

Rule 421 - Summary of Key Proposed Changes

Staff Recommendation:

Prohibit burning, except for burning in EPA certified stoves and pellet stoves, when fine particle pollution concentrations are projected to exceed $31 \mu\text{g}/\text{m}^3$ but will not exceed $35 \mu\text{g}/\text{m}^3$. Prohibit all burning when fine particle pollution concentrations are forecast to exceed $35 \mu\text{g}/\text{m}^3$. Rule 421 currently prohibits burning, except for burning in EPA certified stoves and pellet stoves, when concentrations are forecast to exceed $35 \mu\text{g}/\text{m}^3$ and all burning when concentrations are forecast to exceed $40 \mu\text{g}/\text{m}^3$.

Studies show that Rule 421, if not changed, results in an average of 23 days per year when burning is prohibited, called No Burn days, and avoided 13 unhealthful air days during the 2008/2009 burn season. The recommended change will add approximately 5 more No Burn days to the 4-month season and provide additional health benefits on those days.

The Board of Directors may instead choose to adopt any one of the options and/or to include a contingency provision as described below.

Option A.1 or A.2

Prohibit all burning when fine particle pollution concentrations are forecast to exceed $30 \mu\text{g}/\text{m}^3$. These options do not include special provisions or exemptions for EPA certified wood stoves or pellet fueled devices. Under Option A.1, continue to request that citizens of Sacramento County voluntarily choose not to burn when fine particle concentrations are forecast to exceed $25 \mu\text{g}/\text{m}^3$. Under Option A.2, request that citizens of Sacramento County voluntarily choose not to burn when fine particle concentrations are forecast to exceed $20 \mu\text{g}/\text{m}^3$. These options would result in approximately 8 additional No Burn days and provide additional health benefits on those days.

Option B

Prohibit burning, except for burning in EPA certified stoves and pellet stoves, when fine particle pollution concentrations are projected to exceed $25 \mu\text{g}/\text{m}^3$ but will not exceed $30 \mu\text{g}/\text{m}^3$. Prohibit all burning when fine particle pollution concentrations are forecast to exceed $30 \mu\text{g}/\text{m}^3$. In addition, request that citizens of Sacramento County voluntarily choose not to burn when fine particle concentrations are forecast to exceed $20 \mu\text{g}/\text{m}^3$. Currently, Rule 421 requests voluntary burning reductions when concentrations are forecast to exceed $25 \mu\text{g}/\text{m}^3$. This option would result in approximately 21 additional No Burn days and provide additional health benefits on those days.

Contingency Option

In the event that Sacramento does not meet the federal health standards by the required deadlines, either 2015 or 2019, reduce the threshold for calling No Burn days. The lower threshold would prohibit all burning when fine particle pollution concentrations are forecast to exceed $20 \mu\text{g}/\text{m}^3$. In addition, the voluntary curtailment threshold would be set at $15 \mu\text{g}/\text{m}^3$.

Amended rule language implementing administrative change

402.1 For first-time violations, the person shall pay an administrative civil penalty of \$50 or shall ~~complete and pass~~attend a wood smoke awareness course that has been approved by the Air Pollution Control Officer.

Amended rule language implementing Staff's Recommended Option

301 **MANDATORY CURTAILMENT:** The requirements of this section shall be in effect during the burning season.

301.1 No person may have a fire or operate a wood burning device when a Mandatory Curtailment is in effect.

301.2 The Air Pollution Control Officer will declare a Stage 1 Mandatory Curtailment whenever he or she determines that the 24-hour average PM2.5 concentration may exceed ~~31~~³⁵ $\mu\text{g}/\text{m}^3$ but is not likely to exceed ~~35~~⁴⁰ $\mu\text{g}/\text{m}^3$.

301.3 The Air Pollution Control Officer will declare a Stage 2 Mandatory Curtailment whenever he or she determines that the 24-hour average PM2.5 concentration may exceed ~~35~~⁴⁰ $\mu\text{g}/\text{m}^3$.

302 **VOLUNTARY CURTAILMENT:** The requirements of this section shall be in effect during the burning season.

302.1 The Air Pollution Control Officer will declare a Voluntary Curtailment whenever he or she determines that the 24-hour average PM2.5 concentration may exceed $25 \mu\text{g}/\text{m}^3$ but is not likely to exceed ~~31~~³⁵ $\mu\text{g}/\text{m}^3$.

Amended rule language implementing Option A.1

301 **MANDATORY CURTAILMENT:** The requirements of this section shall be in effect during the burning season.

301.1 No person may have a fire or operate a wood burning device when a Mandatory Curtailment is in effect.

~~301.2 The Air Pollution Control Officer will declare a Stage 1 Mandatory Curtailment whenever he or she determines that the 24-hour average PM2.5 concentration may exceed $35 \mu\text{g}/\text{m}^3$ but is not likely to exceed $40 \mu\text{g}/\text{m}^3$.~~

301.~~2~~³ The Air Pollution Control Officer will declare a ~~Stage 2~~ Mandatory Curtailment whenever he or she determines that the 24-hour average PM2.5 concentration may exceed ~~30~~⁴⁰ $\mu\text{g}/\text{m}^3$.

302 **VOLUNTARY CURTAILMENT:** The requirements of this section shall be in effect during the burning season.

302.1 The Air Pollution Control Officer will declare a Voluntary Curtailment whenever he or she determines that the 24-hour average PM2.5 concentration may exceed $25 \mu\text{g}/\text{m}^3$ but is not likely to exceed ~~30~~³⁵ $\mu\text{g}/\text{m}^3$.

Remove Sections 115, 116, 208 and 209. Renumber Section 210 to 208 and 211 to 209.

Amended rule language implementing Option A.2

301 **MANDATORY CURTAILMENT:** The requirements of this section shall be in effect during the burning season.

301.1 No person may have a fire or operate a wood burning device when a Mandatory Curtailment is in effect.

~~301.2 The Air Pollution Control Officer will declare a Stage 1 Mandatory Curtailment whenever he or she determines that the 24-hour average PM2.5 concentration may exceed 35 µg/m³ but is not likely to exceed 40 µg/m³.~~

301.2~~3~~ The Air Pollution Control Officer will declare a ~~Stage 2~~ Mandatory Curtailment whenever he or she determines that the 24-hour average PM2.5 concentration may exceed ~~30~~40 µg/m³.

302 **VOLUNTARY CURTAILMENT:** The requirements of this section shall be in effect during the burning season.

302.1 The Air Pollution Control Officer will declare a Voluntary Curtailment whenever he or she determines that the 24-hour average PM2.5 concentration may exceed ~~20~~25 µg/m³ but is not likely to exceed ~~30~~35 µg/m³.

Remove Sections 115, 116, 208 and 209. Renumber Sections 210 to 208 and 211 to 209.

Amended rule language implementing Option B

301 **MANDATORY CURTAILMENT:** The requirements of this section shall be in effect during the burning season.

301.1 No person may have a fire or operate a wood burning device when a Mandatory Curtailment is in effect.

301.2 The Air Pollution Control Officer will declare a Stage 1 Mandatory Curtailment whenever he or she determines that the 24-hour average PM2.5 concentration may exceed ~~25~~35 µg/m³ but is not likely to exceed ~~30~~40 µg/m³.

301.3 The Air Pollution Control Officer will declare a Stage 2 Mandatory Curtailment whenever he or she determines that the 24-hour average PM2.5 concentration may exceed ~~30~~40 µg/m³.

302 **VOLUNTARY CURTAILMENT:** The requirements of this section shall be in effect during the burning season.

302.1 The Air Pollution Control Officer will declare a Voluntary Curtailment whenever he or she determines that the 24-hour average PM2.5 concentration may exceed ~~20~~25 µg/m³ but is not likely to exceed ~~25~~35 µg/m³.

Additional rule language implementing Contingency Option with either Staff Recommendation or Option B

301.4 **CONTINGENCY MANDATORY CURTAILMENT:** Notwithstanding Sections 301.2 and 301.3, effective on and after sixty days following the effective date of the U.S. EPA final rulemaking that the Sacramento federal PM2.5 nonattainment area has failed to attain the 2006 PM2.5 National Ambient Air Quality Standards by the applicable deadline, the Air Pollution Control Officer will declare a Stage 2 Mandatory Curtailment whenever he or she determines that the 24-hour average PM2.5 concentration may exceed 20 µg/m³.

302.2 **CONTINGENCY VOLUNTARY CURTAILMENT:** Not withstanding Section 302.1, effective on and after sixty days following the effective date of the U.S. EPA final rulemaking that the Sacramento federal PM2.5 nonattainment area has failed to attain the 2006 PM2.5 National Ambient Air Quality Standards by the applicable deadline, the Air Pollution Control Officer will declare a Voluntary Curtailment whenever he or she determines that the 24-hour average PM2.5 concentration may exceed 15 $\mu\text{g}/\text{m}^3$ but is not likely to exceed 20 $\mu\text{g}/\text{m}^3$.

Additional rule language implementing Contingency Option with Option A.1 or A.2

301.3 **CONTINGENCY MANDATORY CURTAILMENT:** Not withstanding Section 301.2, effective on and after sixty days following the effective date of the U.S. EPA final rulemaking that the Sacramento federal PM2.5 nonattainment area has failed to attain the 2006 PM2.5 National Ambient Air Quality Standards by the applicable deadline, the Air Pollution Control Officer will declare a Mandatory Curtailment whenever he or she determines that the 24-hour average PM2.5 concentration may exceed 20 $\mu\text{g}/\text{m}^3$.

302.2 **CONTINGENCY VOLUNTARY CURTAILMENT:** Not withstanding Section 302.1, effective on and after sixty days following the effective date of the U.S. EPA final rulemaking that the Sacramento federal PM2.5 nonattainment area has failed to attain the 2006 PM2.5 National Ambient Air Quality Standards by the applicable deadline, the Air Pollution Control Officer will declare a Voluntary Curtailment whenever he or she determines that the 24-hour average PM2.5 concentration may exceed 15 $\mu\text{g}/\text{m}^3$ but is not likely to exceed 20 $\mu\text{g}/\text{m}^3$.

Remove Sections 115, 116, and 209. Renumber Sections 210 to 209 and 211 to 210.