

ANALYSIS OF HB 2523

House Agriculture & Ecology Committee

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BACKGROUND:

The Washington Clean Air Act requires burning permits for a variety of intentional outdoor burning activities, such as weed abatement, or agricultural and silvicultural practices. The permits are obtained from an air pollution control authority, the Department of Ecology, or a local entity (fire protection agency, county, or conservation district) that has been delegated such authority from an air pollution control authority or the Department of Ecology. The intent of the permits is to require that certain conditions are met, including limiting burning to days when air quality is not impaired, limiting the kinds of materials that can be burned, and limiting the locations where such burning can occur.

Several kinds of burning permits are available, including those that must be obtained prior to conducting certain kinds of fire fighting instruction, and those that must be obtained for certain limited outdoor burning activities, such as disposing of organic refuse.

Under current law (RCW 70.94.650), a burning permit is not required for aircraft crash fire training conducted in compliance with the following conditions:

- the training is for fire fighters who provide support to airports that are certified by the Federal Aviation Administration (FAA), or are operated in support of military or governmental activities;*
- fire training is limited to times when air quality is not impaired;*
- the number of training fires allowed per year is limited to the minimum necessary to meet FAA or safety requirements; and*
- both the local fire district or fire department and the Department of Ecology, air pollution control authority, or local entity with delegated authority are notified of the intent to commence fire training.*

Aircraft crash fire training activities conducted in compliance with these conditions are not subject to the prohibition on burning petroleum products.

The permit exemption for such training sunsets July 1, 1998, or the date upon which the North Bend fire training center is fully operational for aircraft crash rescue fire training activities.

SUMMARY:

Several provisions pertaining to aircraft crash fire training are removed and replaced with others. The provisions removed include the requirement to obtain a burning permit, to limit training to firefighters who provide support to airports certified by the FAA or operated in support of military or governmental operations, to limit the number of training fires per year, and to sunset.

Written approval for such training is required from the department or air pollution control authority prior to the commencement of such training, and will be provided if the training facility meets the following requirements:

- The training facilities that may provide such training are changed to those that are specifically designed, maintained, and operated in accordance with FAA requirements for such training.*
- The training facility must be located in an area where air quality impacts from the training activities are minimized, and only in use at times when air quality is not impaired.*
- Soil and water pollution must be prevented through the use of a collection and containment system for petroleum products, fire retardant, and water; and*
- The training facility must notify the department or local air pollution control authority of pending operation.*

The burning of petroleum products necessary to conduct air crash rescue fire training is exempt from limited burning permit requirements.

Prohibited materials in outdoor burning, including garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, or any substance other than natural vegetation that normally emits dense smoke or obnoxious odors, may now be burned under limited burning permits issued by the department or a local air pollution control authority, in order to provide for fire fighting instruction or other actions to protect public health and safety.

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