

BOARD MEETING DATE: December 2, 2016

AGENDA NO. 31

PROPOSAL: Consideration to Add Rule 444 – Open Burning to Rule Forecast Report

SYNOPSIS: At its October 21, 2016 meeting, the Stationary Source Committee considered a request by the City of Newport Beach that Rule 444, which regulates open burning, be placed on the Rule Forecast calendar for 2017. Newport Beach has made this request because it seeks a reconsideration of the beach burning provisions of Rule 444, which the Board adopted in 2013.

COMMITTEE: Stationary Source, October 21, 2016, Reviewed

ACTION: Whether to include Rule 444 - Open Burning to the Rule Forecast Report for 2017.

Wayne Nastri
Acting Executive Officer

PF:TG

Background

The City of Newport Beach first requested that the Board reconsider the beach burning provisions of Rule 444 in a March 9, 2016 letter. Legal staff advised the City that the Board was legally barred from taking up Rule 444 because the rule was not on the AQMD rule calendar for 2016. Staff advised the City that Health & Safety Code section 40923 provides that the Board can consider a rule for adoption or amendment only if the rule is on that year's rule adoption calendar.

At its October 2016 meeting, the Stationary Source Committee, voted to support the addition of Rule 444 to the rule adoption calendar.

The Administrative Committee at its November 18, 2016 meeting, during the review of the December 2, 2016 Board agenda, directed staff to bring this action to the Board for its consideration. The Administrative Committee also requested that staff provide information at the December 2 Board meeting regarding implementation of the beach burning provisions of Rule 444.

The adoption calendar for 2017 is included on the December 2, 2016 agenda for the Board's consideration and includes rules that the Board is expected to consider in 2017, including actions to implement the upcoming 2016 AQMP. Adding Rule 444 to the 2017 Rule Forecast Report will divert resources from other regulatory and programmatic activities that are needed to advance the region's progress towards meeting state and federal ambient air quality standards.

Consideration to Add Rule 444 to the 2017 Rule Forecast Report

December 2, 2016



Background

- In 2013, the issue of potential health impacts from beach burning were brought to the SCAQMD's attention
- Newport Beach requested the Coastal Commission to remove fire rings
- Commission staff cited SCAQMD Rule 444 exemption as a justification to deny request
- SCAQMD schedule driven by Coastal Commission's hearing date

Extensive Rule Development Effort and Search for Alternatives

- Scientific (sampling, monitoring, gradient surveys, and analysis)
- Health (research on wood smoke impacts as compared to other sources of fine particulates)
- Outreach (numerous public, inter-agency, and local gov't meetings)
- Examination of beach burning alternatives
 - Fuel alternatives (natural gas, LPG, lump charcoal)
 - Successful Demonstration Project for LPG portable, mobile, beach fire device

Potential Community Health Impacts

- Beach Fire Rings
 - Approximately 765 along public coastline
 - Los Angeles County: Dockweiler State Beach (73), Cabrillo Beach (6)
 - Orange County: Bolsa Chica State Beach (178), Huntington City Beach (112); Huntington State Beach (240), Balboa Beach (33), Corona Del Mar State Beach (27), Aliso Beach County Park (7), Doheny State Beach (72), Capistrano Beach Park (4), North Beach (5), San Clemente City Beach (9)
 - High utilization, seasonal basis
 - Some in close proximity to residences
 - Other materials being burned (i.e., trash)



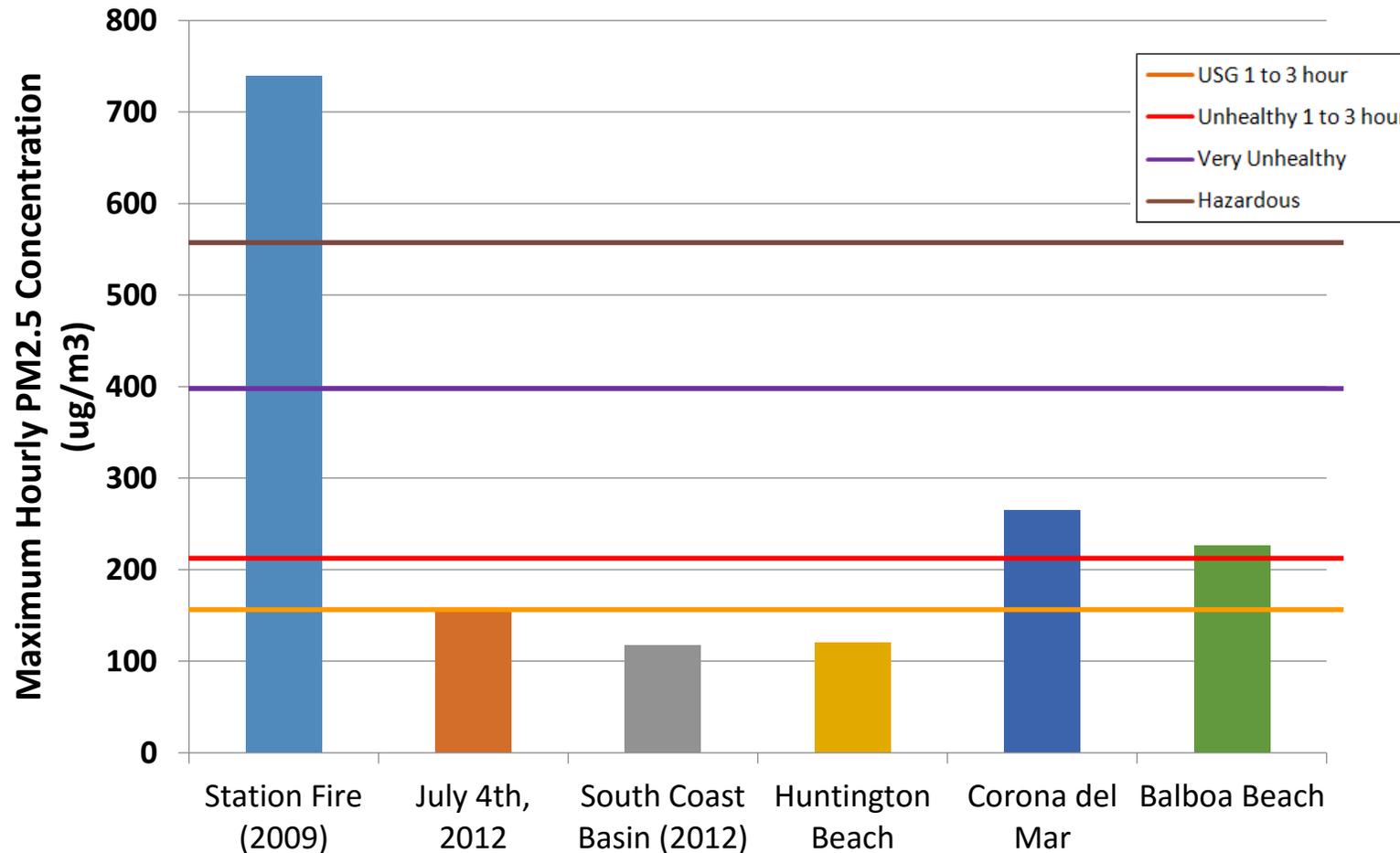
Potential Community Health Impacts Continued

- Coastal Air Monitoring

- Location of Monitors: Huntington Beach, Balboa, Corona Del Mar
- Fire ring wood smoke impacting beach areas and extending into communities
- 1-hour average PM2.5 concentrations exceeded public health guidance levels (wildfires)



Maximum Hourly PM2.5 Concentration Comparison



USG = Unhealthy for Sensitive Groups

Unhealthy – “consider canceling public events, based on public health and travel considerations”

Scientific Evidence

Particulates primarily in <PM2.5 size range

Fire ring emission rates higher than:

- Three 2013 average diesel trucks
- Second hand smoke from 800 cigarettes
- Large refinery FCCU
- 2012-2013 average of unplanned refinery flaring events
- Huntington Beach power plant

California Environmental Protection Agency
NEWS RELEASE
Air Resources Board

Release 09-06
FOR IMMEDIATE RELEASE
January 22, 2009

Dimitri Stanich
(916)322-2825
(916) 716-8047
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Wood smoke is a serious threat to public health
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How Wood Smoke
Harms Your Health



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EFFECTS OF
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Smoke may smell good, but it's not good for you.

Rule Reflected a Compromise

- Well short of full ban
- Minimum Spacing Distance (only applies within 700 feet of residences)
 - Typical pre-rule spacing 40-60 feet
 - 100 foot spacing reduced ring density and localized concentrations by 50-75%
 - 50 foot spacing allowed if small number of rings on the beach (15 or less)
 - Consideration of fire ring counts within city boundaries
- Buffer zone protected public health to the extent feasible
 - Fire rings outside 700 foot buffer from residences can remain
 - 700 foot buffer based on modeling results showing 98% exposure reduction between 25 and 700 feet distance
- Consideration given for ADA access
- Affected fire rings in five jurisdictions

Rule Compliance

- Estimated 765 beach fire rings in 12 jurisdictions (five affected)
(does not cover campgrounds or lakeside fire rings)

- Los Angeles County:

- Cabrillo Beach rings spaced to meet
ADA requirements

- Orange County:

- 90% of fire rings unaffected
 - Huntington State, Aliso, and San Clemente Beach fire rings moved to be
in compliance
 - Newport Beach had sufficient area, but decided to keep fire rings in
similar area



Rule Compliance (Cont.)

- No net change in the number of overall fire rings in LA and Orange Counties
- Impacts from local nuisance declarations unknown, but local authority strengthened
- Very few coastal no-burn days anticipated (1 in past 6 years, in the winter season)

Newport Beach

- Two beach areas
- Unique topography
 - Corona Del Mar
- Highly concentrated fire ring spacing, despite broader beach area

- Balboa Beach



Newport Beach Ordinance

- Met spacing requirements
- Minimized expansion of fire ring foot print by designating some as charcoal only
- Conducted public education (including charcoal give-away)
- Hired enforcement personnel, created signage
- Coastal Commission approved Rule 444 compliant program

- **No new information available since 2013 Amendments**
- **Resource Impacts to Amend Rule 444**
 - Approximate 6 - 9 month rule amendment effort
 - Requires CEQA analysis to analyze impacts from less stringent provisions
 - Up to 3 FTEs for rulemaking duration, including stakeholder outreach and CEQA/socioeconomic analysis
 - Due to controversial nature, additional resource needs:
 - Executive Office
 - Public Affairs
 - Media Office
 - General Counsel

Action

- Whether to include Rule 444 - Open Burning to the Rule Forecast Report for 2017.