

HOUSE BILL REPORT

SSB 6081

As Reported by House Committee On:
Environmental Health, Select

Title: An act relating to outdoor burning in urban growth areas of certain small cities.

Brief Description: Regarding outdoor burning in small cities.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Parlette, Poulsen, Honeyford and Rasmussen).

Brief History:

Committee Activity:

Select Committee on Environmental Health: 3/29/07 [DP].

Brief Summary of Substitute Bill

- Allows outdoor burning until July 1, 2008, within urban growth areas for cities having a population of less than 2,500 under certain conditions.

HOUSE SELECT COMMITTEE ON ENVIRONMENTAL HEALTH

Majority Report: Do pass. Signed by 5 members: Representatives Campbell, Chair; Newhouse, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Hailey and Wood.

Minority Report: Do not pass. Signed by 4 members: Representatives Hudgins, Vice Chair; Chase, Hunt and Morrell.

Staff: Brad Avy (786-7289).

Background:

Under the Washington Clean Air Act, outdoor burning is not allowed in any area of the state where federal or state ambient air quality standards are exceeded for pollutants emitted by outdoor burning. "Outdoor burning" means 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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Since January 2007, outdoor burning has not been allowed in any urban growth area of the state with the following exceptions under certain conditions:

- outdoor burning may be allowed for the exclusive purpose of managing storm or flood-related debris;
- outdoor burning that is normal, necessary, and customary to ongoing agricultural activities is allowed; and
- outdoor burning of cultivated orchard trees, whether or not agricultural crops will be replanted on the land is allowed as an ongoing agricultural activity.

Restrictions on outdoor burning do not apply to silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals.

Summary of Bill:

Outdoor burning in a city may continue to be allowed within urban growth areas until July 1, 2008, if:

- the county does not contain any nonattainment or maintenance areas designated under the Federal Clean Air Act for pollutants emitted by outdoor burning;
- the population of the city is less than 2,500; and
- the city legislative authority, after public hearing and due public involvement process, through majority vote, decides to allow burning to continue.

If a city decides to allow burning to continue:

- the city must submit a vegetative waste management plan to the Department of Ecology (DOE) by June 30, 2008;
- the plan must identify adopted alternative practices to burning; and
- implementation of alternative practices must begin by July 1, 2008.

If additional funding for alternatives to burning is provided through the coordinated prevention grant program in the 2007-2009 biennium grant cycle, those cities that do not continue to allow outdoor burning must receive highest priority for available grant dollars.

The DOE must convene a work group with representatives of affected stakeholders to assess opportunities (other than burning) to manage vegetative solid waste. The work group must recommend best management practices, consistent with good solid waste management practices, that work for smaller communities.

The work group recommendations must be completed by December 31, 2007.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The issue we need to deal with as a state is having the Clean Air Division saying no burning and at the same time the Solid Waste Division saying don't fill up our landfills. There's a direct conflict between air quality and solid waste. There are 54 cities affected that are all under 2,500; 34 eastside and 20 westside. There is a problem with small cities' ability to pay for things like chippers and staff time, and there are liability issues. Small communities are both money and staff challenged. One option currently used is to have city residents bring their yard waste to a central location to have it burned once a year under a permit from the DOE. If this bill is not passed there will remain inconsistencies when comparing non-Growth Management Act counties and federal lands with those counties where the ban would apply.

Larger cities can afford to have curbside collection and disposal of yard waste. Smaller cities cannot. If cost effective alternatives are not available, there will be an increase in the illegal dumping of yard waste at the end of roads or in ravines. Counties are working on developing successful composting programs using chippers and shredders. You must have enough people to make the numbers work out to have reasonable costs. It is very costly to haul yard waste long distances.

Most counties support the best management practices approach. We acknowledge the Clean Air Authorities' questions that there is a public health risk. Approaches that have been tried are not cost effective. If alternatives in small rural counties were economically viable, government wouldn't need to be involved. Grant funding provided doesn't cover ongoing maintenance costs, liability, or impact on staff.

(Neutral) We can understand both sides of the equation. But I think you need an air quality/public health perspective in this decision. We've already spent a significant amount of resources. The law's been on the books since 1999. There has been a lot of prior notice and we've been working with all the small communities and cities to let them know it's coming. There has been no push back from any of the cities regarding implementation of this burn ban. A significant amount of resources have been spent to educate the cities over the past couple of years. No-burning signs have been printed and posted. If the bill goes through, we'd be put in a dubious position to have to pull the signs down.

Regarding public health, we are talking about disposing of things into the atmosphere. Outdoor burning does have public health impacts ranging from cancer to respiratory problems. Ninety percent of the complaints to my agency deal with outdoor burning, ranging from nuisance complaints to severe health problems. Burning in the summer months is preferred due to good ventilation and air dispersion, except for the fire danger. During the winter, there are air inversions and burning of wet yard waste material which lead to air quality impairment days.

(Opposed) None.

Persons Testifying: (In support) Senator Parlette, prime sponsor; Dave Williams, Association of Washington Cities; Katherine Bohnet, Town of Wilson Creek; Wayne Hovde, City of Soap Lake; Bueu Hawkins, Chelan County Commissioner; Mary Hunt, Douglas County Commissioner; Merrill Ott, Stevens County; Dean Burton, Garfield County; Ron Draggoo, Douglas County Solid Waste; and George Valison, City of Cashmere.

(Neutral) Richard Stedman, Olympic Region Clean Air Agency.

Persons Signed In To Testify But Not Testifying: None.