>

b. Billable acreage fees (paid at the end of the calendar year):

	<u>Current</u>	<u>Effective 1/1/2023</u>	<u>Effective 1/1/2024</u>	<u>Effective 1/1/2025</u>	<u>Effective 1/1/2026</u>
<u>Prunings</u>	<u>\$0.85</u>	<u>\$1.25</u>	<u>\$1.50</u>	<u>\$1.75</u>	<u>\$2.00</u>
<u>Field crop stubble</u>	<u>\$1.25</u>	<u>\$1.50</u>	<u>\$2.00</u>	<u>\$3.00</u>	<u>\$4.00</u>
<u>Rice stubble</u>	<u>\$1.50</u>				
<u>Miscellaneous</u>	<u>\$1.00</u>				
<u>Orchard/vineyard removal</u>		<u>\$4.00</u>	<u>\$6.00</u>	<u>\$8.00</u>	<u>\$10.00</u>

c. Additional Burn Site Fee: \$50 for each Burn Site (after the first site); and

d. Additional Burn Fee: \$20 for each actual burn that occurs after the first 5 burns per permit per calendar year.

~~a. Field crop stubble, including, but not limited to wheat, corn, safflower, oats, and barley: \$1.25 per acre burned.~~

~~b. Rice stubble: \$1.50 per acre burned, fee includes costs for administration of the Rice Straw Burning Phasedown Regulation.~~

~~c. Orchard prunings: \$.85 per acre burned.~~

~~d. Miscellaneous burning, including, but not limited to: reclamation district levees, wildland vegetation management burning, range management burning, or fallow fields that are not subject to Sections 301.1.a, 301.1.b, or 301.1.c of this Rule: \$1.00 per acre burned. Wildland vegetation management burning on land owned by the State of California or the federal government shall be exempted from the requirements of this Rule.~~

~~e. Roadways, fencelines, irrigation ditches, and field borders shall be considered part of the acreage permitted.~~

~~301.2f. The above fees include the costs imposed by the Sacramento Valley Basinwide Air Pollution Control Council (BCC) of up to \$5.00 per permit. If the BCC fees increase, the Base Fee will increase by the corresponding amount.~~

400 ADMINISTRATIVE REQUIREMENTS

401 **ANNIVERSARY DATE:** An Agricultural Burning Permit issued pursuant to District Rule 4.2 will be valid from January 1 through December 31 of the calendar year in which it is issued.

402 **WAIVER OF FEES:** Notwithstanding Section 301 above, the Air Pollution Control Officer may waive the fees required by this Rule when the waiver of such fees would be in the public interest and in the best interest of the Air Quality Management District.

~~403 **NONPAYMENT OF FEES:** At the beginning of each calendar year the permit holder will be notified of the fees due from the previous year (for acreage and per burn fees) and the date the fees are due. If the fees are not paid by the specified due date, the District shall assess a penalty of not more than 50% of the fee due, but in an amount sufficient, in the District's determination, to pay the District's additional expenses incurred by the permittee's non-compliance. The permittee shall be notified of the fee and penalty. If the fee and penalty are not paid within 30 days after notice, any future permits may be withheld and the permittee will be notified. Withheld permits may be reinstated by payment of the applicable permit fee plus penalties.~~

ATTACHMENT B

NOTICE OF EXEMPTION FROM CEQA GUIDELINES

ATTACHMENT C

RESOLUTION NO. 22-12

RESOLUTION NO. 22-12

RESOLUTION AMENDING YOLO-SOLANO AIR QUALITY MANAGEMENT DISTRICT RULE 4.2

WHEREAS, California Health and Safety Code section 40702 provides that an air quality management district shall adopt rules and regulations as may be necessary or proper to execute the powers and duties granted to, and imposed upon, the district by Division 26 of the Health and Safety Code; and

WHEREAS, Health and Safety Code section 40727 provides that before adopting, amending, or repealing a rule or regulation, a district board shall make findings of necessity, authority, clarity, consistency, nonduplication, and reference, based upon information developed pursuant to section 40727.2, information in the rulemaking record maintained pursuant to section 40728, and relevant information presented at the public hearing required by section 40725; and

WHEREAS, section 15273 of the CEQA Guidelines provides that modification of rates charged by public agencies for the purpose of meeting operating expenses are statutorily exempt from CEQA review; and

WHEREAS, Yolo-Solano Air Quality Management District staff identified the need to increase fees within Rule 4.2 – PERMIT FEES – AGRICULTURAL BURNING to improve program cost recovery.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Yolo-Solano Air Quality Management District hereby finds, authorizes, directs and declares as follows:

1. The Board of Directors has considered and hereby adopts by reference the staff reports prepared in this matter.
2. The Board of Directors makes the following findings pursuant to Health and Safety Code section 40727:
 - a. Necessity: Information in the District’s rulemaking record maintained pursuant to Health and Safety Code section 40728 demonstrates a need for amending District Rule 4.2;
 - b. Authority: Health and Safety Code section 40702 permits the District to amend District Rule 4.2;
 - c. Clarity: District Rule 4.2 as amended is written so that its meaning can be easily understood by the persons directly affected by it;
 - d. Consistency: District Rule 4.2 as amended is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations;
 - e. Nonduplication: District Rule 4.2 as amended does not impose the same

requirements as an existing state or federal regulation;
f. Reference: By adopting District Rule 4.2, the District meets the requirements of Health & Safety Code Sections 40702.

3. The Board of Directors finds that the District has complied with the procedural requirements set forth in Chapters 6 and 6.5 of Part 3 of Division 26 of the Health and Safety Code.
4. The Board of Directors finds that amending District Rule 4.3 is the modification of rates charged for the purpose of meeting operating expenses and is therefore statutorily exempt from CEQA review.
5. The Board of Directors hereby amends District Rule 4. 2 as set forth in Exhibit 1 (Attachment A of the Staff Report), which is attached and incorporated by reference. The amendment is effective September 14, 2022.

PASSED AND ADOPTED by the Board of Directors of the Yolo-Solano Air Quality Management District this 14h day of September, 2022, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Ronald Kott, Chair Board of Directors
Yolo-Solano Air Quality Management District

Attest:

Approved as to Form:

Denise Almaguer, Clerk
Board of Directors

Hope Welton, District Counsel

ATTACHMENT D
COMMENTS RECEIVED



Yolo County Farm Bureau

69 W Kentucky Avenue, Woodland CA 95695
 P O Box 1556, Woodland CA 95776
 530.662.6316 O * 530.662.8611 F
 www.yolofarmbureau.org

PRESIDENT
 Nancy Lea
 VICE PRESIDENT
 Joe F. Martinez
 2nd VICE PRESIDENT
 Garrett Driver
 SECRETARY/TREASURER
 Denise Sagara

March 5, 2018

Yolo-Solano Air Quality Management District
 ATTN: Mat Ehrhardt
 1937 Galileo Court
 Davis, CA 95618

RE: Proposal to Increase Ag Burn Permit Fees

Dear Mat;

Thank you for the opportunity to work with the Air District as you strive to implement a reasonable and fair increase in fees for the annual Agricultural Burn Permit.

The District Needs to Update the System

The current method is time consuming both for growers and for District staff. It required growers to call, leave a message and then wait for a call. This system is inefficient and outdated. The District returns calls mid-morning when growers have transitioned to other projects. We suggest using a website that growers can check in the morning. This would allow growers to know early whether they can plan on a burn day. If email is an alternative, growers could email your office when they want to burn and a response could quickly be returned. This should reduce or eliminate time spent on phone calls.

Applications

We suggest changing the Burn Permit application so each individual burn site is listed, and charge a fee for each site. This will help the District identify correct burn locations, and also identify unpermitted burns. The District could continue to charge a nominal per/acre fee for the actual acres burned. Fees for fence line burns and reclamation levee burn fees structures should remain the same, as would rice and wheat stubble burns.

Ag Burn Permits are Available 7 Days per Week (if it's a burn day)

Growers currently can call for a burn 7 days per week. How is your office structured to pay the staff on weekends? How many weekend burns are requested? We are open to discussion about this, however, we all realize that occasionally weather may only bring us weekend burn days. How many ag burn days are on Sunday?

Charging by the entire acreage of an orchard DOES NOT work for the following reasons

Charging fees by the entire acreage encompassed by an orchard does not correctly reflect burn requirements. Growers are able to chip much of the smaller limbs, eliminating the need to burn. Orchards are not pruned every year and sometimes only portions of the orchards are pruned.

Prunings

There is a range of pruning intensity which impacts the amount of prunings requiring disposal. Larger limbs or entire treed need to be burned, they cannot be chipped. Diseased wood MUST be burned (BOT, canker, scale, etc) to prevent spread of the disease.

Chipping

Chipping is an important management decision that needs to remain at grower discretion. Chipping is not part of the burn program as the material is spread throughout the orchard floor. Growers may not have access to adequate chipping equipment in order to handle pruning disposal in a timely manner; and if growers are trying to minimize existing BOT they may conclude that they have to burn.

Rural Residential Burns

Any and all costs associated with rural residential burns should not be allocated to the Ag Burn Program. Rural residential burns contribute to any air pollution but ag is not responsible for that pollution and should not be expected to pay for it.

Staff Position

We have carefully looked over the information submitted by the District on costs the staff attributes to this program and have concerns. As noted above, the program could be run much more efficiently. The District reports staff time of 1.7 full-time staff for this position = \$135,154 per year. We request a very detailed description of costs for this staff position.

- 1) Is the office actually open Saturdays & Sundays, or how does this work?
- 2) How much overtime is paid (hours and dollar amounts)?
- 3) After finding out the day isn't a burn day, what does staff person do for the rest of the day?
- 4) We understand calls regarding burn days close at 11:30 a.m. What are the other functions for this staff person after 11:30 am?
- 5) How much time is required to:
 - a) look up the source of Burn Permit Information (whether or not it's a burn day)
 - b) make a list of who called and returns calls or faxes
- 6) What reports are required and how much time does it take to complete each?
- 7) How much time is spent processing Annual Renewal applications?
- 8) How are the burns inspected?
- 9) How often are onsite inspections made?
- 10) What is the estimated time for each inspection?
- 11) What reports are generated after an inspection?
- 12) How many burn days were there in 2017?

Thank you for providing this information. It will help us understand the basis for the fees being requested.

Suggested Increase to Burn Permit Base Fee

\$ 30 current fee

An annual \$10 increase cap, capped at \$70

\$ 50 for each additional Burn Site

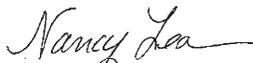
Each burn site has a to-be-determined number of allowable burns without additional charge

We suggest 5 as an appropriate number of allowable burns

\$ 20 for each additional burn over the included number of allowable burns

We appreciate this opportunity to provide you with our input and we are very willing to provide further information and assistance in order to reach a mutually workable conclusion.

Sincerely,



Nancy Lea
President