

Don Russell

From: Don Russell <drussell@capobay.org>
Sent: Thursday, March 06, 2014 3:00 PM
To: 'WebInquiry@aqmd.gov'
Subject: Assembly Bill 1102 vs. AQMD Ruling

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Good Afternoon,

AB 1102 is moving through the State Legislature and could be passed by the Senate. Assuming this is the case, how does 1102 impact the AQMD ruling regarding fire pits on the beach?

Thank you.

Donal S. Russell, Manager
Capistrano Bay Community Services District
35000 Beach Road
Capistrano Beach, CA 92624
949-496-6576 (office)
949-487-9224 (fax)
714-206-4331 (cell)
drussell@capobay.org

wsanchez@aqmd.gov
909-396-3203

March 6, 2014 Notes from phone call with AQMD today:

I received a phone call from William Sanchez at SCAQMD in response to my email question. He explained that the State Legislature has authority over the AQMD and whatever the Senate passes will be the rule of the day.

He said it's not likely that the Senate will get to Assembly Bill #1102 until maybe June (they have to clear all the Senate Bills first, then take the Assembly Bills).

In the meantime the AQMD is taking a kind of wait-and-see position on the politics given that their ruling will be changed based on whatever the Senate comes up with.

I am following the progression of this thru the legislature using a program provided by our local congressional office called *Bill Tracker* which enables me to log in and get up-to-the-minute news on any bill before the legislature.

1 of 3



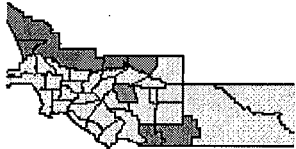
ITEM NO. F.2

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Judge Refuses to Delay Measure Governing Beach Bonfires

January 31, 2014

An Orange County Superior Court judge today rejected a motion by Friends of the Fire Rings for a preliminary injunction to stop implementation of the South Coast Air Quality Management District's measure governing beach fire rings.

In his decision, Judge Robert J. Moss specifically addressed health risks posed by wood smoke and found that "The AQMD has presented enough evidence to show that wood burning can be harmful to the health and that it had a rational basis ..." to adopt its rule.

In rejecting the preliminary injunction, the judge found that: "Petitioner has not met its burden as it fails to establish by competent evidence either irreparable harm or a probability that it will prevail on the merits."

The judge's ruling recognized that the rules had been crafted to avoid interfering with the public's use and enjoyment of fire pits: "the change in the Rules does not require removal of the fire rings, does not mandate the configuration or specific placement of the Fire Rings, allows unfettered burning of charcoal and liquid fuel, does not place any burden or responsibility on the owners of the Rings, or mandate the City take any action."

As a result of the judge's ruling, Barry Wallerstein, SCAQMD's executive officer, said "This measure protecting public health from the harmful effects of wood smoke will move forward."

Friends of the Fire Rings filed a lawsuit in Orange County Superior Court on Nov. 26, 2013 seeking to invalidate SCAQMD's Rule 444 - Open Burning. After filing the complaint, Friends of the Fire Rings filed a motion for a preliminary injunction to prevent SCAQMD and the City of Newport Beach from implementing the rule until the case could be decided.

The SCAQMD adopted the fire-pit rule on July 12, 2013, imposing modest restrictions for the approximately 765 beach fire rings in Los Angeles and Orange counties. The overwhelming majority of pits will not be affected. 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

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Air monitoring initiated by SCAQMD in March 2013 showed smoke from beach fires was 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 levels 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

2 of 3

Judge Refuses to Delay Measure Governing Beach Bonfires

The secondhand smoke from 800 cigarettes. Wood smoke contains many of the same toxic chemicals as secondhand cigarette smoke.

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 is the air pollution control agency for Orange County and major portions of Los Angeles, San Bernardino and Riverside counties.

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URL: <http://www.aqmd.gov/news1/2014/FireRingInjectionRuling.htm>



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30 of 3