

SENATE BILL REPORT

ESSB 6646

As Passed Senate, February 13, 2006

Title: An act relating to outdoor burning in areas of small towns and cities.

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).

Brief History:

Committee Activity: Water, Energy & Environment: 2/1/06, 2/2/06 [DPS, DNP, w/oRec].
Passed Senate: 2/13/06, 35-12.

SENATE COMMITTEE ON WATER, ENERGY & ENVIRONMENT

Majority Report: That Substitute Senate Bill No. 6646 be substituted therefor, and the substitute bill do pass.

Signed by Senators Poulsen, Chair; Morton, Ranking Minority Member; Delvin, Honeyford and Mulliken.

Minority Report: Do not pass.

Signed by Senators Rockefeller, Vice Chair and Pridemore.

Minority Report: That it be referred without recommendation.

Signed by Senator Regala.

Staff: Richard Rodger (786-7461)

Background: Outdoor burning is the burning of any material in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

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. An exception is provided, until December 31, 2006, for cities having a population of less than 5,000 people, as long as the city is neither within or contiguous with any federally-designated nonattainment or maintenance area.

As of September 26, 2005, there are no longer any areas of Washington federally-designated as nonattainment. The following areas are federally-designated as maintenance areas, listed by pollutant: (1) Ozone: Puget Sound (King, Pierce, and Snohomish Counties) and Vancouver (Clark County). (2) Particulate Matter: Thurston County, Tacoma Tidelands, Kent Valley, and Seattle Duwamish, Spokane, Yakima, and Wallula. (3) Carbon Monoxide: Puget Sound (King, Pierce, and Snohomish Counties), Yakima, Vancouver (Clark County), and Spokane.

Summary of Bill: The exception allowing outdoor burning in cities with less than 5,000 people is extended until December 31, 2008.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill does not create a new exemption, but simply extends the existing provisions allowing small cities additional time to develop alternatives to burning. The bill does not allow burning in areas that have air pollution problems. Implementation of the ban in smaller cities would impose a hardship on rural residents, many who are low income and elderly. The largest burners in rural areas are already exempt under the law, so allowing these small fires will not have any great impact on air quality.

Testimony Against: Local governments have been given 15 years to prepare for the expiration of the burn ban. The state and local air agencies have been working on customized solutions for small cities all over the state and those solutions are working. Allowing this burning to continue will continue to impose the citizens in these cities to greater public health risks.

Who Testified: PRO: Senator Mark Doumit, prime sponsor; John Kaino, Pacific County Commissioner; Jack Field, Washington Cattlemen's Association; Eric Johnson, Washington Association of Counties.

CON: Dave Kircher, Puget Sound Clean Air Agency; Marshall Taylor, Department of Ecology.