

**North Coast Unified  
Air Quality Management District**  
707 L Street, Eureka, CA 95501  
(707) 443-3093  
[www.ncuaqmd.org](http://www.ncuaqmd.org)



**Meeting of the  
North Coast Unified Air Quality Management District  
Governing Board of Directors**

Thursday, November 9, 2023 at 10:00 a.m.,  
NCUAQMD District Office  
707 L Street, Eureka, CA 95501

**AGENDA**

- |           |                                       |                    |
|-----------|---------------------------------------|--------------------|
| <b>1.</b> | <b>10:00 A.M. Call to Order</b>       | <b>Board Chair</b> |
| <b>2.</b> | <b>Roll Call</b>                      | <b>Clerk</b>       |
| <b>3.</b> | <b>Changes or Deletions to Agenda</b> | <b>Board Chair</b> |

**CONSENT AGENDA**

- |            |  |                    |
|------------|--|--------------------|
| <b>4.</b>  | <b>Consider Approving the Consent Agenda, Items for action, 4.1 through 4.3:</b> The Board may approve the Consent Agenda by single motion in whole or in part with or without further discussion.<br><u>Action Requested:</u> Approve Consent Agenda Items 4.1 through 4.3. | <b>Board Chair</b> |
| <b>4.1</b> | By Consent, Approve Minutes of July 20, 2023 Board Meeting   |                    |
| <b>4.2</b> | By Consent, Accept and File District Activity Report   |                    |
| <b>4.3</b> | By Consent, Approve OE3 Successor MOU, 2023-2024   |                    |

## REGULAR AGENDA

- |            |  |                            |
|------------|--|----------------------------|
| <b>5.</b>  | <b>Closed Session: Conference for Labor Negotiations</b><br>a. Personnel Performance Evaluation, APCO - Pursuant to Gov't. Code sec. 54957, and<br>b. Labor Negotiations, Unrepresented Employee, APCO - Pursuant to Gov't Code sec. 54957.6 | Board Chair                |
| <b>6.</b>  | <b>Public Comment Period</b> (pursuant to Government Code section 54954.3(a))  | Board Chair                |
| <b>7.</b>  | <b>Calendar of Meetings for 2024</b><br><u>Action Requested:</u> Adopt Calendar of Meetings for 2024   | APCO                       |
| <b>8.</b>  | <b>Discuss Stakeholder Comments Regarding District Burn Permit &amp; Smoke Management Program</b><br><u>Action Requested:</u> Received Presentation and Provide Direction  | APCO                       |
| <b>9.</b>  | <b>Board Member Reports</b>  | Board Chair<br>Board Chair |
| <b>10.</b> | <b>Adjournment</b>   |                            |

*The meeting rooms are ADA accessible. Accommodations and access to NCUAQMD meetings for people with special needs must be requested of the Clerk in advance of the meeting.*

# Agenda Item: 1

## Call to Order

# Agenda Item: 2

## Roll Call

Agenda Item: 3  
Changes & Deletions  
to the Agenda

# Agenda Item: 4

## Consent Agenda

# Agenda Item: 4.1

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**Minutes of the Special Meeting of the North Coast  
Unified Air Quality Management District Governing  
Board of Directors Meeting of  
July 20, 2023**

The meeting was called to order by Chair Chris Howard at 10:02 AM at the NCUAQMD District Office: 707 L Street, Eureka, CA.

The meeting location was made available to the public.

**MEMBERS PRESENT:**

Dan Frasier	Trinity County Supervisor
Chris Howard	Del Norte County Supervisor
Alexandra Stillman	City of Arcata Councilmember
Mike Wilson	Humboldt County Supervisor

**MEMBERS ABSENT:**

Rex Bohn	Humboldt County Supervisor
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**STAFF PRESENT:**

Brian Wilson	APCO
Jason Davis	Deputy APCO
Penny Costa	Financial & Admin Services Manager
Erin Squire	Clerk of the Board

**OTHERS PRESENT:**

Nancy Diamond	District Counsel
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**Agenda Item 1: Call to Order**

**Agenda Item 2: Roll Call**

**Agenda Item 3: Changes or Deletions to the Agenda**

There were no changes or deletions to the Agenda.

**Agenda Item 4: Consider Approving the Consent Agenda**

4.1: Approve Minutes of the May 18, 2023 Board Meeting

4.2: By Consent, Accept and File District Activity Report

4.3: By Consent, Accept and File APCO Personnel Evaluation and APCO Employment Contract



Supervisor Wilson joined the meeting at 10:04 AM

Supervisor Howard requested Item 4.3, *By Consent, Accept and Fiel APCO Personnel Evaluation and APCO Employment Contract*, be pulled from the Agenda and moved to the next meeting.

A motion offered by Councilmember Stillman duly seconded by Supervisor Wilson to Adopt Consent Agenda Items 4.1 and 4.2, is hereby APPROVED by the North Coast Unified Air Quality Management District Board of Directors on this 20<sup>th</sup> day of July 2023, by the following votes:

UNANMIOUS PASS by the following vote:

Ayes:	Supervisor Frasier, Supervisor Howard, Councilmember Stillman, and Supervisor Wilson (4)
Nays:	None (0)
Abstain:	None (0)
Absent:	Supervisor Bohn (1)

There was no public comment.

#### **Agenda Item 5: Public Comment**

There was no public comment

#### **Agenda Item 6 Adoption of Post-Employment Benefits Trust**

Staff provided the Board a brief update and background on this item.

Mitch Barker from PARS, provided a presentation on the Section 115 Trust for OPEB Prefunding Program and Pension Rate Stabilization Program (PRSP).

A motion offered by Supervisor Wilson, duly seconded by Councilmember Stillman to Adopt Resolution 2023-4 Authorizing Participation in the PARS Post-Employment Benefits Trust Program by Public Agency Retirement Services (PARS) and U.S. Bank, Appointing the District's Air Pollution Control Officer (APCO) as the District's Plan Administrator, and Authorizing the APCO to Execute the Documents to Implement the Program, is hereby APPROVED by the North Coast Unified Air Quality Management District Board of Directors on this 20<sup>th</sup> day of July 2023, by the following votes:

UNANMIOUS PASS by the following vote:

Ayes:	Supervisor Frasier, Supervisor Howard, Councilmember Stillman, and Supervisor Wilson (4)
Nays:	None (0)
Abstain:	None (0)
Absent:	Supervisor Bohn (1)

There was no public comment. Presentation slides are attached

#### **Agenda Item 7: Reauthorization of Burn Barrel Exemptions**

Staff presented background information on current Burn Barrel Exemptions. Board members discussed implications and options for approving and not approving the resolution. Supervisor

Wilson put forth the motion with the direction for Staff to continue to investigate options with CARB to reduce the loss of exemption status for the impacted areas. A Roll Call vote was requested.

A motion offered by Supervisor Wilson, duly seconded by Councilmember Stillman, to Approve Resolution 2023-5 Requesting CARB Designate Specific Areas within the District as Exempt from the State’s Residential Open Burning ATCM Prohibition on Burn Barrels is hereby APPROVED by the North Coast Unified Air Quality Management District Board of Directors on this 20<sup>th</sup> day of July 2023, by the following Roll Call votes:

PASS by the following Roll Call vote:

Supervisor Bohn	Absent
Supervisor Howard	Nay
Councilmember Stillman	Aye
Supervisor Frasier	Aye
Supervisor Wilson	Aye

There was no public comment.

**Agenda Item 8: Accept CARB Woodsmoke Program (YR3) Grant Agreement and Approve Funding in FY 2023-24 Budget**

A motion offered by Supervisor Wilson, duly seconded by Councilmember Fraiser, Adopt Resolution 2023-6 Authorizing APCO to Enter into the CARB Woodsmoke Reduction Program YR3 Grant Agreement, and to Include These Grant Funds in the FY2023-24 Operating Budget, is hereby APPROVED by the North Coast Unified Air Quality Management District Board of Directors on this 20<sup>th</sup> day of July 2023, by the following votes:

UNANMIOUS PASS by the following vote:

Ayes:	Supervisor Frasier, Supervisor Howard, Councilmember Stillman, and Supervisor Wilson (4)
Nays:	None (0)
Abstain:	None (0)
Absent:	Supervisor Bohn (1)

There was no public comment.

Board Chair Howard requested Agenda Item 9 and 10 *Closed Session: Conference for Labor Negotiations*, be moved to the end of the meeting.

**Agenda Item 11: APCO Report**

There APCO reported out on the following:

- CARB Prescribed Fire Grant Funds Received for 2023
- CAL FIRE \$20 Million Prescribed Fire Liability Fund
- Wildfire Information/ Fire & Smoke Mapping tool

**Agenda Item 12: Board Member Reports**

There were no Board Member reports

**Agenda Item 9: Closed Session: Conference for Labor Negotiations**

- a) Discussion concerning OE3 labor negotiations pursuant to Government code 54947.6  
Representing District: APCO and District Counsel

The Board adjourned to Closed Session at 11:30 AM and adjourned the meeting upon completion of Agenda Item 10 at 11:42 AM.

**Agenda Item 10: Report Out from Closed Session**

There was no report out from Closed Session

There was no public comment.

**Agenda Item 13: Adjournment**

The Governing Board Meeting was adjourned at 11:42 AM.

Clerk of the Board Certification:

I hereby certify the foregoing to be a full, true, and correct original record of the above-entitled meeting of the North Coast Unified Air Quality Management District Board of Directors held at the above date and time.

DocuSigned by:  
*Erin Squire*  
22JUC6ED1WF1281N  
ERIN SQUIRE  
Clerk of the Board

11/6/2023 | 1:29 PM PST  
Date


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**PARS**  
TRUSTED SOLUTIONS. LASTING RESULTS.

**NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT**  
PARS 115 Trust – OPEB Prefunding Program & Pension Rate Stabilization Program (PRSP)  
July 20, 2023


## CONTACTS




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NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT | 2

## PARS 115 TRUST TEAM

Trust Administrator & Consultant



- Serves as record-keeper, consultant, and central point of contact
- Sub-trust accounting
- Coordinates all agency services

- Monitors plan compliance (IRS/GASB/State Government Code)
- Processes contributions/disbursements
- Hands-on, dedicated support teams

39  
Years of Experience (1984-2023)

2,000+  
Plans under Administration


1,000+  
Public Agency Clients

500+  
115 Trust Clients

500K+  
Plan Participants

\$6.7B  
Assets under Administration

Trustee




- 5th largest commercial bank and one of the nation's largest trustees for Section 115 trusts
- Safeguard plan assets
- Oversight protection as plan fiduciary
- Custodian of assets

160  
Years of Experience (1883-2023)

\$9.5T  
Assets under Administration

Investment Manager



- Investment sub-advisor to trustee U.S. Bank
- Investment policy assistance
- Uses open architecture
- Active and passive platform options
- Customized portfolios (with minimum asset level)

104  
Years of Experience (1919-2023)

\$17.7B  
Assets under Management & Advisement

NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT | 3

## 115 TRUST CLIENTS (500+) INCLUDING: Updated July 2023

CITIES & COUNTIES

County of Humboldt  
County of Trinity  
Crescent City

EDUCATION

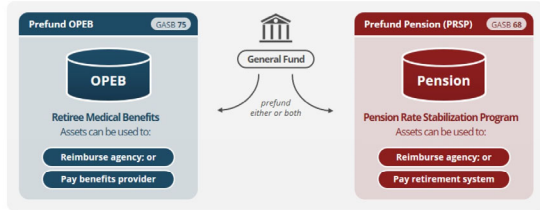
Shasta-Trinity-Tehama Joint CCD

SPECIAL DISTRICTS

Feather River Air Quality Management District  
Great Basin Unified Air Pollution Control District  
Humboldt Bay Fire Joint Powers Authority  
Humboldt Bay Municipal Water District  
Humboldt No. 1 Fire Protection District  
Mojave Desert Air Quality Management District  
Monterey Bay Unified Air Pollution Control District  
Placer County Air Pollution Control District  
Yolo-Solano Air Quality Management District

NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT | 4

## PARS IRS-APPROVED SECTION 115 TRUST



- Subaccounts**  
OPEB and Pension assets are individually sub-accounted, and can be divided by dept., bargaining group, or cost center
- Financial Stability**  
Assets in the PARS Section 115 Combination Trust can be used to address unfunded liabilities.
- Flexible Investing**  
Allows separate investment strategies for OPEB and Pension subaccounts.
- Anytime Access**  
Trust funds are available anytime; OPEB for OPEB and Pension for Pension.
- Economies-of-Scale**  
OPEB and Pension assets aggregate and reach lower fees on tiered schedule sooner – saving money!
- No Set Up Cost or Minimums**  
No set-up costs, no minimum annual contribution amounts, and no fees until assets are added.

## OPEB ACTUARIAL RESULTS

Data from 2022 GASB Measurement Date: June 30, 2022.	Pay-as-you-Go Discount Rate: 3.54%	Percent Change	Prefunding Discount Rate: 6.50%
Total OPEB Liability (TOL)	\$3,266,320	30-36% ▼	?
Fiduciary Net Position	\$0	--	?
Net OPEB Liability (NOL)	\$3,266,320	30-36% ▼	?
Service Cost for FY 2021-22	\$144,675	30-36% ▼	?
Annual Benefit Payments (Pay-as-you-Go) for FY 2021-22	\$94,772	--	\$94,772

Rule of thumb: For every one percent increase in the discount rate, the unfunded liability is lowered by 10-12%.

The

# PARS PENSION RATE STABILIZATION PROGRAM

for prefunding pension obligations

## BACKGROUND – PENSION

- Since 2015, GASB 68 has required disclosing Net Pension Liability on financial statements as a line item on the balance sheet
- Before the concept of pension prefunding, the only way to reduce retirement system unfunded liabilities was to send additional contributions in excess of annual required employer contributions
- Pension trust prefunding assets can be transferred to the retirement system at the Agency's direction, which can help offset future rate increases (i.e., pension rate stabilization).

### CalPERS Changes

CalPERS has announced changes directly affecting unfunded liability amounts and employer contributions:

#### Lowering of Discount Rate <sup>1</sup>


**7.0%** CalPERS lowered the discount rate from 7.0% to 6.8%.  
**6.8%** The impact is reflected in the June 30, 2021 valuation reports.

<sup>1</sup> Contributions from policy changes beginning FY 23-24.

#### Shortened Amortization Period <sup>2</sup>

**30 years** New actuarial liabilities are amortized over 20 years instead of 30, increasing required annual employer contribution amounts\*  
**20 years**

<sup>2</sup> 5-year ramp up in payments beginning FY 15-16 with full impact in FY 19/20.



## PENSION FUNDING STATUS

As of June 30, 2021, North Coast Unified AQMD's CalPERS pension plan is funded as follows:

Combined Miscellaneous & Groups	Valuation as of June 30, 2020	Valuation as of June 30, 2021	Change
Actuarial Liability	\$5.7 M	\$6.5 M	13.5% ↑
Assets	\$4.4 M	\$5.8 M	30.6% ↑
Unfunded Liability	\$1.3 M	\$742,850	43.8% ↓
Funded Ratio	77.0%	88.6%	15.1% ↑
Employer Contribution Amount (FY 21-22)	\$190,610	\$207,802 (FY 22-23)	9.0% ↑
Employer Contribution Amount - Projected *	---	\$190,698 (FY 28-29)	8.2% ↓

\* Data through 2028-29 from Agency's latest CalPERS actuarial valuation.

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## WHY PREFUND PENSION OBLIGATIONS?

- 1. Complete Local Control over Assets**  
Agency has complete control over assets, including contributions, disbursements and the timing, amount, and risk tolerance level of investments
- 2. Pension Rate Stabilization**  
Assets can be transferred to the retirement system at the Agency's direction, potentially reducing/eliminating large fluctuations in employer contribution amounts
- 3. Rainy Day Fund**  
Emergency source of funds when employer revenues are strained in difficult budgetary or economic times
- 4. Diversification**  
Allows for investment flexibility and offers the potential for assets to earn greater returns than the general fund; spread the risk vs. sending additional money to CalPERS

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## SIMPLE INVESTMENT APPROACH

### 1. Input Phase

- Target discount rate
- Risk tolerance
- Investment philosophy
- Asset allocation
- Timing on use of funds

### 2. Model Portfolios

Strategy	Equity	10-YR Returns*
Capital Appreciation	65-85%	7.45%
Balanced	50-70%	6.22%
Moderate	40-60%	5.44%
Moderately Conservative	20-40%	3.82%
Conservative	5-20%	2.67%
vs. LAIF	0%	1.01%**

\*10-Year returns as of March 31, 2023  
\*\*Avg. LAIF opportunity rate (released quarterly) over the 10-Year period ending March 31, 2023

### 3. Dedicated Portfolio Manager

- Makes recommendation
- Fiduciary responsibility
- Drafts investment policy
- Annual on-site reviews
- Cell phone access

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## PROGRAM FEES

As of March 31, 2023

### Trust Administration/Consulting Fees\*

Plan Set-Up Fee:	Ongoing Fees:
<b>None</b>	0.25% for assets \$0-10 million
	0.20% for assets \$10-15 million
	0.15% for assets \$15-50 million
	0.10% for assets over \$50 million

### Discretionary Trustee/Investment Management Fees\*\*

Plan Set-Up Fee:	Ongoing Fees:
<b>None</b>	0.35% for assets under \$5 million
	0.25% for assets \$5-10 million
	0.20% for assets \$10-15 million
	0.15% for assets \$15-50 million
	0.10% for assets over \$50 million

\* PARS does not receive any compensation from the investments or any commissions, back-end loads, or any other forms of compensation.  
\*\* Subject to change due to rebalancing, as fees are waived for plan assets in First American Funds (money market).

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## WHY TAKE THIS STEP?

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1. Smooths out pension rate volatility
2. Offers hedge against Inflation
3. Provides a fiscal tool in your financial toolbox
4. Prepares today for tomorrow's OPEB/Pension realities

Questions?



# Agenda Item: 4.2



**North Coast Unified  
Air Quality Management District**

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[www.ncuagmd.org](http://www.ncuagmd.org)



**TO:** North Coast Unified Air Quality Management District Board

**FROM:** Brian Wilson, APCO

**SUBJECT:** District Activity & Air Quality Monitoring Report

**DATE:** November 9, 2023

**ACTION REQUESTED:** By Consent, Accept and File District Activity Reports

**SUMMARY:**

Attached is a summary of the major District activities logged during the reporting period and a air quality monitoring report for the most recent period.

## 2023 Activity Report

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	YTD Totals	2022 Totals
<b>Complaint Responses - General</b>	1	1	1	4	4	0	3	3	0				17	37
<b>Complaint Responses - Open Burning</b>	18	9	8	14	17	15	18	10	9				118	195
<b>Permissive Burn Days</b>	31	28	31	30	31	30	22	16	6				225	346
<b>Non-Permissive Burn Days ("No Burn Day")</b>	0	0	0	0	0	0	9	15	24				48	19
<b>Permissive Burn Days (%)</b>	100%	100%	100%	100%	100%	100%	71%	52%	20%					
<b>Standard (Residential) Burn Permits Issued</b>	637	359	167	291	259	100	34	16	13				1,876	2,631
<b>Non-Standard Burn Permits Issued</b>	575	264	179	241	190	67	25	10	14				1,565	2,634
<b>"No Burn Day" Permits Issued</b>	0	0	0	0	0	0	0	0	0				0	0
<b>Smoke Management Plans (SMP) Reviewed</b>	4	9	9	4	3	2	0	1	5				37	111
<b>SMP Burn Authorizations Issued</b>	113	262	24	112	87	49	13	0	6				666	1,114
<b>Acres Authorized</b>	1,162	3,183	91	792	96	228	103	0	416				6,071	13,297
<b>Stationary Source Permits Issued (new)</b>	0	1	5	5	3	14	28	2	0				58	67
<b>Stationary Source Permits Issued (amended)</b>	0	0	0	0	0	0	0	0	0				0	13
<b>Stationary Source Permit Apps. Received</b>	4	5	3	4	2	6	1	4	3				32	62
<b>Stationary Source De minimus Determination</b>	0	0	1	0	1	2	2	0	0				6	6
<b>Inspections - Major Sources</b>	0	2	17	7	6	3	6	16	9				66	15
<b>Inspections - Minor Sources</b>	29	23	35	16	36	38	10	37	25				249	495
<b>Inspections - Mobile Sources</b>	0	0	1	9	2	0	1	16	0				29	1
<b>Inspections - Asbestos</b>	0	1	0	3	1	1	1	0	1				8	2
<b>Asbestos Notifications Processed</b>	11	10	13	5	9	11	10	5	15				89	73
<b>Notice(s) of Violation (NOVs) Issued</b>	11	13	19	5	22	11	12	8	7				108	122
<b>Environmental Documents Reviewed</b>	2	3	3	4	5	3	5	8	10				43	34
<b>Grants Paid: Woodstove</b>	0	0	0	0	0	0	0	0	0				0	2
<b>Grants Paid: Moyer</b>	0	0	0	1	0	0	1	2	2				6	2
<b>Grants Paid: FARMER</b>	0	0	0	0	0	0	0	0	0				0	0
<b>Grants Paid: Rural School Bus</b>	1	2	0	1	0	2	1	2	0				9	21

# NCUAQMD Air Quality Monitoring Report

## November 2023

The following information summarizes ambient air quality data with respect to applicable State and Federal Ambient Air Quality Standards (AAQS) for the period of April-July 2023.

### Air Monitoring Data Summary

#### PM<sub>10</sub> AAQS:

- 1) State PM<sub>10</sub> 24-hour AAQS -
  - No exceedances were recorded during this period.
- 2) Federal PM<sub>10</sub> 24-hour AAQS -
  - No exceedances were recorded during this period.

#### PM<sub>2.5</sub> AAQS:

- 1) State PM<sub>2.5</sub> 24-hour AAQS -
  - No exceedances were recorded during this period.
- 2) Federal PM<sub>2.5</sub> 24-hour AAQS –
  - No exceedances were recorded during this period.
  - FRM data available only through June.

#### Gaseous Pollutant AAQS:

- a) Ozone (O<sub>3</sub>) -
  - There were no State or Federal AAQS exceedances recorded during this period.
- b) Nitrogen Dioxide (NO<sub>2</sub>) -
  - There were no State or Federal AAQS exceedances recorded during the period.
- c) Sulfur Dioxide (SO<sub>2</sub>) -
  - There were no State or Federal AAQS exceedances recorded during the period.

#### Particulate Matter (PM) Levels in Relation to State Ambient Air Quality Standards (AAQS):

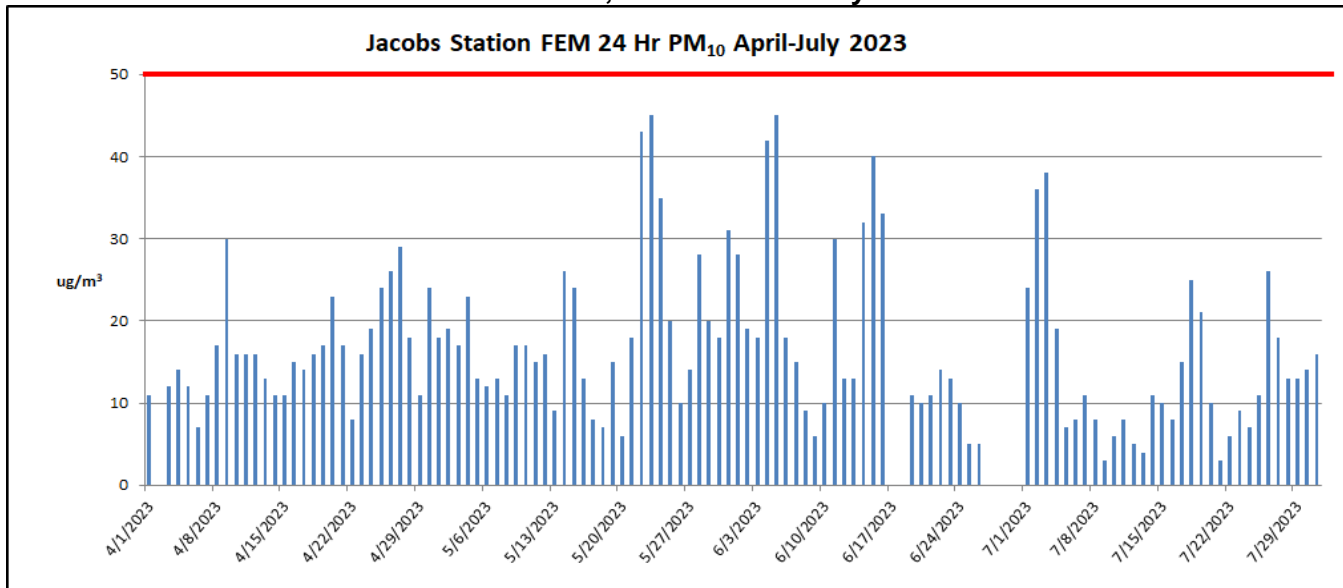
(Excluding data which is undergoing Exceptional Event Exclusion Determination)

Period of April-June 2023	Air Monitoring Station		
	Jacobs	Crescent City	Weaverville
PM <sub>10</sub> 24-hour Average Max	90%	N/A	N/A
PM <sub>10</sub> Rolling Arithmetic Mean	85%	N/A	N/A
PM <sub>2.5</sub> 24-hour Average (FRM) Max April-June	58%	N/A	N/A
PM <sub>2.5</sub> Rolling Arithmetic Mean (FRM) April-June	54%	N/A	N/A
PM <sub>2.5</sub> 24-hour Average (Non-FEM) Max	N/A	60%*	51%*
PM <sub>2.5</sub> Rolling Arithmetic Mean (non-FEM)	N/A	52%*	57%*

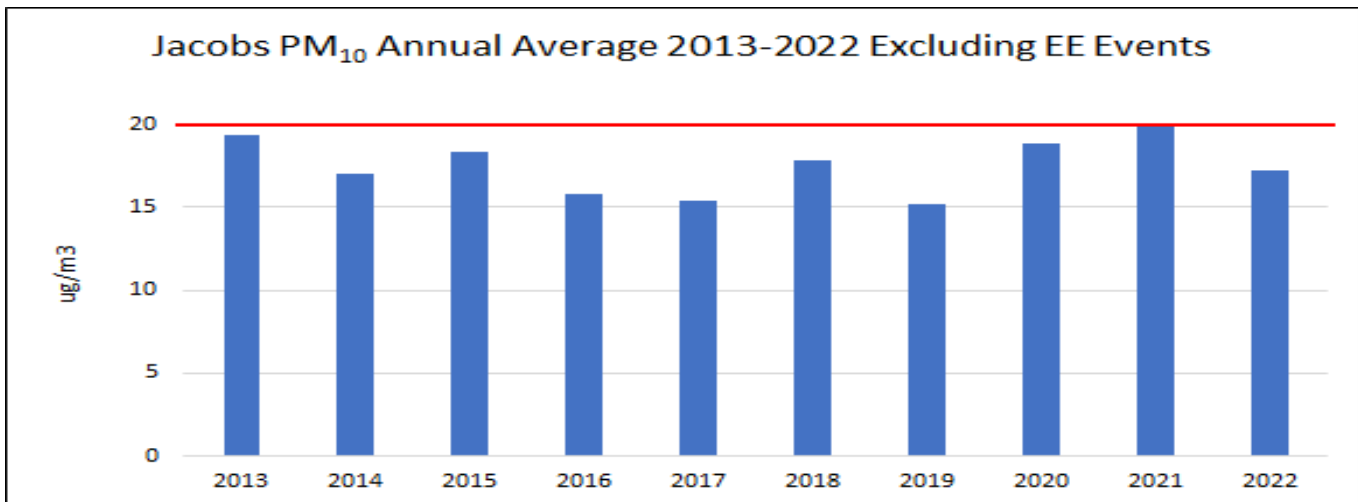
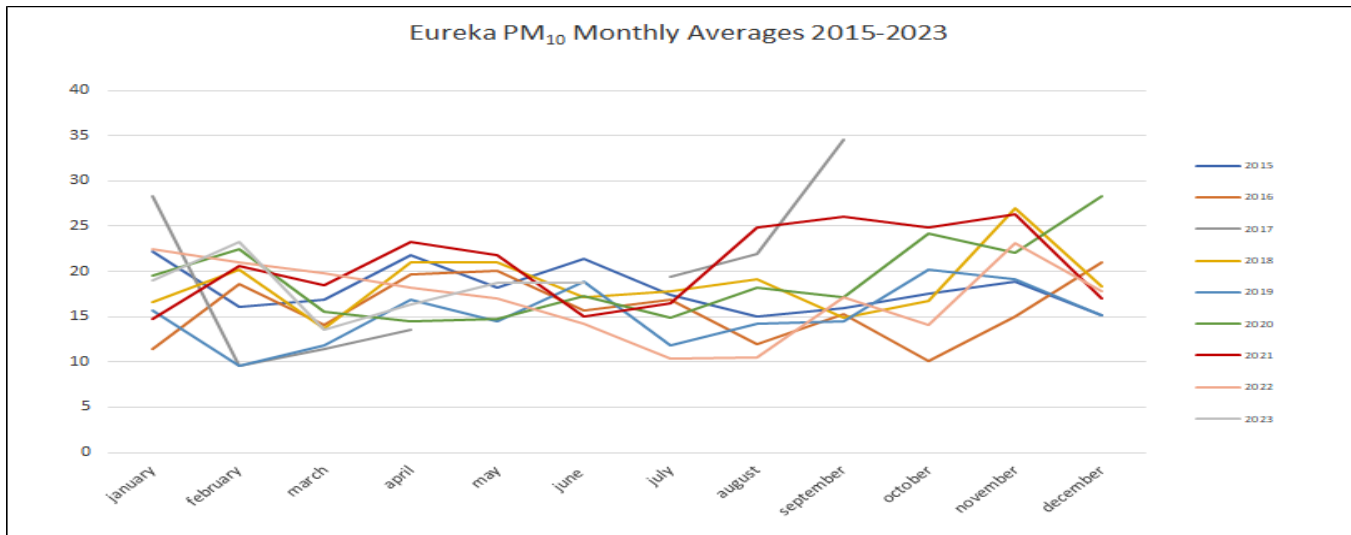
\* Instrument not used for Federal Attainment Designation

**PM<sub>10</sub> Data and Trends:**

**Eureka, Humboldt County**



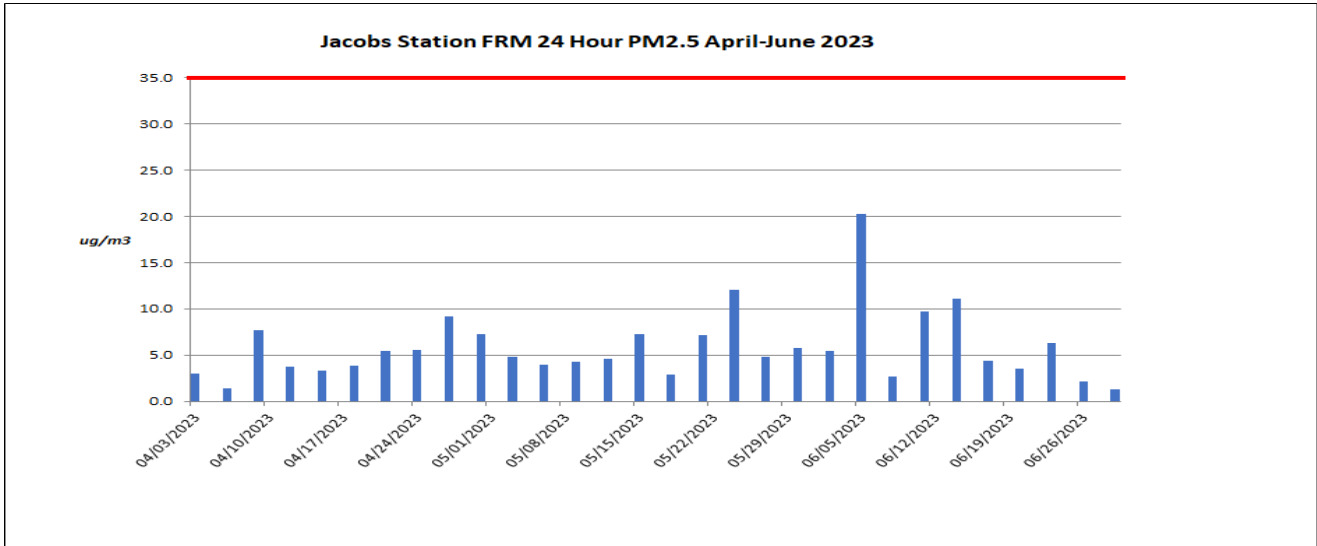
- State PM<sub>10</sub> 24-Hour AAQS is 50 ug/m<sup>3</sup>; Federal PM<sub>10</sub> 24-Hour AAQS is 150 ug/m<sup>3</sup>.
- State PM<sub>10</sub> Annual Arithmetic Mean AAQS is 20 ug/m<sup>3</sup>; There is no separate Federal PM<sub>10</sub> annual standard.
- Humboldt County is classified as non-attainment for the State PM<sub>10</sub> AAQS



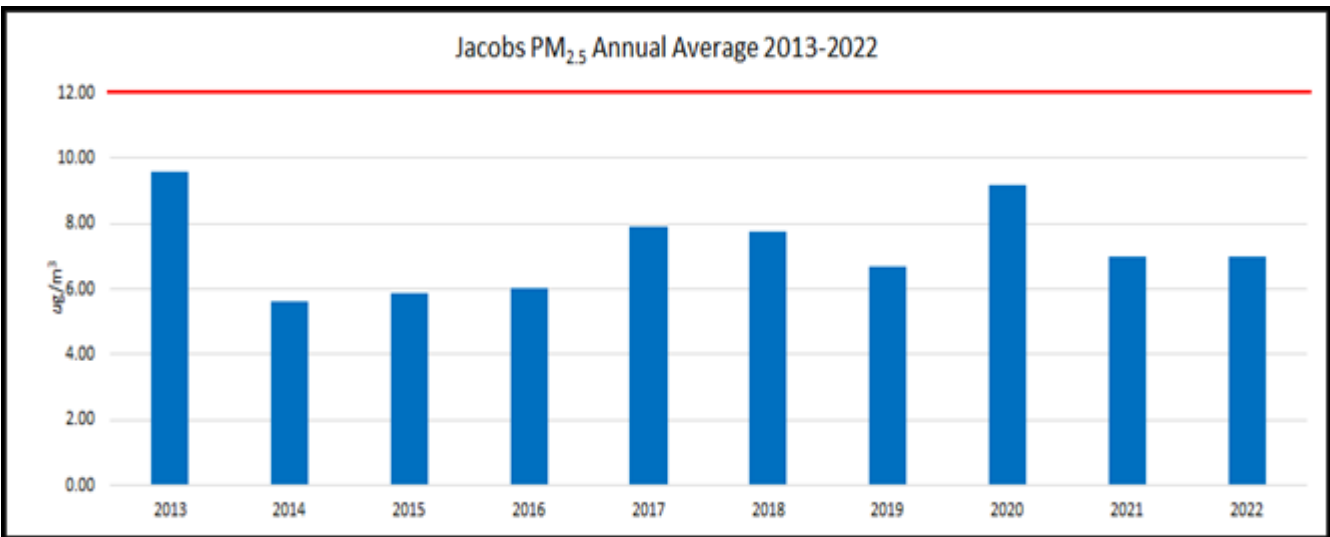
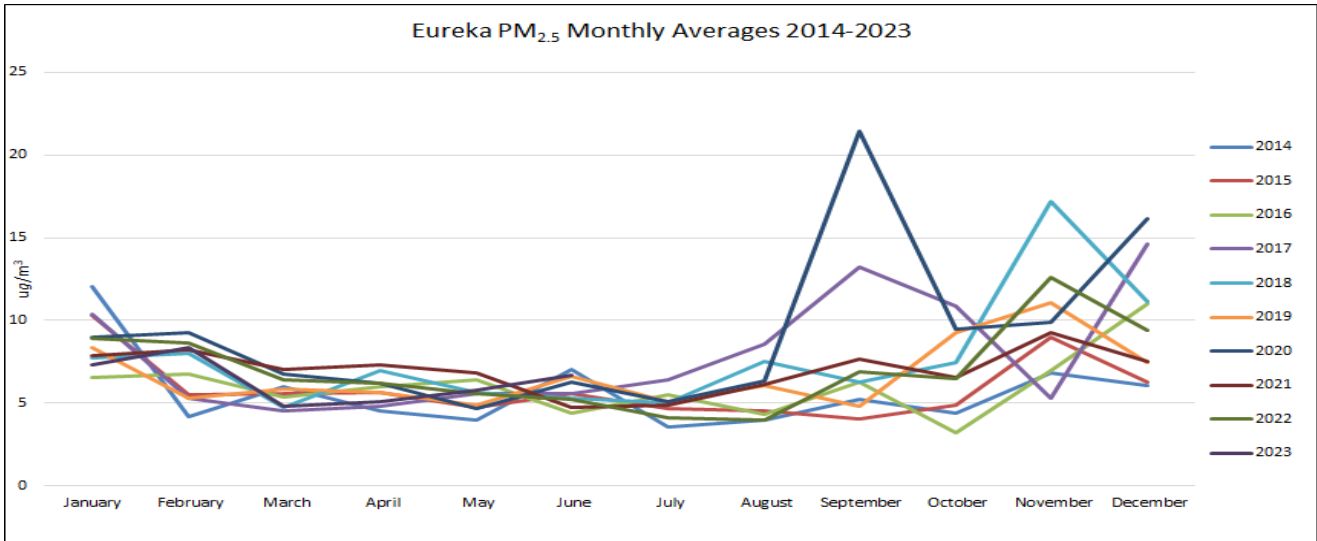
- State PM<sub>10</sub> Annual Arithmetic Mean AAQS is 20 ug/m<sup>3</sup>; There is no separate Federal PM<sub>10</sub> annual standard.

PM2.5 Data and Trends:

**Eureka, Humboldt County**

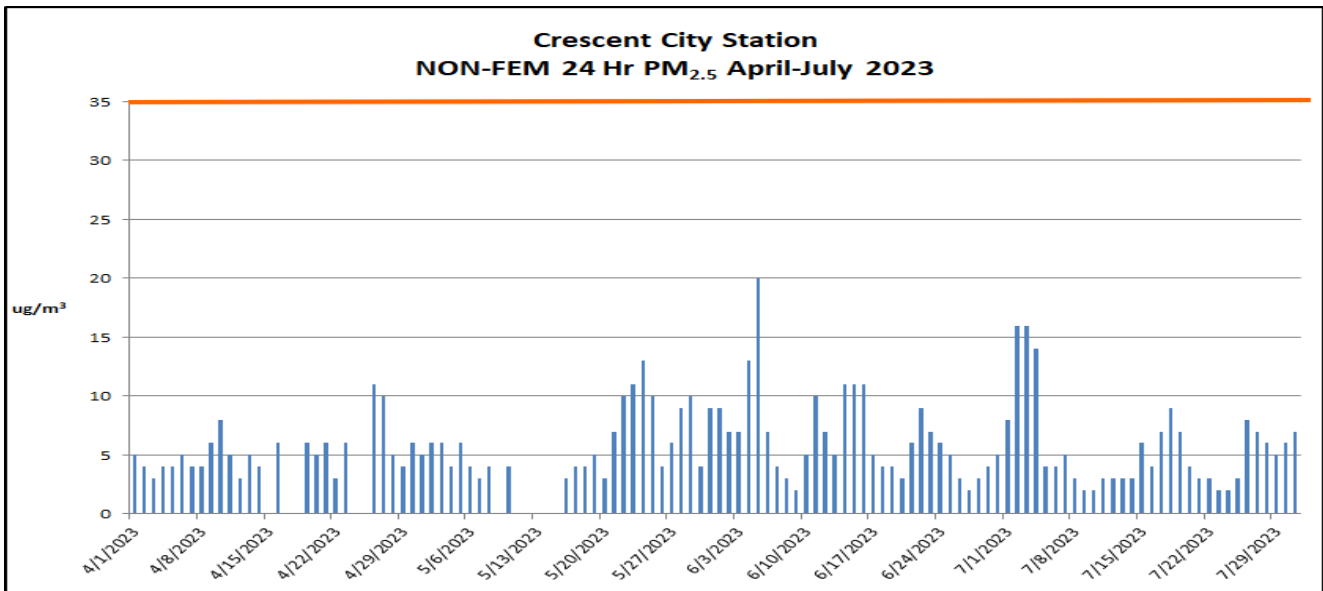


- Federal PM<sub>2.5</sub> 24-Hour AAQS is 35 ug/m<sup>3</sup>; There is no separate State PM<sub>2.5</sub> 24-Hour standard

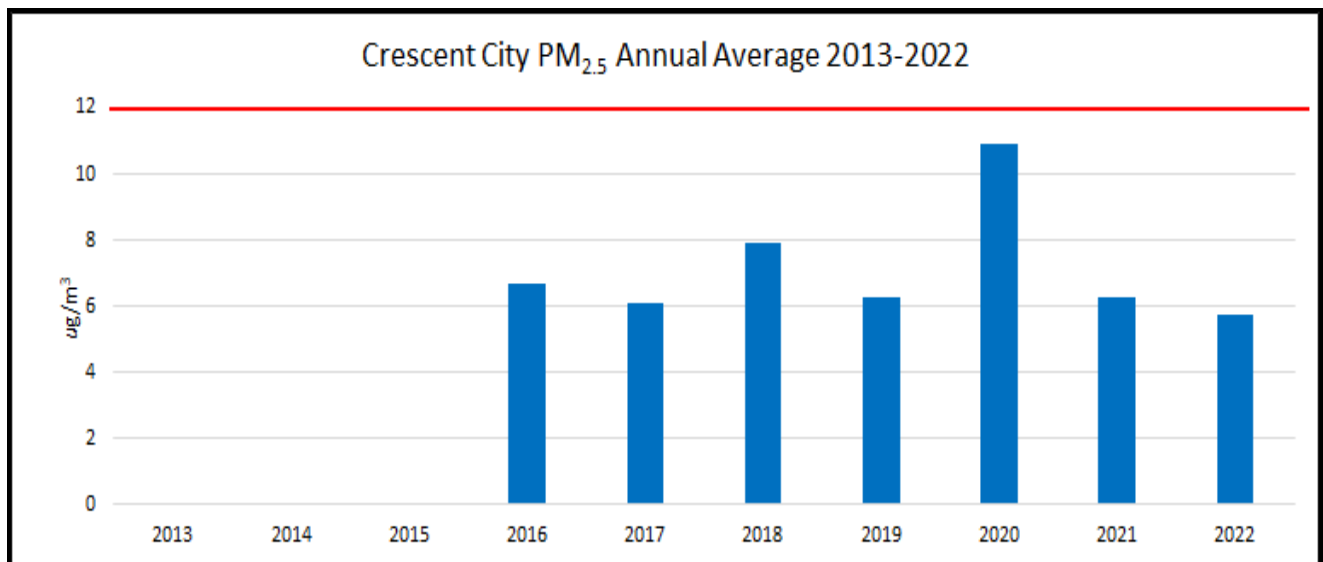
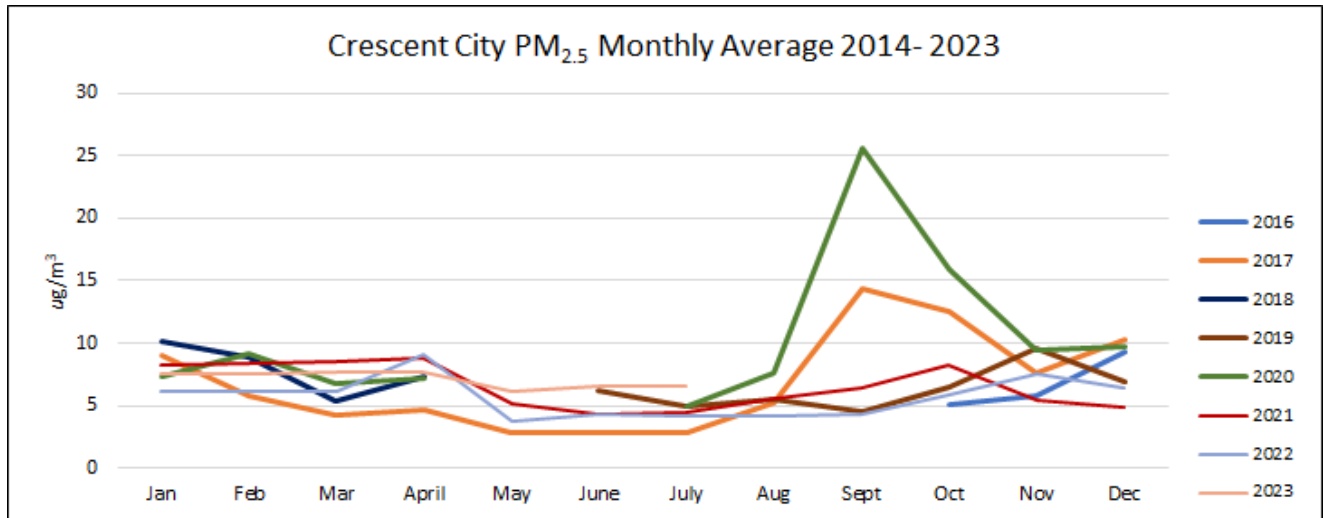


- State PM<sub>2.5</sub> Annual Arithmetic Mean AAQS is 12 ug/m<sup>3</sup>; There is no separate Federal PM<sub>2.5</sub> annual standard

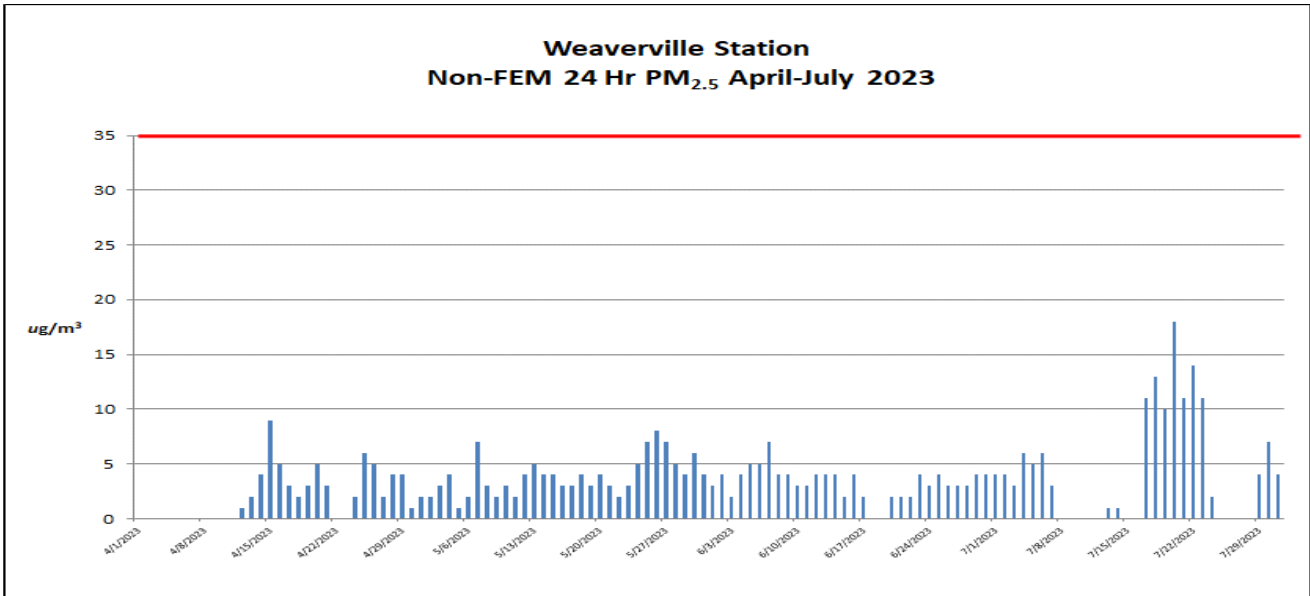
### Crescent City, Del Norte County



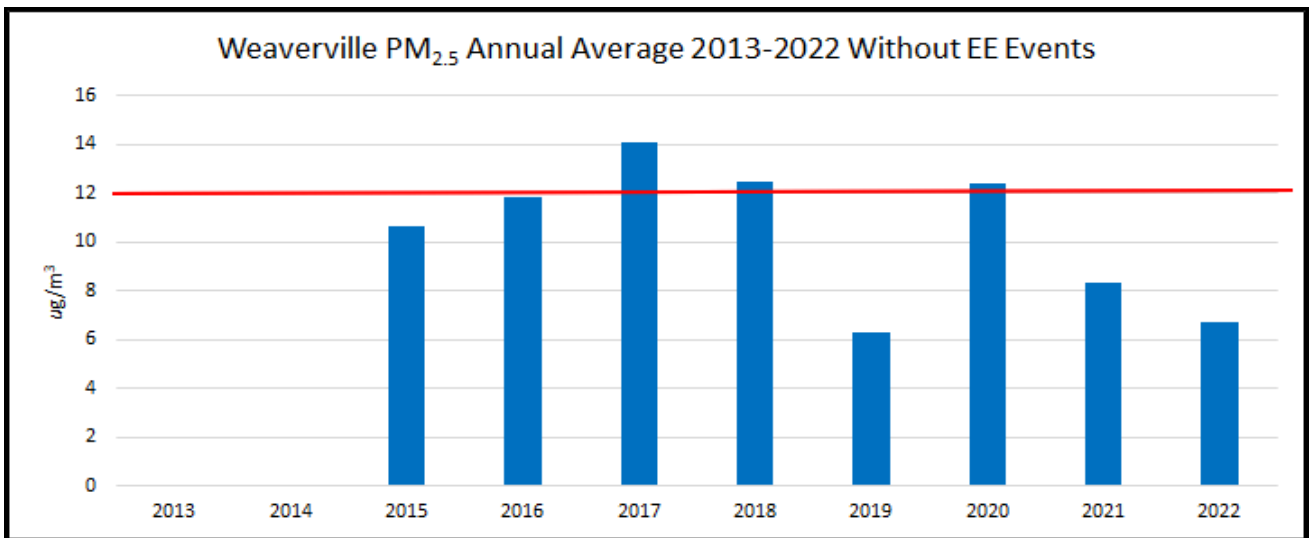
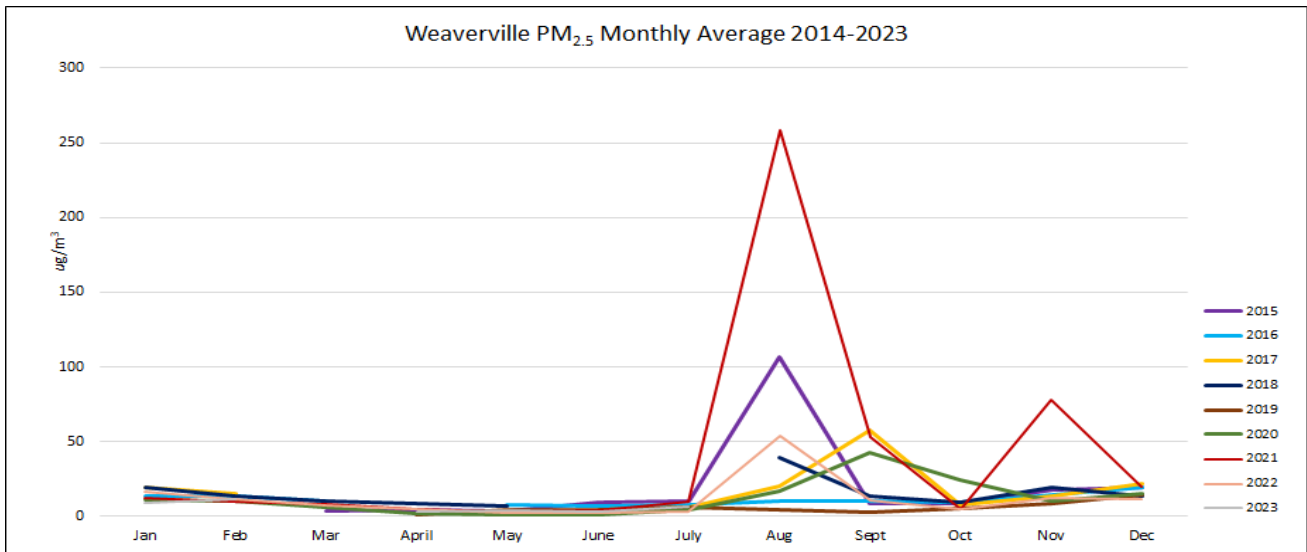
- Federal PM<sub>2.5</sub> 24-Hour AAQS is 35 ug/m<sup>3</sup>; There is no separate State PM<sub>2.5</sub> 24-Hour standard
- This monitor is not used for attainment decisions



- State PM<sub>2.5</sub> Annual Arithmetic Mean AAQS is 12 ug/m<sup>3</sup>; There is no separate Federal PM<sub>2.5</sub> annual standard.



- Federal PM<sub>2.5</sub> 24-Hour AAQS is 35 ug/m<sup>3</sup>; There is no separate State PM<sub>2.5</sub> 24-Hour standard
- This monitor is not used for attainment decisions



- State PM<sub>2.5</sub> Annual Arithmetic Mean AAQS is 12 ug/m<sup>3</sup>; There is no separate Federal PM<sub>2.5</sub> annual standard

# Agenda Item: 4.3



**North Coast Unified  
Air Quality Management District**  
707 L Street, Eureka, CA 95501  
(707) 443-3093  
[www.ncuaqmd.org](http://www.ncuaqmd.org)



**TO:** North Coast Unified Air Quality Management District Board

**FROM:** Brian Wilson, APCO

**SUBJECT:** Approve OE3 Successor MOU, 2023-2024

**DATE:** November 9, 2023

**ACTION REQUESTED:** By Consent, Approve OE3 Successor MOU, 2023-2024

**SUMMARY:**

Operating Engineers, Local No.3 (OE3) currently represents one District employee, and the District has completed negotiations with OE3 for a successor MOU. The attached reflects the District's and OE3's tentative agreement on the successor MOU.

**MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**THE NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT  
AND**

**THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL NO. 3,  
AFL – CIO (GENERAL UNIT)**

**July 1, 2023 – June 30, 2024**

The agreement is effective this First day of July 2023 by and between the NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT (hereinafter referred to as the “District” or the “AQMD”), and the INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL NO. 3, AFL-CIO, (hereinafter referred to as the “Union” or “OE3”).

**Article 1: Recognition** (revised 2023-2024)

1.1 The District has recognized the Union as the representative of the employees in the General Unit for those employees represented by the Union and agrees to meet and confer and otherwise deal with the Union on all matters relating to the scope of representation pertaining to said employees as authorized by law. The classifications included within this Unit are as follows:

- Air Monitoring Specialists
- Burn Program Coordinator
- Air Quality Inspectors

**Article 2: Management Rights**

2.1 The District retains the exclusive right, subject to, but not limited to those laws, codes, statutes, Acts, regulations, and policies that govern public employment,

- A. To direct employees in the performance of their duties;
- B. To hire, promote, transfer and assign employees, and to determine the procedures therefore;
- C. To classify employees;
- D. To set standards of service;
- E. To determine the methods, means and personnel by which governmental operations are to be conducted;
- F. To discipline employees in accordance with applicable rules;
- G. To dismiss employees because of lack of work or for other reasonable causes;
- H. To determine the mission of its divisions and departments and its budget, organization, the number of employees, and the numbers, types, classifications, and grades of position of employees assigned to an organization unit, work project, shift or tour of duty, and the methods and technology of performing its work;
- I. To take whatever action may be appropriate to carry out its mission in situations of emergency;
- J. To exercise complete control and discretion over its organization and the technology of performing its work; and
- K. To do all other acts not specifically granted to the Union herein.

### **Article 3: Union Membership, Stewards**

#### **3.1. Membership**

Union membership shall not be a mandatory condition of employment for any employee in the Unit covered by this Agreement.

#### **3.2 Stewards**

A. The Union may designate one Steward, and one alternative Steward, consisting of District employees who are members of the Unit, to handle grievances pertaining to this Agreement and meet and confer together with the Union on behalf of the Unit. The alternate Steward, if any, would assume the Steward's duties in the event the Steward is unavailable. The name of the Steward and alternate, if any, shall be given to the APCO.

B. The Steward may investigate and discuss a grievance with a represented employee, and may assist the employee in presenting the grievance if one is filed. The Steward may be, if requested by the employee, in attendance at any meeting where disciplinary action is being presented to any represented employee.

C. The Steward shall spend no more than two working hours per month in the performance of his/her duties as outlined in this Article, unless the specific circumstances of a meet and confer situation require more time, in which case the Steward shall spend no more than a reasonable amount of time involved in the meet and confer.

#### **3.3 Payroll Deductions** (added 2012-2014)

The District agrees to establish payroll deduction for members of the union for the normal and regular monthly membership dues and assessments.

### **Article 4: Employee Rights, Duties, Benefits**

#### **4.1 Salary Adjustment** (revised 2021-2023, revised 2023-2024)

A. Effective the first pay period that includes July 1, 2021, base salary ranges for represented employees shall receive a one-time 3.0% increase to reflect cost of living adjustment.

B. Effective the first pay period that includes July 1, 2022, base salary ranges for represented employees shall receive a one-time 3.0% increase to reflect cost of living adjustment.

C. Effective the first pay period that includes July 1, 2023, base salary ranges for represented employees shall receive a one-time 3.0% increase to reflect cost of living adjustment.

4.2 **Ancillary Benefits Insurance** (added 2012-2014)

A. Beginning as soon as practical, ancillary insurance as specified in subparts A.1, A.2, A.3, below, shall be provided for represented employees through the Special District Risk Management Authority (SDRMA).

1. DENTAL INSURANCE – Dental benefits shall be provided through the Delta Dental PPO Insurance plan at the level of Medium Plan, Employee +1 Dependent, 100% dependent coverage. The District will pay the 2012 premium cost of \$84.89, where the District’s contribution is fixed at this rate. The employee shall be responsible for costs of additional coverage (as allowed by the Plan), future premium increases, and all deductibles and co-payments. The District shall pay any additional premium through payroll deduction as applicable.
2. VISION INSURANCE - Vision benefits shall be provided through the VSP Vision plan at the level of Option 3, Plan B, In Network, Employee +1 Dependent. The District will pay the 2012 premium cost of \$15.23, where the District’s contribution is fixed at this rate. The employee shall be responsible for costs of additional coverage (as allowed by the Plan), future premium increases, and all deductibles and co-payments. The District shall pay any additional premium through payroll deduction as applicable.
3. LIFE INSURANCE and AD&D - Life Insurance with Accidental Death and Dismemberment through ING Basic Life Insurance shall be provided it the total limit of \$50,000 for the employee only. The District will pay the 2012 premium cost applicable for each employee, where the District’s contribution is fixed at 2012 premium rates. The employee shall be responsible for costs of additional coverage (as allowed by the Plan) and future premium increases. The District shall pay the additional premium through payroll deduction as applicable.

4.3 **Dental And Vision Self Insurance** (revised 2012-2014)

The District’s previous policy of providing up to \$1,000 per fiscal year maximum per employee for dental and/or vision care is terminated effective June 30, 2012. Until such termination date, said \$1,000 is not limited to dental or vision and may be applied toward any medical cost.

4.4 **Personnel Manual** (revised 2014-2015)

It is the intent of the parties to incorporate by reference into this Agreement, without amendment, all applicable rights, duties and benefits of the District and the employees as set forth in the District’s Personnel Manual, adopted on March 28, 1997, revised by the Board on November 29, 2007, and February 16, 2012, and any other amendments that the Board may from time to time adopt after meet and confer with the Union as necessary. In the event of any inconsistencies

between this Agreement and the Personnel Manual, the provisions in this Memorandum of Understanding shall control.

- 4.5 **After Hours Liaison Policy** (revised 2012-2014)  
Effective January 1, 2012, the District's After Hours Liaison Policy is suspended, and terminated by the Board effective February 16, 2012. A one-time payment of \$5,000.00 shall be made to each of the two represented employees who had previously been assigned to work as a liaison in this program. Payment shall be made by separate check by February 24, 2012.
- 4.6 **Safety Shoe/Boot Allowance.** (added 2014-2015, revised 2023-2024)  
The District agrees to reimburse employees covered by this Agreement toward the purchase of safety footwear up to \$250 every two (2) years for Inspectors and \$250 every two (2) years for other represented employees.
- 4.6 **Coordination With Disability Insurance.** (added 2015-2018)  
When applicable, the District will coordinate employee sick leave benefits with worker's compensation benefits and with State Disability Insurance (SDI) pursuant to the provisions in Section XII, State Disability Insurance of the District's Personnel Policy Manual.

## **Article 5: Miscellaneous**

- 5.1 **Entire Agreement**  
This Memorandum of Understanding supersedes any and all other statements of policy or procedure established by this District through its Board of Directors insofar as such provisions relate directly to the matters specifically stated herein. Unless specifically amended by the terms of this MOU, all other terms and conditions of employment remain as previously established.
- 5.2 **Headings**  
The headings in this Agreement are intended solely for the convenience of the parties and do not impart legal meaning to the attached sections.
- 5.3 **Severability**  
Should any provision of this Agreement be found by a court of competent jurisdiction to be contrary to law, such provision will not be deemed valid except to the extent permitted by law, but all other provisions will continue in full force and effect.

## **Article 6: Term of Agreement** (revised 2018-2021)

- 6.1 Upon the ratification of both parties, as indicated by their signatures below, this Agreement shall commence effective July 1, 2018 and shall expire on midnight June 30, 2021.

INTERNATIONAL UNION OF  
OPERATING ENGINEERS  
LOCAL NO. 3, AFL-CIO

NORTH COAST UNIFIED  
AIR QUALITY MANAGEMENT  
DISTRICT

\_\_\_\_\_  
Lloyd Green, Steward  
Dated: \_\_\_\_\_

\_\_\_\_\_  
Chair, Governing Board  
Dated: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Art Frolli, Business Representative  
Dated: \_\_\_\_\_

\_\_\_\_\_  
Erin Squire, Clerk of the Board  
Dated: \_\_\_\_\_

# Agenda Item: 5

## Closed Session



# Agenda Item: 6

## Public Comment Period

# Agenda Item: 7

**North Coast Unified  
Air Quality Management District**  
707 L Street, Eureka, CA 95501  
(707) 443-3093  
[www.ncuagmd.org](http://www.ncuagmd.org)



**TO:** North Coast Unified Air Quality Management District Board

**FROM:** Brian Wilson, APCO

**SUBJECT:** Calendar of Meetings for 2024

**DATE:** November 9, 2023

**ACTION REQUESTED:** Adopt Calendar of Meetings for 2024

**SUMMARY:**

The calendar of meetings for the Board of Directors needs to be adopted for 2024. Attached for your consideration is the proposed Calendar of Meetings for 2024 which continues with meetings scheduled for every other month on the third Thursday of the month, with an additional meeting in April to accommodate the annual budget process.

Prior to COVID impacts in 2020, the Board had held one meeting in Trinity County and Del Norte County in the Spring and Fall. The current proposal is that the calendar be approved with the meetings to be held at the District office in Humboldt County until such time as the District has the ability to accommodate hybrid teleconference meetings to best serve the three county jurisdictions. If necessary, remote attendance by a Board member can still be accommodated and publicly noticed as necessary.



## **2024 Governing Board Meeting Calendar**

**January 18, 2024**

**March 21, 2024**

**April 18, 2024**

**May 16, 2024**

**July 18, 2024**

**September 19, 2024**

**November 14, 2024**

**Board meetings begin at 10:00 am unless otherwise noted.**

When applicable and in accordance with current State and Local Government Regulations, Board meetings may be conducted via Zoom Teleconference due to COVID-19 or other health and safety concerns. Public comments will be accepted by the Board Clerk via email during a remote meeting and may also be made virtually, at the meeting. There will be no in-person participation for meetings conducted via teleconference.

Please refer to the published agenda for details on how to attend the meeting, either in-person or virtually as applicable.

### **In-Person Meeting Location**

NCUAQMD Office  
707 L Street  
Eureka, CA 95501

The meeting rooms are ADA accessible. Accommodations and access to NCUAQMD meetings for people with special needs must be requested of the Clerk in advance of the meeting.

# Agenda Item: 8

**North Coast Unified  
Air Quality Management District**

707 L Street, Eureka, CA 95501

(707) 443-3093

[www.ncuagmd.org](http://www.ncuagmd.org)



**TO:** North Coast Unified Air Quality Management District Board

**FROM:** Brian Wilson, APCO

**SUBJECT:** Discuss Stakeholder Comments Regarding District Burn Permit & Smoke Management Program

**DATE:** November 9, 2023

**ACTION REQUESTED:** Received Presentation and Provide Direction

**SUMMARY:**

In the Spring of this year, District Staff had several brainstorm meetings with Staff of the University of California Cooperative Extension (UCCE) for Humboldt and Del Norte Counties to discuss the District's Burn Permit and Smoke Management Plan Program for open burning.

At the Governing Board meeting in May, the UCCE Staff provided public comment as a stakeholder to suggest ways to streamline burn permitting and smoke management plans. A document titled "*2023 NCUAQMD Smoke Management/Burn Permitting Discussion: Seeking Opportunities to Streamline*" was submitted by the UCCE as Attachment B. The Board had voiced interest in having a discussion or workshop on the items presented, however a quorum of the District Governing Board members could not be met until this November 9<sup>th</sup> Board meeting.

District Staff has provided Attachment A: "*Stakeholder Discussion Items on NCUAQMD Burn Program & Smoke Management Plan Program*" to help guide the discussion and to provide background and recommended actions on each of the items presented by the Stakeholder.

# Agenda Item: 8

## Attachment A

# Stakeholder Discussion Items on NCUAQMD Burn Permit & Smoke Management Plan (SMP) Program

## Smoke Management Plans (SMPs)

### 1) **SMP threshold trigger for minimum acreage for broadcast burning**

- **Issue** – Stakeholder suggests District rules are more restrictive than Title 17 CCR and states that the burning of more than one acre of vegetation in a calendar year should be increased to 10 acres to help landowners burn for defensible space.
- **Recommendation** – Continue to follow District Rule that require SMPs for burning more than 1 acre material/vegetation in a calendar day (multiple piles, broadcast, 3 acre conversions, etc.).

Note that per District Rule 203(B)(2), an SMP is required if the quantity of material to be burned equals or exceeds one acre of material per calendar day not calendar year.

District Rule 203(B)(2) states that:

- a) *The burn meets the definition of “agricultural burning”*
- b) *The material to be burned was collected from more than 1 acre OR the material to be burned covers over 1 acre in size (broadcast)*
- c) *The material was transported to another location (county disposal sites)*
- d) *APCO determines impacts to sensitive receptors are possible*
- e) *Burning method involves tractor piles, broadcast, or strip burning*
- f) *“other” as determined by the APCO*

District Rule 206(A) further indicates:

- a) *Sensitive Receptors – Class I areas; hospitals; K-12 schools, colleges and universities; Population centers, residential subdivisions, commercial areas; Residential care facilities, daycare centers, group homes; Freeways and major highways; Campgrounds and recreation areas; Any location identified by the APCO.*
- b) *Quantity of Material and Burn Area – if the material exceeds one acre of material per calendar day, an SMP is required.*

CARB has identified open burning as a high contributor to PM10 levels and the District’s Open Burning program is recognized as part its suite of measures and strategies to meet state air quality standards. Based on District experience, one acre of material or the burning of one acre was found to be the level at which nuisance complaints are generally generated and the threshold of significance that smoke should be managed for attainment purposes.

District rules do not rely upon a mass-based value of particulate matter to trigger an SMP and are based upon the potential for public nuisance. The District has found that smoke from prescribed burns <10 acres is more relevant and impactful in the urban interface where properties are smaller and most likely near population centers. The District has many burners who desire to burn hundreds of piles on small acreage, which can be burned successfully using the requirements of a SMP without affecting receptors. Requiring an SMP does not prevent the burning, but does manage/control the burning for PM attainment purposes.

To meet PM attainment standards, the District Governing Board approved issuing these Rules recognizing contributing smoke impacts from prescribed burns <10 acres. The District challenge



continues to be coming into compliance with the state PM standard – it is crucial that the District petitions the EPA when exceptional events (wildfire and prescribed fire) occur when they create an exceedance. It is therefore prudent to ensure that prescribed burns are conducted in accordance with SMPs, as smoke impacts can only be excluded if the procedure was followed and best practices can be demonstrated.

To properly manage the air resource, there is a need to ensure adequate controls of this source type, because if we do not and we relax/reverse our possible attainment, then this requirement will most likely be required along with other costly and possibly undesirable control strategies.

## 2) SMP Requirements for burns less than 100 acres

- **Issue** – Stakeholder feels Meteorological/Wind prescription need not be required, as they feel Title 17 CCR suggests it is not required for burns <100 acres.
- **Recommendation** – Continue with District requirement for wind prescription for prescribed burns with SMPs.

The District requires meteorological/wind prescription for all prescribed burns with SMPs, and requires this information on the SMP (on page 3 or on attached SMP spreadsheet). District Rule 201(B)(7) – Wind Direction, states that *“In order to prevent the creation of a public nuisance, material authorized for burning may not be ignited when the wind direction has the potential to cause smoke from the burn to be carried into a nearby populated area or impact a Sensitive Receptor.”*

Over the many years of Burn Program, the District has found that in many cases a burn less than 100 acres are generally on parcels near other landowners and either in the urban interface near populations. The District has found a wind direction prescription to be one of the main tools to achieve successful burns with minimal smoke impacts in such areas.

Additionally, Title 17 CCR §80145 states that *“the district smoke management programs shall include all the elements in section 80145”*. §80145(a) states that *“the burn authorization system shall not allow more burning on a daily basis than is appropriate for the meteorological or air quality conditions”* and that the burn authorization system *“shall consider the following factors as necessary: ...(2) meteorological conditions expected during burning, including wind speeds and directions at the surface and aloft, and atmospheric stability”*.

Title 17 CCR §80160(c) also states that *“...smoke management plans for burn projects greater than 100 acres in size or estimated to produce more than 10 tons of particulate matter contain, at a minimum, the information contained in subsection (b) and the following additional information: (1) Identification of meteorological conditions necessary for burning.”*

## 3) Longevity of Smoke Management Plans (SMPs) validity before renewal.

- **Issue** – Stakeholder has asked if the District can increase the longevity of an SMP beyond 2 years.
- **Recommendation** – Continue with District policy where currently an approved SMP is valid for 2 years unless there are changes requiring addition/review for approval, and a SMP can be renewed every 2 years upon submittal of a simple form attesting there have been no changes. Upon change of property ownership, SMPs must be revised, signed, and then resubmitted.

Current District practice has been modified to achieve what the Stakeholder desires. Upon discussion with the Stakeholder a few months ago, the District proposed an administrative solution whereby initially approved SMPs can be renewed every 2 years. There would be no need to resubmit all aspects of a current plan or paperwork, just submittal of a simple form attesting there have been no

changes. District rule requires that upon change of property ownership, SMPs must be revised, signed, and then resubmitted.

Rule 408(C)(6) specifies that if the District determines that an SMP is necessary and one is submitted for review and approval, a fee is required. So long as there are no changes, District staff feels that review of SMPs should be done at least once every 2 years, which balances the needs of burners.

#### 4) **SMP threshold trigger for pile burns**

- **Issue** – Stakeholder feels District requirement of a Smoke Management Plan for pile burns is more restrictive than necessary as compared to CCR Title 17 requirements.
- **Recommendation** – Continue with current requirements of District Rules 203 and Rule 206 (as indicated below) which can require an SMP for multiple pile burns if it meets the requirements.

CARB has identified open burning as a high contributor to PM10 levels and the District's Open Burning program is recognized as part its suite of measures and strategies to meet state air quality standards. Based on District experience, one acre of material or the burning of one acre was found to be the level at which nuisance complaints are generally generated and the threshold of significance that smoke should be managed for attainment purposes.

Typically burning one (1) 10' diameter burn pile one at a time is allowed with a Non-Standard Burn Permit. Burn Authorizations are not required to burn one 10' diameter pile at a time, even if a SMP may exist, unless District staff has determined additional oversight/mechanism are needed. To implement the rule and for the sake of simplicity over the numerous burn types in three counties, SMPs are generally only required for multiple pile burns of sufficient material and/or impact to potential receptors.

The District has many burners who desire to burn hundreds of piles on small acreage, which indeed can be burned successfully without affecting receptors when using the requirements of a SMP (i.e. following wind prescription). Requiring a SMP does not prevent the burning, but does manage/control the burning for PM attainment purposes.

District Rule 203(B)(2) states:

- a) *The burn meets the definition of "agricultural burning"*
- b) *The material to be burned was collected from more than 1 acre OR the material to be burned covers over 1 acre in size (broadcast)*
- c) *The material was transported to another location (county disposal sites)*
- d) *APCO determines impacts to sensitive receptors are possible*
- e) *Burning method involves tractor piles, broadcast, or strip burning*
- f) *"other" as determined by the APCO*

District Rule 206(A) states:

- a) *Sensitive Receptors – Class I areas; hospitals; K-12 schools, colleges and universities; Population centers, residential subdivisions, commercial areas; Residential care facilities, daycare centers, group homes; Freeways and major highways; Campgrounds and recreation areas; Any location identified by the APCO.*
- b) *Quantity of Material and Burn Area – if the material exceeds one acre of material per calendar day, an SMP is required.*

District rules do not rely upon a mass-based value of particulate matter to trigger an SMP and are also based upon the potential for public nuisance under the California H&SC. District triggers, other than the one-acre maximum (upper bound) are based upon the potential for public nuisance. HSC Section 47100 applies to all activities and would not have been included in Title 17. Agricultural burning typically does not occur in urbanized areas, and impacts to urbanized areas were as a result of transport. The topography of the Central Valley for example is not the same as the mountainous regions of the State. Hence, the flexibility afforded by Title 17 to adopt regulations appropriate for the land type of each air district individually.

For purposes of discussion, staff used the particle calculation tool proposed by the Stakeholder, where twenty-two 10' x 10' piles mechanical piles of Douglas Fir would produce 1 ton of particulate matter, and 27 lbs of PM for every ton of biomass burned according to WA State calculator. However for comparison, the EPA's standard AP-42 emission factors indicates 4 lbs per ton for Douglas Fir.

The District challenge also continues to be coming into compliance with the state PM standard – it is crucial that the District petitions the EPA when exceptional events (wildfire and prescribed fire) occur when they create an exceedance. It is therefore prudent to ensure that prescribed burns are conducted in accordance with SMPs, as smoke impacts can only be excluded if a valid SMP was obtained and the procedure was followed where best practices can be demonstrated.

To properly manage the air resource, there is a need to ensure adequate controls of this source type. The EPA guidance issued for exceptional events and impacts from prescribed fire specifies that we may petition EPA to exclude the impact from the event if the burning was conducted in accordance with a valid smoke management plan. To properly manage the air resource, we need to have some control over this PM source type. If we do not and we reverse or relax our approach and possibly go out of attainment, more restrictive requirements (for pile burning) will indeed be imposed along with several other very costly control strategies.

**5) Any NOAA spot forecast information should be shared/provided when requesting a Burn Authorization.**

- **Issue** – Stakeholder feels spot weather forecasts are only available to public entities, not private burners.
- **Recommendation** – Continue with District practice of requesting that any NOAA spot forecasts be shared when requesting Burn Authorizations.

The District currently only requests that any NOAA spot forecast information be shared when requesting a Burn Authorization. We recognize that public entity burners (USFS, State Parks, BLM, CAL FIRE, etc.) and sometimes commercial timber companies (using paid forecasts) may have this information that generally is not available to private burners.

**6) Smoke Management Plans (SMPs) required for rangeland improvement burns.**

- **Issue** – Stakeholder feels District may exclude rangeland improvement burns from SMPs under Title 17 CCR.
- **Recommendation** – Continue with District practice of not excluding rangeland improvement burns from SMPs as they continue to meet the requirements of the rules requiring an SMP.

Title 17 CCR §80170 states that “a District may exclude specific range improvement burns for livestock habitat or the initial establishment of an agricultural practice on previously uncultivated land from the provisions of section 80160.”

Title 17 CCR §80101 defines rangeland improvement burns “*means the use of open fires to remove vegetation for a wildfire, game, or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.*”

CARB has identified open burning as a high contributor to PM10 levels and the District’s Open Burning program is recognized as part its suite of measures and strategies to meet state air quality standards.

In the District program there are thousands of potential burners with varying property/land situations and the District manages the smoke from simultaneous burns within the three county jurisdiction. In addition, the District is responsible for PM transport to neighboring air districts, tribal nations, and Class I Areas (i.e. Yolla Bolly Wilderness, etc.), which require the District submit appropriate information (such as SMPs, etc.) should actions in the District cause them to have exceedances. The District’s CARB-approved smoke management program requires that the District notify other air districts or states about any burn project that may impact airsheds in other air districts, which information is obtained through oversight of large acreage burns, including but not limited to rangeland improvement burns.

The District’s smoke management program is part of the Particulate Matter Attainment Plan in an effort to implement cost-effective control measures which can be implemented to bring ambient PM10 levels down to levels that will meet the California Ambient Air Quality Standards for PM10. Title 17 CCR requires that Districts have an open burning program and has the flexibility to at a minimum meet the requirements as stated and to adopt regulations appropriate for the land type of each District individually. Title 17 CCR §80145 states that the District’s program “*...shall not allow more burning on a daily basis than is appropriate for the meteorological or air quality conditions.*” The District’s smoke management program does this as part of its obligation as a member of the North Coast Air Basin which is shared with other air districts.

## Burn Permit Program

### **7) Renewal/Expiration period of Burn Permits on a calendar basis.**

- **Issue** – Stakeholder suggests burn permits should expire during the summer when burning is not allowed due to wildfires.
- **Recommendation** – Continue with District practice renewing burn permits on a calendar basis for the reasons outlined below.

Upon discussion with the Stakeholder a few months ago, the District proposed an administrative policy that allows for 2 month grace period where burning will be allowed if the burner purchases a permit for the following year in the Fall of the prior year. This was providing a solution to the Stakeholder concern that burners may not get the full calendar year value of their burn permit when renewing in the last few months of the year.

District Rule 408(C) indicates that burn permits are issued for a limited term beginning on the date issued and ending on December 31<sup>st</sup> of that same year, where Non-Standard burn permits are obtainable through the online portal so this generally should not be an issue. However, if a citizen obtains an initial burn permit for the next calendar year the District can allow the following year burn permit to also be valid for the last two months of the existing year as indicated above. This policy can be re-evaluated as necessary and is intended to assist and promote prescribed burning for qualified burners.

The District's renewals are based in part on Title 17 CCR §80160 – Special Requirements for Prescribed Burning and Prescribed Fires in Wildland and Wildland/Urban Interface Areas, which states that “*district smoke management programs shall include rules and regulations...that: (a) Require registration of all planned burn projects annually or seasonally*”.

For more than twenty-five years, the District typically issues about 7,600 burn permits each year. Renewing burn permits on a calendar basis continues to be the most cost effective and efficient given the small amount of District staff. Burn permits are still needed during the CAL FIRE burn ban as burning is allowed in some small jurisdictions like the Ferndale VFD where open burning is still allowed. The summer period during the burn ban is typically quite busy for District staff (and in particular the Burn Program Coordinator) managing the District response to wildfire smoke impacts during the summer. In addition, most of the government, and large commercial SMPs are submitted to the District in the Fall.

The District receives few concerns on the practice of renewing burn permits on a calendar basis. Most burners know to renew their permit on a calendar basis given the historical practice. Changing from a calendar renewal to a seasonal renewal would require considerable expense in modifying the District Burn Program and online platform, especially given the burn permit fees continue to be limited.

**8) Burn Authorizations are required prior to burn on “Permissive” and “Marginal” Burn Days.**

- **Issue** – Stakeholder feels Burn Authorizations should only be allowed on “Marginal” Burn Days.
- **Recommendation** – Continue with current practice as Title 17 CCR and the District’s Burn Program require Burn Authorizations for both “Permissive” and “Marginal” Burn Days.

Currently Title 17 CCR and the District’s Burn Program requires Burn Authorizations for both “Permissive” and “Marginal” Burn Days. CARB would have to be approached to change this aspect of the regulations.

Smoke impacts and exceedances can still occur on Permissive Burn Days even if the day is found to be more favorable for burning (for example, the District and a neighboring air district recently had impacts and an exceedance on a Permissive Burn day due to an authorized burn).

**9) Ease of obtaining Burn Authorizations**

- **Issue** – Stakeholder believes obtaining Burn Authorizations should be improved on mornings, weekends, and in the absence of the Burn Program Coordinator.
- **Recommendation** – Continue with current practice of Burn Program Coordinator and/or other District staff issuing Burn Authorizations on the morning prior to a burn and up to 96 hours in advance of a burn (if a pending weekend or holiday etc.) contingent upon a Permissive Burn Day and that the burn units or material to be burned continue to meet the meteorological/wind prescription as approved or indicated in the SMP.

Current District practice allows what the Stakeholder desires, however in response the District has made numerous changes to ensure continuity and access to obtain authorizations. Burn Authorizations can be obtained up to 96 hours (4 days) in advance of a burn. While District Staff acknowledges there have been times the District has been able to receive Burn Authorizations (outages, phone system issues, staff absence, etc.). However, access to burn authorizations is not generally an issue and the District does not receive many comments in this regard.

Burn Authorizations given in advance (up to 96 hours) are contingent upon the day of the burn being a Permissive Burn Day, and a No-Burn Day permit allowance can also be obtained in advance as



necessary. In addition, the burn units or material to be burned must meet the meteorological/wind prescription on the day of the burn as approved or indicated in the SMP.

Typically, most routine Burn Authorizations are provided the morning of the planned burn or are obtained the day before. In addition, many burners obtain a Burn Authorization in advance during the weekday with the informed Burn Coordinator for burns occurring on the weekend or holiday(s). However, larger burns or those involving coordination issues (FSCs, TREX, PBAs, etc.) may necessitate obtaining approval a few days prior to the burn. Burners can still obtain weekend or holiday Burn Authorizations from the APCO as liaison as necessary, but District staff encourages burners to engage with the Burn Program Coordinator during the week if possible and to obtain a contingent burn authorization a few days prior.

CARB declares Burn days in accordance with Title 17 CCR §80110 and Title 17CCR §80145 (Program Elements and Requirements) indicates a minimal Burn Authorization system for air districts. District Rule 201(C) and Rule 206(C) codify these requirements. See also Title 17 CCR §80160(j) and additionally Title 17 CCR §80160(e) and (g).

**10) Burn Authorizations are not required for burning one/single 10' diameter pile at a time (feeding one pile is also allowed), even if a Smoke Management Plan (SMP) may exist, unless District staff has determined additional oversight/mechanism are needed.**

- **Issue** – Stakeholder believes that Burn Authorizations are be required for individual pile burning when a burner has a current SMP.
- **Recommendation** – No change is required; continue with current practice where Burn Authorizations are not required for burning one (1) 10-foot diameter pile at a time, even if a SMP may exist, unless District staff has determined additional oversight/mechanism are needed.

Current District practice allows what the Stakeholder desires, although there may be some confusion. Under District Rule 203, a Non-Standard Burn Permit is required for all open outdoor burning conducted within the District unless the burn is conducted pursuant to a Standard Burn Permit, or if the burning is exempt from permitting requirements pursuant to Rule 201. Typically, burning one 10-foot diameter burn pile one at a time (or feeding one pile) is allowed within the Non-Standard Burn Permit.

If a burner has an SMP but elects to burn one 10-foot diameter pile at time, they would not need to obtain a Burn Authorization just because the pile is part of a burn unit, however they would need to include such piles and all material burned in their final submittal of material burned to satisfy SMP tracking. However, if burning one burn pile still proves to be problematic for smoke impacts or there are non-compliance issue(s) then the District can then/still require the burner obtain a Burn Authorization.

**11) District Burn Permit fee structure.**

- **Issue** – Stakeholder feels the District Burn Permit fee structure should be reassessed.
- **Recommendation** – Continue with current Burn Permit Fee Rule structure and implementation of District grant funds to subsidize any prescribed burn related burn permit fee or Smoke Management Plan (SMP) fee. Discuss fee structure at a later date (such as a year or two prior to any potential loss of grant funds) given that the District has grant funds for the next several years.

Since 2019, the District has allowed all eligible burn permits with a Smoke Management Plan to have all associated fees (Burn Permit, Smoke Management Plan, and/or No Burn Day Permit) waived as the District applies its funding from the State Prescribed Fire Grant to offset the fees. The District is the only air district in the state utilizing its Prescribed Fire Grant funding to subsidize prescribed fire related permit fees. Among rural and smaller air districts the District continues to receive the most Prescribed Fire Grant funding, as the District continues to remain as one of the top air districts in the state that approves the most prescribed burning (burned acreage and quantity of burns) in California. Typically, the District issues about 900-1,000 Burn Authorizations for about 15-20,000 acres burned.

All related fees for eligible prescribed burning continue to be waived for at least the next few years and potentially longer, as the District recently received additional \$160,000 in funding this year for the next three years. Given the State's priorities around wildfire prevention, the Prescribed Fire Grant continues to be a high funding priority for California and CAL FIRE and they have not indicated any changes in the current or future funding. Staff recommends continuing with subsidizing prescribed burn related burn permit fees or Smoke Management Plan (SMP) fees using the funding from the Prescribed Fire Grant, and suggests discussing potential fee structure at a later date (such as a year or two prior to any potential loss of grant funds) given that the District has sufficient grant funds for the next several years. In addition, CARB has indicated the possibility of a shift to state-wide issuance of burn permits (similar to diesel PERPs). Considering these circumstances, Staff suggests providing feedback on possible fee revisions at a later date when more information is known.

**12) District Non-Standard Burn Permits are allowed for only ½ acre parcels or greater.**

- **Issue** – Stakeholder feels that Non-Standard Burn Permits should be allowed on small parcels (less than ½ acre) to support fuel reduction work as well as collaborative broadcast burning.
- **Recommendation** – Continue with District policy solution that allows for Coordinated Smoke Management Plans by a plan coordinator and for aggregation of burn permits for participating property owners who have less than ½ acre.

Current District practice allows what the Stakeholder desires, as the District has previously implemented an administrative policy which allows a “coordinating” smoke management plan project(s) where permits are aggregated under one coordinated/project SMP with individual burn permits. This allows properties less than ½ acre to be part of a SMP helps facilitate and encourage prescribed burning. The plan coordinators submit all the paperwork for participating property owners than have less than ½ acre but each owner must have their own burn permit. Fire Safe Councils, Prescribed Burn Associations, Training Exchanges (TREX), VFDs, and Non-Profit Entities can utilize/submit one SMP for the group/project burning that will occur. Each landowner is required to have a separate burn permit based on property size (Standard or Non-Standard Burn Permit) for each participating property. Presently, the individual permit cost is evaluated by the amount of burning to be accomplished per each landowner, but then the cumulative cost is evaluated and the lesser of the applicable permit fee(s) is chosen. Over the years in implementing the Program, District staff has found this approach to benefit all stakeholders and also to meet District objectives and requirements.

The District's Standard and Non-Standard burn permits based on property size achieves implementation of the burn program and balances all the type of burning that occurs on all the various property sizes and locations in three counties. This structure was also balanced with the needs of the various fire agencies. Those properties with less than ½ acre with Standard permits are typically held by burners who are in close proximity to other properties in the urban areas. Burning on these smaller property parcels creates many nuisance complaints so pile size is limited to 4-foot in diameter and a half day burn hours. Those properties that are greater than a ½ acre are generally in the urban interface with less neighbors or in areas of less population where smoke impacts are not as

problematic and thus have larger 10-foot pile size and the ability to burn all day. Large property owners can still obtain a Standard Burn permit if desired but will be limited to 4-foot diameter pile and half day burn hours.

**13) District rule criteria require that Smoke Management Plans (SMPs) may be required for projects such as 3-acre conversions or logging operations for general landowners.**

- **Issue** – Stakeholder feels that property conversion or logging should not be required to have SMPs as permits are not based on pile/size or tonnage.
- **Recommendation** – Continue with current rule criteria where Smoke Management Plans (SMPs) may be required for burns for 3-acre conversion project(s) or logging operations for general landowners.

The District's online permit application system has an option for 3-acre conversion projects and these are reviewed by District staff to determine if the parameters for a SMP are met. The District burn permit application helps simplify and guide the public by helping applicants identify and select their burn type by indicating such types as residential, property development (3 acre conversions), agricultural, timber harvest, etc. These types of activities are not specified/called-out in the rules by name specifically but they can meet the requirements for a SMP.

The 3-acre conversion projects are usually on property owned by general landowners and not timber harvest companies. Typically, either the landowner or a licensed timber operators or registered professional forester submit the SMP Application, where burning is usually performed by the timber operator or registered professional forester as required. The burns are sometimes conducted under a short time frame (i.e. CAL FIRE has imposed a deadline for removal), or there is an unusually large quantity of material and/or it is still typically very green given size of the timber/slash.

Throughout the many years of implementing the Program, District staff has found that burning operations on 3-acre conversion projects and burning operations on properties from logging operations to be generally problematic as they typically generate complaints from smoke impacts. Those properties are typically in closer proximity to other property parcels in urban areas.

District Rule 203(B)(2)(f) indicates that the other criteria may be required in an SMP to address a concern. In addition, Rule 206(A)(2) – Quantity of Material and Burn Area indicates that if the quantity of material equals or exceeds one acre of material per calendar day, an SMP is also required.

**14) Non-approved combustibles.**

- **Issue** – The Stakeholder is questioning why the following are Non-Approved Combustibles (NACs): a) large stumps >16 inches, and b) wet or green vegetation material.
- **Recommendation** – No change; continue with NAC definition that large stumps >16 inches and/or wet or green vegetation should not be burned, however burn permits with SMPs can indeed burn such material which can allow such materials to be burned during the various prescribed burns.

Current District practice allows what the Stakeholder desires, but there may be some confusion. Non-Standard Burn Permits allow the burning of up to one (1) 10-foot diameter burn pile at a time unless otherwise approved/superseded by conditions of a Smoke Management Plan (SMP). This is indicated on the burn permit. Prescribed burns with SMPs certainly allow the burning of materials such as large stumps and/or green and wet material (including the burning of currently growing/living vegetation during broadcast burns, etc.). Burn of such material is allowed given the oversight of the



SMP and burn authorizations process. In general, these types of materials are considered non-approved combustibles for typical Standard and Non-Standard single pile burners who burn in the urban interface that are usually near other residents, and the District has learned over the many years of the Program that such materials are the source of many nuisance smoke complaints.

For reference, note that Title 17 CCR §80145(o) requires program elements and requirements that:

- a) *Require the material to be burned to be free of material that is not produced on the property or in an agricultural or prescribed burning operation. Material not to be burned includes, but is not limited to, tires, rubbish, plastic, treated wood, construction/demolition debris, or material containing asbestos.*
- b) *Require the material to be arranged so that it will burn with a minimum of smoke, when feasible.*
- c) *Require material to be reasonably free of dirt, soil and visible surface moisture.*
- d) *Require the material to be dried for minimum periods with separate specifications for the following: (A) trees and large branches, (B) prunings and small branches, (C) wastes from field crops that are cut in a green condition, and (D) other materials.*
- e) *Regulate hours of ignition and burning.*
- f) *Limit the ignition of fires to approved ignition devices.*

**15) The District does not evaluate fire risk when issuing a Burn Authorization.**

- **Issue** – Stakeholder has concern that the District may evaluate fire escape risk(s) when approving Smoke Management Plans or Burn Authorizations.
- **Recommendation** – Continue with current District practice that does not evaluate fire risk(s) potential when approving Smoke Management Plans or issuing a Burn Authorizations.

Current District practice allows what the Stakeholder desires, as the District does not evaluate fire risk(s) potential when issuing a Burn Authorization. However, as part of its obligation to fire agencies, District staff will indicate to a burner that a CAL FIRE permit may be required or that they should communicate and/or gain approval from a fire agency.

However, there may be some confusion as District rules do require notification when any authorized burn escapes beyond the control of what was authorized. District Rule 201(A)(10) - Authorized Quantity, Notice of Escape, and Suppression, states:

- a) *Authorized Quantity: No person shall allow any amount of combustible materials to be burned in excess of the amount authorized by the APCO pursuant to Rule 206, or the amount identified on the burn permit, whichever is less.*
- b) *Suppression: For all burns that exceed the amount allowed in the burn authorization, the responsible party shall immediately undertake measures to suppress and control said burn. The burn must be extinguished to the satisfaction of the APCO.*
- c) *Notification: If any authorized burn escapes beyond what is authorized and escapes beyond their control, the responsible party shall immediately notify the local, State or federal fire protection agency having jurisdiction over the burn. The responsible party shall notify the District within one hour of the escape, or as soon as safely possible to do so.*

# Agenda Item: 8

## Attachment B

## 2023 NCUAQMD Smoke Management/Burn Permitting Discussion: Seeking Opportunities to Streamline

**Goal:** To identify ways to streamline burn permitting to reduce the permitting requirements for open burners in the North Coast Unified Air Quality Management District. Specifically identifying potential mechanisms and pathways forward to see changes to air quality regulations to meet the shifting culture of Californians supporting Rx fire, both on their properties and in their airshed.

### SMP

1. >10-acre broadcast minimum to trigger SMP requirement in Title 17.
  - a. Currently required for burning >1 acre of vegetation in a calendar year. Ten times more strict than required by Title 17.
  - b. Relaxing this standard would help landowners burning defensible space.
  - c. CalFire recently opened their online permit portal, so now is a logical time to streamline.
2. According to Title 17, the second page of the SMP only needs to be required for 100+ acre burns.
  - a. The second page includes the wind Rx, which tends to trip people up.
  - b. If permits were relaxed for burns <10 acres, this would solve itself.
3. SMP Longevity: 2 years is too short.
  - a. Potentially make them good for the duration of current ownership or until there is a change in sensitive receptors (Placer County).
  - b. Potentially keep the current structure and SMP fee for single burn units and have an increased fee for the long-term plans that will require much more staff time.
    - i. Potentially break it down by number of parcels that are in the ownership.
4. The Title 17 SMP threshold for piles is 1 ton of particulate. Our district is ~244 times more restrictive than required by state law (Title 17) for pile burning.
  - a. Currently required for 10-foot diameter pile or more than 1 pile at a time.
    - i. 10x10 pile = 0.0041 tons (total pm)
  - b. So,  $1/0.0041 = 244$ , **10x10 piles** to create 1 ton of particulate at 100% consumption.
    - i. Particle calculation tool used: <https://depts.washington.edu/nwfire/piles/>
      1. Jason Davis looked into this tool and it uses data from 1996, but it is very user-friendly and seems useful.
5. SMP holders can be required to submit a NOAA spot weather forecast when requesting a burn authorization.
  - a. Spot weather forecasts are only available to public entities, not private burners.
6. Under Exemptions, 17 says: *“A district may exclude specific range improvement burns for livestock habitat or the initial establishment of an agricultural practice on previously uncultivated land from the provisions of section 80160.”*
  - a. This would mean **no** SMPs required on rangeland burns.

### Burn Permit

1. Permits should expire during the summer when burning is not allowed due to wildfire season.



- a. Having permits needing to be renewed ½ way through the prescribed burn season does not make sense (and it is specifically allowed by Title 17).
  - i. Since wildfire season is NCUAQMD busy time of year, Jason Davis suggested that NCUAQMD potentially allow extensions for projects that need them.
    1. This may be a tolerable solution, but ease of extension is a must.
  - ii. An additional Jason Davis brainstorm idea was to have a “trip ticket” approach where a burner identifies that they will likely need a certain number of burning days and their permit allows that many days.
  - iii. Now that non-standard permits are obtainable through the online portal, this should not be an issue, especially for projects <10 acres/1 ton of particulate.
2. Burn authorization numbers can only be required for marginal burn days if the district allows.
  - a. If only required on marginal burn days, total staff workload would be greatly reduced and flexibility to burn legally would be greatly enhanced.
  - b. This would be particularly useful if applied to burns <10 acres/1 ton of particulate.
3. Must improve burn authorization # acquisition on mornings, weekends and when staff limitations make it impossible to acquire one.
  - a. Props to Deb for being a great communicator when she has planned vacation!
4. Burn authorization numbers should not be required for individual pile burning just because a burner has a current SMP.
  - a. Currently, if you have a non-standard permit, you do not need a burn authorization number to burn a single pile unless you also have a SMP.
  - b. If you have a NCUAQMD SMP “Prior to each ignition, every day, you must obtain a ‘Burn Authorization Number’” regardless of pile size.
    - i. So, essentially, burners who have taken due diligence to assess where their smoke goes and have a plan are treated differently than those who have not that have the same Non-Standard Burn Permit for the same 10x10 pile.
5. Reassess burn permit fee structure.
  - a. Burn permits should not be based on size of project.
  - b. Short-term grant band aide has been greatly appreciated, but as we approach different fiscal times in state budgets, longevity of that solution may come to an end.
    - i. \$40 (<1 acre); \$80 (1-10 acres); \$250 (10-100 acres); \$500 (100-300 acres); \$1,250 (>300 acres)
6. Allow Non-Standard permits on small parcels to support fuel reduction work as well as collaborative broadcast burning (Currently 1/2-acre parcel minimum).
  - a. Really impactful for places like Shelter Cover and on other uninhabited lots.
    - i. Note: It is also illegal to haul the vegetation elsewhere to be burned on a larger lot.
7. Burning from a property conversion or logging, is specifically called-out and their permits are not based on pile/size or tonnage like other burners.
8. Non-approved combustibles in question:
  - a. No large stumps >16 inches.

- b. No wet or green vegetative material.
9. NCUAQMD role in determining fire escape risk for planned or ongoing burn operations.
  - a. It is air quality's role to manage air, not risk of fire escape. How burners plan to maintain control of burns is the jurisdiction of local fire agencies. Air board staff should not be involved in regulating any aspect of burn operations other than smoke emissions.

Note: Unfortunately, NCUAQMD often takes the brunt of burner complaints for shutting down burning at the request of CalFire (required by Title 17). Potentially having a way to indicate that the burn closures at those times are due to CalFire concerns and not air quality would reduce permit holder frustrations toward the district.

**Summary:** Any reduction in regulatory requirements, paperwork, approval processes, or increased efficiencies will reduce staff workloads. Reduced costs to NCUAQMD's burn program will reduce the need to charge unreasonable burn fees even during times when additional state funds are limited. Now is the time to act and make changes to encourage wildland management actions in our wildfire-prone air district. We understand that staff are currently working on finding solutions to some of these bottlenecks internally but encourage board to take action to eliminate barriers when possible.

Recent meetings with NCUAQMD staff:

Staff have been very responsive and respectful during our past meetings and their partnership is much appreciated.

- 1/20/23 Brainstorm Meeting Attendance: Kai Ostrow, Lenya Quinn-Davidson, Jeff Stackhouse, Deb Harris, Jason Davis
- 2/27/23 Brainstorm Meeting Check-in: Kai Ostrow, Jeff Stackhouse, Deb Harris, Jason Davis
- 5/18/2023 Board Meeting Public Comment: Kai Ostrow, Lenya Quinn-Davidson, Jeff Stackhouse, Henri Holbrook, Mitch Hunt, (Significant comments to this document were also contributed by Chris Root with the Mid Klamath Watershed Center)
- 7/20/2023 Board Meeting Agenda Item

# Agenda Item: 9

## Board Member Reports

# Agenda Item: 10

## Adjournment