MEETING: March 22, 2016

TO: The Board of Supervisors

FROM: Mary Hodson, CAO

RE: Amending Regulation III of the Air Pollution Control District

RECOMMENDATION AND JUSTIFICATION:
Approve Amending Air Pollution Control District Regulation III by Removing Specific Words from Rule 300 (K) and Adding Subsection H to Rule 308. The following amendments to Regulation III are as follows:

Amend rule 300 (K) by removing the words, "paper, cloth, cardboard" from the existing rule to be consistent with State law that no longer allows these items to be burned.

Add subsection H to Rule 308 that reads: H) The disposal by a City, County, State or Federal agency of non-industrial wood waste from trees, vines and brush by open burning at sites located above 1,500 feet elevation mean sea level will be allowed. Burning under this subdivision requires a permit from the Air Pollution Control Officer, approval by the Air Resources Board, and is further subject to the conditions specified in Section 41803, 41804 and 41804.5 of the Health and Safety Code.

Existing law Health & Safety Code (H&SC) 41802 and District Rule 308 only allow the burning of wood waste from trees, vines and brush that grew on the property where the burning is occurring. Existing law, H&SC 41804.5 allows Air Pollution Control Districts, with the California Air Resources Board's approval, to permit designated sites within the district where non-industrial wood waste from trees, vines and brush may be disposed of by open burning. Currently there are no approved sites in Mariposa County where such wood waste can be disposed of by open burning. By permitting various sites around the county where wood waste that cannot be treated onsite, can be disposed of by open burning we create additional options for home owners, businesses and government agencies to dispose of wood waste caused by the drought and the associated tree die off.

Attached is a map that indicates possible designated sites.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
Regulation III Open Burning was adopted by the Mariposa County Air Pollution Control District Board on September 2, 1979 in resolution 79-01.

Regulation III Open Burning was amended by the Mariposa County Air Pollution Control
Air Pollution Control District 2016-3

District Board on July 19, 1988 in resolution 88-1.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not amend Regulation III, rule 300 (K) by removing the words, "paper, cloth, cardboard" from the existing rule and approving the addition of subsection H to Air Pollution Control District Rule 308. The District rules will be in conflict with State law and regulations as State law no longer allows these items to be burned and off site burning of wood waste in Mariposa County will continue to be a violation of District Rules and State Law.

ATTACHMENTS:
REGULATION III   (PDF)
160314LogDeckLocationsDRAFT   (PDF)
APCD 1988-01   (PDF)

CAO RECOMMENDATION
Requested Action Recommended

Mary Hodson
Mary Hodson, CAO 3/17/2016

RESULT:   ADOPTED [UNANIMOUS]
MOVER:   John Carrier, District V Supervisor
SECONDER:   Kevin Cann, District IV Supervisor
AYES: Smallcombe, Jones, Long, Cann, Carrier