

FINAL BILL REPORT

SSB 5196

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Synopsis as Enacted

Brief Description: Including cattle feedlots implementing best management practices within the statutory exemption for odor or fugitive dust caused by agricultural activity.

Sponsors: Senate Committee on Agriculture, Water, Trade & Economic Development (originally sponsored by Senators Warnick, Hobbs, Takko, King, Chase and Honeyford).

Senate Committee on Agriculture, Water, Trade & Economic Development
House Committee on Environment

Background: Clean Air Act Requirements. The Department of Ecology (Ecology) and seven local air pollution control authorities (local air authorities) have each received approval from the United States Environmental Protection Agency to administer aspects of the federal Clean Air Act in Washington. Local clean air agencies have the primary responsibility for administering the state and federal Clean Air acts in counties which have elected to activate a local air authority or to form a multicounty air authority. In other areas of the state, Ecology is responsible for administering state and federal Clean Air Act programs. Under the federal Clean Air Act, each state maintains a State Implementation Plan that describes how the state implements clean air programs to achieve the federal ambient air quality standards for air pollutants.

Under the Washington Clean Air Act (Act), Ecology sets Washington Ambient Air Quality Standards (WAAQS). Local air authorities may also adopt standards that apply within their jurisdiction which must be at least as protective as federal standards. The Act directs Ecology or the local air pollution control authorities to require permits for certain operating sources of air pollutants and allows the state and these local agencies to impose registration requirements on sources of other air pollutants.

The Act exempts odors caused by agricultural activities consistent with good agricultural practices on agricultural land unless the odors have a substantial adverse effect on public health. Agricultural activity is defined for these purposes as the growing, raising, or production of horticultural or viticultural crops, berries, poultry, livestock, grain, mint, hay, and dairy products. Before issuing a notice of violation under the air pollution control statutes for an agricultural activity, Ecology or local air pollution control authority is required to consult with a recognized third-party expert in the activity to determine whether the activity is consistent with good agricultural practices.

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.

Fugitive dust caused by agricultural activity on agricultural land that is consistent with good agricultural practices is exempted from the Act standards. Fugitive dust is defined as particulate emission made airborne by human activity, forces of wind, or both, which does not pass through a stack, chimney, vent, or similar opening. The fugitive dust exemption does not apply to facilities subject to the Act's registration requirements as specified in current administrative rules and to specified statutory permit requirements and new source requirements.

Summary: Any notice of violation pertaining to odors or fugitive dust caused by agricultural activity must include a detailed statement with evidence as to why the activity is inconsistent with good agricultural practices, or has a substantial adverse effect on public health. The exemption for odors or fugitive dust caused by agricultural activity consistent with good agricultural practices applies to cattle feedlots with operational facilities which have an inventory of 1000 or more cattle in operation between June 1st and October 1st, where vegetation forage growth is not sustained over the majority of the lot. These cattle feedlots must comply with current requirements included in the State Implementation Plan, and if an area in which a cattle feedlot is located is at any time in the future designated nonattainment for a national ambient air quality standards, additional control measures may be required for cattle feedlots.

Agricultural activity includes the growing, raising, or production of cattle at cattle feedlots. Good agricultural practices for cattle feedlots means implementing best management practices pursuant to a fugitive dust control plan that conforms to the fugitive dust control guidelines that were approved by Ecology in December 1995 or in updates to those guidelines that are mutually agreed to by Ecology and the Washington Cattle Feeders Association.

Votes on Final Passage:

Senate	30	19
House	96	2

Effective: July 23, 2017