

South Coast Air Quality Management District
Notice of Public Consultation Meeting

**PROPOSED AMENDED RULE
445 -WOOD BURNING DEVICES**

Wednesday, September 30, 2020
1:00 PM

<https://scaqmd.zoom.us/j/95056933140>

Meeting ID: 950 5693 3140

To participate by phone or for audio by phone, dial:
+1 (669) 900-6833

The public will be allowed to provide public comment through telephone or Zoom connection
(Please note if the Zoom meeting link provided does not work, copy the link into web browser, or directly enter the meeting ID into the Zoom web or mobile application)

Purpose of This Meeting

The South Coast Air Quality Management District (South Coast AQMD) has scheduled a public consultation meeting to present and solicit information and suggestions from the public regarding Proposed Amended Rule (PAR) 445 – Wood Burning Devices. PAR 445 is scheduled for a Public Hearing before the South Coast AQMD Governing Board on October 27, 2020.

South Coast AQMD staff recognizes the challenges businesses and other stakeholders are experiencing due to COVID-19 and seeks to be consistent with Governor Newsom’s Executive Order N-29-20 (March 18, 2020). To ensure we are practicing safe social distancing, the public consultation meeting will only be conducted via video conferencing (Zoom) which can be accessed via your computer or smart phone. Alternatively, stakeholders can phone in to participate. We understand that this is not the same as a face to face public meeting; however, staff will take the time to listen to comments from all stakeholders.

Rule Background

Rule 445 applies to persons that manufacture, sell, or install a wood-burning device; commercial firewood sellers that sell or supply wood or other wood-based fuels for burning in a wood-burning device; and any property owner or tenant that operates a wood-burning device. A wood-burning device includes fireplaces, wood-burning heaters, and similar permanently installed, indoor or outdoor device for burning wood-based fuel.

Rule 445 requires mandatory wood-burning curtailment on days where ambient concentrations of fine particulate matter (PM 2.5) are forecast to exceed the allowable rule standard (No-Burn days). On No-Burn days the operation of any wood-burning device is prohibited. Exemptions exist for low income households, where the device is the sole source of heating, geographic elevations 3,000 or more feet above mean sea level, and ceremonial fires. Provisions regarding the use of fire rings/pits are covered by Rule 444 – Open Burning. Rule 445 was amended on June 5, 2020 to make all No-Burn days Basin-wide and to add contingency measures automatically lowering the forecast threshold based on a failure to attain or comply with the federal Clean Air Act PM2.5 requirements/standards by the applicable due date.

Objective of Proposed Rule Amendments and Proposed Rule

Proposed amendments to Rule 445 will satisfy U.S. EPA contingency measure requirements due by October 31, 2020 for the South Coast Air Basin (SCAB) which is classified as an extreme non-attainment area for ozone. The proposed amendments would include addition of an ozone-based No-Burn day forecast for the SCAB, effective September 1 through April 30. The ozone threshold for No-Burn days would be incrementally lowered automatically for each subsequent final determination by the U.S. EPA of a failure to meet an applicable Clean Air Act milestone. PM2.5 rule provisions will remain unchanged, including calling No-Burn days only from November 1 through the end of February. Other minor amendments include revisions/additions to the definition for terms used in the rule and revisions to improve clarity/rule implementation.

California Environmental Quality Act

Pursuant to the California Environmental Quality Act (CEQA) and South Coast AQMD's Certified Regulatory Program (Public Resources Code Section 21080.5, CEQA Guidelines Section 15251(l), and South Coast AQMD Rule 110), the South Coast AQMD, as lead agency for the proposed project, has reviewed PAR 445 pursuant to CEQA Guidelines Sections 15002(k) and 15061. The proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed project may have a significant adverse effect on the environment. In addition, the proposed project is categorically exempt because it is considered an action to protect or enhance the environment pursuant to CEQA Guidelines Section 15308. Further, there is no substantial evidence indicating that any of the exceptions to the categorical exemption apply to the proposed project pursuant to CEQA Guidelines Section 15300.2. If the proposed project is approved, the Notice of Exemption will be filed with the appropriate agency(ies) for posting.

All CEQA questions may be directed to:

Ryan Banelos
Planning, Rule Development and Area Sources, CEQA Section
South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765
Email: rbanuelos@aqmd.gov
Phone: (909) 396-3479

Available Supporting Documents

The following supporting documents will be available on or before 5:00 PM on Friday, September 25, 2020:

- Proposed Amended Rule 445; and
- Draft Staff Report for Proposed Amended Rule 445

To Obtain Copies of the Above Documents

Copies of the proposed amended rule and the draft staff report will be available on or before the public consultation meeting and may be obtained from:

Fabian Wesson
Public Information Center
PICrequests@aqmd.gov or by calling (909) 396-2039

The documents will also available for download from the SCAQMD website on or before 5:00 PM on Friday, September 25, 2020: <http://www.aqmd.gov/home/regulations/rules/proposed-rules>

Americans with Disabilities Act and Language Accessibility

Disability and language-related accommodations can be requested to allow participation in the public consultation meeting. The agenda will be made available, upon request, in appropriate alternative formats to assist persons with a disability (Gov't Code Section 54954.2(a)). In addition, other documents may be requested in alternative formats and languages. Any disability or language-related accommodation must be requested as soon as practicable. Requests will be accommodated unless providing the accommodation would result in a fundamental alteration or undue burden to the District. Please contact George Wu at (909) 396-2533 from 7:00 a.m. to 5:30 p.m., Tuesday through Friday, or send the request to gwu@aqmd.gov.

Submission of Documents or Comments

You are invited to attend the meeting electronically by Zoom or telephone. Instructions on how to participate can be found on page 1 of this notice. You may also send comments, documents, or other relevant information to:

Henry Pourzand
Planning, Rule Development and Area Sources
South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765
Email: hpourzand@aqmd.gov
Phone: (909) 396-2414

Written comments on this proposed amended rule should be submitted by October 13, 2020.