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**Natural Resources, Ecology &  
Parks Committee**

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**ESSB 6646**

**Brief Description:** Regarding outdoor burning in areas of small towns and cities.

**Sponsors:** Senate Committee on Water, Energy & Environment (originally sponsored by Senators Doumit, Parlette, Sheldon, Swecker and Rasmussen).

<p><b>Brief Summary of Engrossed Substitute Bill</b></p>
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| <ul style="list-style-type: none"><li>• Allows limited outdoor burning in urban growth areas until December 31, 2008.</li></ul> |
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**Hearing Date:** 2/17/06

**Staff:** Amy Van Horn (786-7168).

**Background:**

The Clean Air Act is a federal law enacted in 1970 to create a nationwide framework for controlling air pollution. In 1990, Congress added significant amendments to the Clean Air Act aimed at improving air quality in metropolitan areas that violate health-based standards. The 1990 amendments set acceptable standard levels for various air pollutants, called National Ambient Air Quality Standards. Pollutants with established national standards include ozone, carbon monoxide, and toxins. If the presence of a pollutant exceeds the acceptable level in a metropolitan area, the United States Environmental Protection Agency designates that area a "nonattainment area." Nonattainment areas are subject to federal, state, and local regulations aimed at reducing the amount of the pollutant in the air.

In 1991, legislation was enacted in Washington to immediately disallow outdoor burning in any federally designated nonattainment or maintenance area for the chemicals released by burning, which include carbon monoxide, sulfur dioxide, nitrogen oxides, particulate matter, and various toxic substances. "Outdoor burning" is defined as "the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion" [RCW 70.94.743 (2)].

Currently, outdoor burning is not allowed in: (1) any area of the state where federal or state ambient air quality standards are exceeded for pollutants emitted by outdoor burning, or (2) urban growth areas, as defined by the Growth Management Act. An exception is provided, until December 31, 2006, for the urban growth areas of cities having a population of less than 5,000

people, as long as the city is not inside or abutting any land designated under the Federal Clean Air Act as a nonattainment or maintenance area.

Outdoor burning is allowed outside urban growth areas, and it is allowed if it fits a statutory exception, such as burning storm debris. Agricultural and silvicultural burning are also permitted.

**Summary of Bill:**

The exception allowing outdoor burning in the urban growth areas of cities with less than 5,000 people is extended from December 31, 2006, to December 31, 2008.

**Appropriation:** None.

**Fiscal Note:** Requested on February 15, 2006.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.