

Appendix F

Draft Financial Hardship Waiver

Draft Financial Hardship Exemption

Rule Language

- 4.5 Hardship Waiver:** The APCO may issue a waiver from this rule if there are compelling economic reasons to do so and the waiver will not have adverse impacts. A written application must be submitted by anyone requesting a waiver.
- 4.5.1 Application Information:** The application must state the compelling reason for the waiver and must include the following information:
- 4.5.1.1** Address of the household where the wood burning device is located;
 - 4.5.1.2** Total gross monthly income for all persons living in the household;
 - 4.5.1.3** Total number of persons living in the household;
 - 4.5.1.4** Type of dwelling and age;
 - 4.5.1.5** Types of fuel and the devices used for heating;
 - 4.5.1.6** Copy of utility bill(s) paid;
 - 4.5.1.7** Identification of all wood burning devices being used;
 - 4.5.1.8** Estimate of the amount of wood or other solid fuel that will be burned on a Mandatory No Burn day;
 - 4.5.1.9** Certification by the applicant that the information contained in the application is accurate to the best of their knowledge under penalty of perjury under the laws of the State of California; and
 - 4.5.1.10** Other information requested by the APCO.

The proposed rule requires that two conditions be met to grant the hardship waiver,

- 1) no adverse impacts AND
- 2) compelling economic reasons

Adverse Impacts

Staff recommends two criteria 1) limiting the total number of waiver in an area, and 2) increasing the restrictions near sensitive receptors.

Adverse impact area

Staff recommends considering areas within a 1000 foot radius of the requested waiver. This distance criterion is used in Health and Safety code section 42301.6 for hazardous pollutants emitted from permitted facilities located near schools. That section does not apply here, because this is not a permitting action. However, since wood smoke contains hazardous air contaminants, including PAH's, this same distance criterion is used.

Adverse impacts – cap on number of waivers

Staff recommends allowing no more than 10 waivers within a radius of 1000 feet. Staff recommends that subsequent requests be denied. Note that low income residents could be

conditionally granted one season to allow them time to apply for funding to replace the existing device with an exempt device. The District cannot guarantee low income replacement can be completed for all applicants within one season because there are additional criteria considered, limited funding, and uncertain timeframes to complete the process.

The rule requires annual requests for the hardship exemption. In the event the number of requested hardship waivers exceeds the threshold, it may be appropriate to evaluate all applications, those granted and denied, and determine whether the next season approval should include additional criteria for economic hardship, and/or re-evaluate the number of hardship exemptions that can be granted based on information available at that time.

Additional restrictions for residences near sensitive receptors

Because of uncertainties associated with establishing a cap, staff recommends providing extra protection for sensitive receptors including, but not limited to, schools, day care centers, nursing homes, and hospitals because of the known health effects from increased asthma rates in children, heart attaches and premature death. Staff recommends denying waivers, even if the 10 household cap is not exceeded, if the residence is within 1000 feet of a sensitive receptor unless the residence meets federal low income guidelines.

Economic Hardship criteria

If the residence meets the federal low income criteria, then it has a compelling economic hardship. Staff recommends granting the hardship waiver up to the cap. If it does not, then staff recommends the APCO decide whether the submitted information about household income, cost of utilities, etc. is a “compelling economic reason”.

Federal Low Income Guidelines	
Number of persons in household	Monthly income
1	\$1763.13
2	\$2305.65
3	\$2848.162
4	\$3390.66
5	\$3933.17
6	\$4475.68
7	\$4577.40
8	\$4679.12
9	\$4780.84
10	\$4882.56
11	\$4984.28
12	\$5086.00

Source: Home Energy Assistance Program, www.Cresource.org/Program/Housing