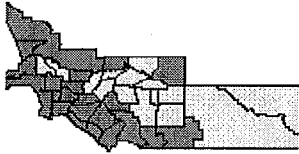




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SCAQMD Adopts Balanced Measure Governing Beach Bonfires

July 12, 2013

The South Coast Air Quality Management District (SCAQMD) today adopted an open burning rule that will better protect public health while preserving the availability of fire pits for recreation at Southland beaches.

Following 2 ½ hours of public testimony, SCAQMD's Governing Board voted to approve amendments to its [Rule 444](#) – Open Burning. The regulation applies to the estimated 686 fire rings in Orange County and 79 in Los Angeles County.

"This proposal has evoked strong feelings from residents on all sides," said Barry Wallerstein, SCAQMD's executive officer.

"We believe this plan will reduce exposure to harmful particulates at beaches and nearby communities while allowing beach fires to continue as a popular Southern California pastime."

Under the measure, beach bonfires will continue to be allowed in Los Angeles and Orange Counties as long as a city has not made a determination based on state law that smoke from fire pits poses a nuisance.

In addition, effective March 1, 2014, fire pits can remain if:

- They are located at least 700 feet from the nearest residence; OR
- They are at least 100 feet apart (If a city has 15 or fewer fire pits, they must be separated by at least 50 feet) and
- Air quality for fine particulates (PM2.5) in coastal areas is not forecast to exceed 100 on the Air Quality Index. (This is expected to occur infrequently under special meteorological conditions.)

Fire pits at Dockweiler State Beach, Huntington City Beach, and Bolsa Chica State Beach are not expected to be affected by the distance criteria. All 60 of the fire rings in the City of

Newport Beach (at Corona Del Mar State Beach and Balboa Beach) would have to be better dispersed and/or moved to another beach in the city to meet the rule's spacing requirements. In addition, a few dozen fire rings at Huntington State Beach and other beaches would have to be dispersed at greater distances.

Today's measure also enhances each cities' local control by requiring removal of fire pits in cities or counties that made a determination based on state law that the fires are causing a nuisance. Such determination would need to be made in a publicly noticed meeting by a vote of the city council or county board of supervisors.

The Board approved a provision specifying that any future SCAQMD actions affecting beach fire pits would be voluntary and not regulatory in nature. It also approved an exemption for fire pits in areas specifically constructed to comply with the Americans with Disabilities Act.

On Friday, SCAQMD also approved issuing a request for bids to design and demonstrate up to 25 low-emission fire rings fueled by sources other than wood such as propane or natural gas. Potential demonstration sites include Big Corona beach and the Balboa Pier area in Newport Beach and state beaches in Orange and Los Angeles counties.

"These clean-fueled fire pits could be the wave of the future, transforming smoky beach environments into more healthy spaces," Wallerstein said.

SCAQMD also will work cooperatively with local and state agencies to develop outreach programs to help raise awareness of the potential health impacts of wood smoke, and to prevent burning of inappropriate materials in the pits such as chemically treated wood.

Results from air monitoring at area beaches, ongoing since late March, shows that smoke from beach fires is impacting air quality in nearby residential areas. Concentrations were found to be up to 10 times background levels for short periods of time in beach parking areas and up to three times background at nearby residential locations.

The particulate emissions rate per minute from one beach bonfire is equal to that from:

- Three average big-rig diesel trucks; or
- The secondhand smoke from 800 cigarettes. Wood smoke contains many of the same toxic chemicals as secondhand cigarette smoke.

In addition, particulate emissions from 17 fire rings are equal to an average recent unplanned flaring event at a refinery. Particulate emissions from 30 fire rings are equivalent to that from the Fluid Catalytic Cracking Unit at a typical Southland refinery. (The FCCU is a major source of particulate emissions at a refinery.) The emissions from 275 fire rings are equal to emissions from the AES power plant at Huntington Beach. Also, one fire pit in one evening emits as much fine particulate pollution (PM_{2.5}) as one big-rig diesel truck driven 564 miles.

Smoke does disperse and is diluted as it travels downwind from a fire pit. An air quality

model indicates that the concentration of PM_{2.5}, the key harmful ingredient in wood smoke, decreases by about 98 percent at a distance of 700 feet from a fire pit, SCAQMD officials said. Likewise, requiring a minimum distance of 100 feet between pits will decrease concentrations by 50 percent to 75 percent compared to areas where fire pits are located closer to each other. However, smoke impacts may still occur beyond these buffer zones.

Fine particles in wood smoke contain cancer-causing chemicals as well as common combustion pollutants such as nitrogen oxides. Numerous health studies during wildfires, and in communities where large amounts of wood or other biomass is burned, show that wood smoke causes respiratory irritation and an increase in hospital admissions for respiratory problems. Fine particles also can aggravate chronic heart and lung diseases and are linked to premature deaths in people with these conditions.

SCAQMD first considered regulating beach burning earlier this year when the California Coastal Commission considered an application by the City of Newport Beach to remove its fire rings. Coastal Commission staff recommended denial of the application, citing in part SCAQMD's exemption of beach bonfires from its regulations. Recognizing that wood smoke is harmful, SCAQMD initially proposed a complete ban on beach burning in Orange and Los Angeles counties. Following extensive public interaction including three

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ITEM NO. F.3

LOCAL NEWS YOU CAN USE [Dana Point Times](#) Local News You Can Use

City Leaders Weigh in on Proposed Changes to Beachside Fire Pits

[EYE ON DP, News Headlines](#) June 20, 2013 by [Staff](#) | [1 Comment](#)

In a unanimous decision Tuesday night, the Dana Point City Council decided to weigh in on a proposal to create a buffer zone between beachfront homes and public fire pits.

Earlier this year, the South Coast Air Quality Management District introduced a proposal to ban wood-burning fires along Orange and Los Angeles county beaches.

But amidst a growing debate, air quality regulators lessened the sweeping proposal and suggested wood-burning fires be permitted, so long as fire pits are at least 700 feet from the nearest home and 100 feet away from one another.

Between Doheny State and Capistrano beaches, Dana Point is home to 36 fire pits, 24 of which, according to a city staff report, would have to be removed or relocated if proposed regulations are implemented.

City leaders expressed concern the SCAQMD was over-stepping boundaries and in a letter to the air district's governing board asked members to honor local control.

The SCAQMD Governing Board will formally vote on the proposal at a special meeting July 12 at its headquarters in Diamond Bar.

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CITY OF DANA POINT

ITEM NO. F.3

**CITY COUNCIL
REGULAR
MEETING**



**TUESDAY
JUNE 18, 2013
5:00 P.M.**

AGENDA

Location: City Council Chamber, 33282 Golden Lantern, Suite 210, Dana Point, California 92629

Next City Council Ordinance No. 13-03

- * 15. **CITY OF DANA POINT RESPONSE TO PROPOSED SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) ACTIONS IMPACTING THE NUMBER AND LOCATION OF FIRE RINGS AT BEACHES WITHIN THE CITY**

Council Member Brough removed this item from the Consent Calendar.

Council Member Brough thanked the Mayor for putting this item on the agenda. He stated that if Rule 444 goes through, Dana Point will lose 24 of 36 fire rings in the area.

IT WAS MOVED BY COUNCIL MEMBER WILLIAM P. BROUGH, SECONDED BY COUNCIL MEMBER CARLOS N. OLVERA, AUTHORIZE THE MAYOR TO SEND A LETTER TO THE BOARD OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) URGING IT TO HONOR THE RULE OF LOCAL CONTROL AND ALLOW EACH AGENCY THE ABILITY TO REGULATE PLACEMENT AND CONTROL OF FIRE RINGS WITHIN ITS JURISDICTION.

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera, Council Member Scott Schoeffel, Mayor Pro Tem Lisa Bartlett and Mayor Steven Weinberg

NOES: None

RECESS OF CITY COUNCIL MEETING UNTIL 6:00 P.M.

RECONVENE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

ORDINANCE NO. 06-203

AN ORDINANCE OF THE CAPISTRANO BAY COMMUNITY SERVICES DISTRICT ESTABLISHING RULES AND REGULATIONS FOR THE CONTROLLING OF RECREATIONAL OUTDOOR WOOD BURNING FIRES WITHIN THE COMMUNITY.

THE BOARD OF DIRECTORS HEREBY ORDAINS AS FOLLOWS:

1. Replacing Old Ordinance.

Ordinance No. 203 **and No. 05-203** are hereby repealed.

2. Statement of Policy and Necessity.

WHEREAS, section 61621.5 of the Community Services District Law, Government Code Section 61000 et seq., provides that a Community Services District may adopt regulations to govern the use of it's property; and

WHEREAS, it is necessary for the Capistrano Bay Community Services District to take certain actions to promote its ability to provide those services **authorized** by the State, to wit; the protection and safeguarding of life and property; and

WHEREAS, the practice of burning **wood-fueled** recreational fires on the beach within the Capistrano Bay Community Services District jurisdiction creates a condition hazardous to the health, safety and welfare of residents and guests of the District from smoke and burning embers left in the sand; and

WHEREAS, regulations are necessary to allow prompt intervention, citation and enforcement of penalties against persons burning hazardous beach fires.

3. Definitions

For the purpose of this ordinance, "hazardous fire" shall mean any **wood-burning** fire placed within **thirty (30) feet** of combustible walls or roofs or other combustible materials **from all sides of the fire**; or on the sand outside of a non-combustible, **permanent** cement fire ring or a metal container; **or any unattended fire**; or any fire at any time that creates smoke that is offensive or a health risk to the occupants of surrounding property.

4. Hazardous Fires Prohibited

No person shall cause a fire to be burned on the beach within the Capistrano Bay Community Services District jurisdiction that is deemed to be a hazardous fire. The determination of whether a fire *itself* is hazardous or if

(Ordinance No. 06-203)

the allowable permanent cement fire ring or metal container degrades to a state of disrepair, which could be reasonably construed to potentially cause a hazardous fire condition through its further use, shall be made and remedy enforced pursuant to this ordinance, by any **uniformed fire or police** officer, contract security officer or the District Manager.

5. Restrictions on Recreational Outdoor Wood-Burning Fires

All wood-burning fires are required without exception to observe the following restrictions:

(a) Fuel load must measure no higher than 18 inches from the base of the fire;

(b) Only store-bought pre-cut corded wood shall be burned (no trash, paper, leaves, seaweed, driftwood, plastic, etc.);

(c) A functioning garden hose attached to a controllable and working water source must be available nearby within reasonable spraying distance of the fire ring or container;

(d) The accumulation of ash in the fire pit must be regularly emptied and cannot be dumped or buried in the sand in private or public areas;

(e) Burned wood or coals falling onto the sand must be immediately picked up;

(f) Wood-burning fires can never burn unattended and must always be within sight of person(s) initiating the fire.

6. Penalties for Violation

Any person found violating any provision of this ordinance shall be deemed guilty of an infraction or a misdemeanor and shall be punished as follows:

(a) For a first offense, punished as an infraction by a fine of **fifty** dollars (**\$50**).

(b) For a second offense, punished as an infraction by a fine of not less than one hundred dollars (\$100) nor more than two hundred and fifty dollars (\$250).

(c) For a third or subsequent offense, by imprisonment in the county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1000), or both.

7. Notice

The Capistrano Bay Community Services District shall post a written notice for 30 days on the community entrance bulletin board and a public notice in the legal section under the classified ads of the local Orange County Register newspaper.