

# SENATE BILL REPORT

## SB 5767

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As Reported by Senate Committee On:  
Environment, Water & Energy, February 06, 2009

**Title:** An act relating to nonsubstantive changes clarifying outdoor burning provisions of the Washington clean air act.

**Brief Description:** Making nonsubstantive changes clarifying outdoor burning provisions of the Washington clean air act.

**Sponsors:** Senators Rockefeller, Pridemore, Regala and Shin.

**Brief History:**

**Committee Activity:** Environment, Water & Energy: 1/28/09, 2/06/09 [DP].

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### SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

**Majority Report:** Do pass.

Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford, Ranking Minority Member; Delvin, Fraser, Hatfield, Holmquist, Marr, Morton, Ranker and Sheldon.

**Staff:** Sam Thompson (786-7413)

**Background:** The Washington Clean Air Act (CAA, RCW chapter 70.94), enacted in 1967 and revised many times, authorizes the Department of Ecology and local air pollution control authorities to regulate air quality. It is suggested that some CAA provisions – including limits on outdoor burning of residential yard waste, land clearing debris, agricultural material such as crop residue, and controlled burning in forests – have become difficult to grasp without careful analysis, and should be rewritten to improve clarity.

**Summary of Bill:** An intent section provides that the purpose of the act is to make technical, nonsubstantive changes to outdoor burning provisions of the CAA to improve clarity, and that no provision may be construed as a substantive change to the CAA.

CAA outdoor burning provisions are consolidated and reorganized for codification in a new “Outdoor Burning” subchapter. The act makes technical, nonsubstantive changes to current law by:

- reorganizing existing sections and subsections and creating new sections and subsections;

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- deleting obsolete and inaccurate language and references to previously-repealed sections;
- updating archaic forms; and
- incorporating language from another RCW title to clarify existing requirements.

The "Outdoor Burning" subchapter heading is part of the law and will be codified, but part headings (which are included in the act to assist analysis) are not part of the law and will not be codified.

**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.

**Staff Summary of Public Testimony:** PRO: The Department of Ecology strongly supports this effort to reorganize and clarify outdoor burning sections of the CAA without altering their policy or intent. These provisions have become incredibly complex, even for people familiar with the law. This bill will make these provisions more accessible. The Puget Sound Clean Air Agency applauds this effort to make the law clearer and more direct and believes that this bill should go forward in this form.

**Persons Testifying:** PRO: Marshall Taylor, Department of Ecology; Mike Ryherd, Puget Sound Clean Air Agency.