



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • www.aqmd.gov

**TO:           Legislative Committee**  
**Josie Gonzales, Chair**  
**Michael D. Antonovich, Joe Buscaino**  
**Judy Mitchell and Dr. Clark Parker, Sr.**

**FROM:       Lisha B. Smith, Deputy Executive Officer, Legislative and Public Affairs**

## **NOTICE OF SPECIAL LEGISLATIVE COMMITTEE MEETING**

December 20, 2013 ♦ 9:30 am ♦ Conference Room CC8  
21865 Copley Drive, Diamond Bar, CA 91765

### **TELECONFERENCE LOCATIONS**

385 N. Arrowhead Ave. 5<sup>th</sup> Floor  
San Bernardino CA 92415

500 W. Temple Street, Room 869  
Los Angeles, CA 90012

638 S. Beacon Street, Room 552  
San Pedro, CA 90731

901 N. Camden Drive  
Beverly Hills, CA 90210

1970 Mandeville Canyon Road  
Los Angeles, CA 90049

62 Hidden Valley Road  
Rolling Hills Estates, CA 90274

*(Public may attend at all locations)*

## **AGENDA**

### **INFORMATION/DISCUSSION/ACTION ITEM:**

- 1. Recommend Position on the following State Bill [Attachment 1]**  
*This item is to seek approval from the committee on staff's recommendation for position on the following bill:*

<u>Bill#</u>	<u>Author</u>	<u>Bill Title</u>	
AB 1102	Allen and Quirk-Silva	South Coast Air Quality Management District: beach burning	<i>Barry R. Wallerstein, D.Env. Executive Officer</i>

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**2. Public Comment**

*At a special meeting, no other business may be considered (Gov't Code Section 54956). Each speaker will be afforded three minutes to address the Committee on items on this agenda. (Gov't Code Section 54954.3)*

**Americans with Disabilities Act**

*The agenda and documents in the agenda packet will be made available, upon request, in appropriate alternative formats to assist persons with a disability (Gov't Code Section 54954.2(a)). Disability-related accommodations will also be made available to allow participation in the Legislative Committee meeting. Any accommodations must be requested as soon as practicable. Requests will be accommodated to the extent feasible. Please contact Julie Franco at (909) 396-2958 from 7:00 a.m. to 5:30 p.m., Tuesday through Friday, or send the request to [jfranco@aqmd.gov](mailto:jfranco@aqmd.gov).*

**NOTE: The next regularly scheduled Legislative Committee meeting is on Friday, January 17, 2014.**

## ATTACHMENT 1A

### **AB 1102 (Allen)**

#### **South Coast Air Quality Management District: beach burning.**

**Summary:** This bill seeks to overturn South Coast Air Quality Management District's (SCAQMD) Rule 444, as amended, which was adopted after an extensive regulatory process.

**Background:** Existing law establishes SCAQMD with the authority to regulate air emissions from stationary sources located in the South Coast Air Basin and establishes a district board to govern the district.

SCAQMD adopted amendments to an open burning rule, Rule 444, in July 2013, which focused on better protecting public health while preserving the availability of fire pits for recreation at Southland beaches. The rule reflects SCAQMD's beach fire monitoring results and is responsive to the concerns raised by businesses, local elected officials and community members. The rule does not ban beach burning but strikes a reasonable balance by allowing burning under specified conditions. The amended rule establishes buffer zones and spacing between beach fire rings to reduce residential exposure to harmful particulates at beaches and nearby communities while allowing beach fires to continue as a popular Southern California pastime. It also recognizes local authority to regulate fire rings, giving cities and counties the flexibility to make determination based on state law that the fires are causing a public nuisance. Such a determination would need to be made in a publicly noticed meeting by a vote of the city council or county board of supervisors.

**Status:** 9/13/13 Failed Deadline pursuant to Rule 61(a)(14). (Last location was NAT. RES. on 8/15/2013) This is a 2-year bill.

**Specific Provisions:** Currently, the bill prohibits SCAQMD from prohibiting any person from engaging in beach burning. The below amendments are expected to be included in the bill by the time it is heard. Specifically, this bill would:

- 1) Prohibit SCAQMD from enacting a rule that regulates, prohibits, or restricts a person from engaging in a beach burning for a recreational, ceremonial, or open burning conducted in a public coastal area marked by an accumulation of sand; and
- 2) Require local or regional authorities to obtain a coastal development permit in order to regulate, prohibit, or restrict the use of fire rings located within their jurisdictions despite their existing authorization to prohibit and abate nuisances under Section 30005(b) of the Public Resources Code. Such a permit would be appealable to the California Coastal Commission.

**Impacts on AQMD's Mission, Operations or Initiatives:** This bill goes against the policy priorities of SCAQMD which are meant to protect public health, and serves to undermine the local and regional regulatory process which is based upon local expertise and analysis as well as extensive public comment and input. This bill's primary intent is to overturn SCAQMD's rule that is based on the agency's scientific findings and expertise focused on protecting public health and nuisance concerns. The bill goes so far as to prohibit the District from ever being able to regulate this source of emissions in any manner, which directly contradicts the mission of the agency. Additionally, SCAQMD has gone through extensive efforts to invite and act upon public input, resulting in a rule that fairly balanced public health needs with community recreational concerns. Finally, the bill is overbroad by prohibiting any SCAQMD regulation of recreational fires on the beach, including regulation which would prevent the burning of harmful materials such as plastic and treated wood.

This bill would establish a bad precedent that, if adopted, would invite special interests to short-circuit and circumvent SCAQMD's local rulemaking process, which would directly contradict the authority and mission of the SCAQMD Board. In addition, the bill would stop local governments from being able to address their local concerns in a way they determine is best by broadening the authority of the Coastal Commission over declarations of a public nuisance that state law currently authorizes local governments to make.

**Recommended Position: OPPOSE**

**Anticipated Amendments to the August 14 version of AB 1102**

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RN 13 27776 PAGE 1  
Substantive

**AMENDMENTS TO ASSEMBLY BILL NO. 1102  
AS AMENDED IN ASSEMBLY AUGUST 14, 2013**

**Amendment 1**

On page 2, in line 22, after "40440.15." insert:

(a)

**Amendment 2**

On page 2, in line 22, after "not" insert:

regulate,

**Amendment 3**

On page 2, in line 22, after "prohibit" insert:

, or restrict

**Amendment 4**

On page 3, between lines 2 and 3, insert:

(b) (1) For purposes of this subdivision, the following terms have the following meanings:

(A) "Development" includes fire rings.

(B) "Fire ring" means a structure used for a recreational, ceremonial, or open burning conducted in a public coastal area.

(2) Notwithstanding subdivision (b) of Section 30005 of the Public Resources Code, a local or regional authority located in the south coast district shall obtain a coastal development permit, as specified in Article 1 (commencing with Section 30600) of Chapter 7 of Division 20 of the Public Resources Code, in order to regulate, prohibit, or restrict the use of fire rings located in the south coast district as of January 1, 2015.

(3) A permit issued pursuant to paragraph (2) shall be appealable to the California Coastal Commission.

SEC. 3. The Legislature finds and declares that the use of fire rings at public coastal areas is a matter of statewide concern and not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution. Therefore, subdivision (b) of Section 2 of this act applies to a charter city or county.

**Amendment 5**

On page 3, in line 3, strike out "SEC. 3." and insert:

SEC. 4.



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Substantive

Amendment 6

On page 3, below line 9, insert:

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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AMENDED IN ASSEMBLY AUGUST 14, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013—14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1102**

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**Introduced by Assembly Member ~~Grove~~ Members *Allen and Quirk-Silva***  
**(Principal coauthors: Assembly Members *Donnelly and Mansoor*)**  
**(Coauthors: Assembly Members *Beth Gaines and Hagman*)**  
**(Coauthors: Senators *Nielsen, Walters, and Wyland*)**

February 22, 2013

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An act to add Section ~~38572~~ 40440.15 to the Health and Safety Code, relating to ~~air resources~~: *nonvehicular air pollution*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1102, as amended, ~~Grove Allen~~. ~~Air resources: greenhouse gas emissions~~. *South Coast Air Quality Management District: beach burning*.

*Existing law establishes the South Coast Air Quality Management District vested with the authority to regulate air emissions from stationary sources located in the South Coast Air Basin and establishes a district board to govern the district. Existing regulations of the district prohibit a person from engaging in a recreational, ceremonial, or open burning conducted in a public coastal area marked by an accumulation of sand, as specified.*

*This bill would prohibit the district from enacting a rule that prohibits a person from engaging in a beach burning for a recreational, ceremonial, or open burning conducted in a public coastal area marked by an accumulation of sand.*

*This bill would make legislative findings and declarations as to the necessity of a special statute for the south coast district.*

~~The California Global Warming Solutions Act of 2002 authorizes the State Air Resources Board, known as ARB, by regulation, to adopt a market-based compliance mechanism to further the achievement of the statewide greenhouse gas emissions limits.~~

~~This bill would require the ARB, if the ARB adopts a market-based compliance mechanism that provides for the auctioning of greenhouse gas allowances, to auction program allowances consigned by an electrical corporation or a local publicly owned electric utility before auctioning any other allowances.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. *The Legislature finds and declares all of the*  
2 *following:*

3 (a) *As the Legislature confirmed with Assembly Concurrent*  
4 *Resolution 52 (Chapter 52 of the Statutes of 2013), beach bonfires*  
5 *contained in fire rings should be allowed on all beaches in*  
6 *California.*

7 (b) *Beach bonfires are an inexpensive recreational activity and*  
8 *are enjoyed by all the members of our community regardless of*  
9 *socioeconomic class.*

10 (c) *Fire rings are usually large cement rings in the sand used*  
11 *to build your very own bonfire on the beach.*

12 (d) *The California Coastal Commission staff report of October*  
13 *22, 2012, stated, "Beach fire rings are a unique recreational*  
14 *facility for which there is no substitution."*

15 (e) *Amendments to Rule 444 by the South Coast Air Quality*  
16 *Management District were voted on at a hearing on July 12, 2013,*  
17 *and any actions by that vote on regulatory language and any*  
18 *subsequent action resulting from it need to be nullified.*

19  
20 SEC. 2. *Section 40440.15 is added to the Health and Safety*  
21 *Code, to read:*

22 40440.15. *The south coast district shall not prohibit a person*  
23 *from engaging in a beach burning for a recreational, ceremonial,*



□

1 or open burning conducted in a public coastal area marked by an  
2 accumulation of sand.

3 SEC. 3. The Legislature finds and declares that a special law  
4 is necessary and that a general law cannot be made applicable  
5 within the meaning of Section 1□ of Article □□ of the California  
6 Constitution because of the need to protect visitor-generated  
7 revenues that are used to fund essential programs, such as those  
8 for the protection of public safety and parks, within the jurisdiction  
9 of the South Coast Air Quality Management District.

10 SECTION 1. ~~Section 38572 is added to the Health and Safety~~  
11 ~~Code, to read~~□

12 ~~38572. If the state board adopts a market-based compliance~~  
13 ~~mechanism pursuant to this part that provides for the auctioning~~  
14 ~~of greenhouse gas allowances, the state board shall auction program~~  
15 ~~allowances consigned by an electrical corporation or a local~~  
16 ~~publicly owned electric utility before auctioning any other~~  
17 ~~allowances.~~

○

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that this is essential for ensuring the integrity of the financial statements and for providing a clear audit trail. The text also mentions that proper record-keeping is a key requirement for compliance with various accounting standards and regulations.

2. The second part of the document focuses on the role of the auditor in verifying the accuracy of the financial statements. It describes the various procedures that auditors use to test the underlying transactions and balances, and how they report their findings to the board of directors and other stakeholders. The text also highlights the importance of auditor independence and objectivity in this process.