

HOUSE BILL REPORT

ESHB 1080

As Amended by Senate

Title: An act relating to exempting certain nonurban areas from outdoor burning permit requirements.

Brief Description: Establishing an exemption to the outdoor burning permit program for certain nonurban areas.

Sponsors: By House Committee on Agriculture & Ecology (originally sponsored by Representatives Pennington, Chappell, McMorris, Carlson, Benton, McMahan, B. Thomas, Clements, Brumsickle, Boldt, Hatfield, Buck, Campbell, Delvin, Johnson, Sheldon, Mulliken, Kessler, Basich, Fuhrman, Morris, Huff, Honeyford, Chandler, Elliot, Schoesler and Sheahan).

Brief History:

Committee Activity:

Agriculture & Ecology: 1/25/95, 2/8/95 [DPS].

Floor Activity:

Passed House: 3/7/95, 76-18.

Senate Amended.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Kremen; Poulsen and Robertson.

Minority Report: Without recommendation. Signed by 3 members: Representatives R. Fisher; Regala and Rust.

Staff: Rick Anderson (786-7114).

Background: Outdoor burning refers to both "backyard" burning and to landclearing fires. Outdoor burning does not include silvicultural burning (slashburns), or agricultural burning.

Pollutants emitted by outdoor burns are PM-10 (inhalable particulate matter less than ten microns in diameter) and carbon monoxide. Outdoor burning contributes an

estimated 3 percent to statewide air emissions. In general, state law regulates where and how outdoor burning can occur and what can be burned.

Outdoor Burning Bans

Outdoor burning is permanently prohibited in areas where federal PM-10 or carbon monoxide standards are violated. Outdoor burning is temporarily prohibited in any area experiencing a period of impaired air quality. State law prohibits outdoor burning by December 31, 2000, in urban growth areas and in cities greater than 10,000.

Permits

State law allows outdoor burning in all areas not otherwise prohibited. All outdoor burning is subject to a permit. The permit system can be administered by the state, a local air authority, a county, a fire department, or a conservation district. A permitting entity may charge a fee. The permitting entity program can issue permits over the phone or through a more traditional written permit system. Outdoor burning can be banned in permitted areas when alternatives are "reasonably economical and less harmful to the environment". State law does not elaborate as to who decides when these criteria are met.

State law allows natural vegetative material to be burned. Ecology rules allow paper to be burned only in quantities sufficient to start a fire and, specifically prohibit the burning of cardboard, untreated wood, garbage, and other materials.

Summary of Bill: Citizens within the non-urban area of any county are exempt from the state requirement to obtain an outdoor burning permit. Citizens within the urban area of any county are required to obtain a permit. Urban areas are defined as: 1) locally defined urban areas under the Growth Management Act in counties that have designated such areas; or 2) incorporated cities and towns in counties that have not designated urban areas.

Persons exempted from the requirement to obtain a permit are subject to restrictions on what can and cannot be legally burned. Paper and paper products may be burned in an outdoor fire, subject to local regulations. The burning of orchard prunings and irrigation ditches are to be considered outdoor burning and exempt from the need to obtain a permit if outside the urban area. The exemption from an outdoor burning permit does not apply to landclearing fires.

The permitting entity is to make the determination if outdoor burning is to be banned based on reasonably available alternatives to outdoor burning. An outdoor burning permit may be issued by rule or by verbal, written, or electronic approval of the permitting entity. Local air pollution control authorities may not adopt rules regulating agricultural burning that are more stringent than state law.

EFFECT OF SENATE AMENDMENT(S):

The amendment limits the permit exemption to counties with an unincorporated population of 50,000 people or less. A provision is deleted that would have allowed paper and paper products to be burned in outdoor fires. A provision is deleted that would have limited the authority of local air authorities to regulate agricultural burning. A provision is added that allows tumbleweeds to be burned without first obtaining a permit in counties with a population of 250,000 or less. Provisions are added that require certain conditions to be met prior to exempting the burning of material that is incidental to specified agricultural activities.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: Rural areas have clean air and should not be required to obtain a permit for an activity (outdoor burning) that does not significantly affect the local air quality. Local fire districts are not an appropriate entity to issue permits for residential burning in rural areas.

Testimony Against: None.

Testified: Representative John Pennington (prime sponsor); Carl Hemenway, Lewis County Commissioner (pro); Richard Graham, Lewis County Commissioner (pro); Glenn Aldrich, Lewis County Commissioner (pro); Pete Spiller, Washington Fire Commissioners Association (pro); Mel Low, Thurston County Fire Chief (pro); Charles Peace, Olympic Air Pollution Control Authority (pro); John Penberth (pro); Addison DeBoer, (pro); George Benton (pro); Ray Sullivan (pro); Wilbur Underwood (pro); Lyle Hojem (pro); Joe Williams, Department of Ecology (pro); Ron Kalberg (pro); and Pat Dobyms (pro).

Votes on Final Passage:

Yeas 76; Nays 18; Excused 3; Absent 1

Nays: Brown, Chopp, Cole, Conway, Dellwo, Dickerson, R. Fisher, Mason, Ogden, Patterson, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Wolfe

Excused: Blanton, Grant, D. Schmidt

Absent: Horn