

FINAL BILL REPORT

SHB 1423

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Synopsis as Enacted

Brief Description: Concerning smoke management civil enforcement.

Sponsors: House Committee on Environment & Energy (originally sponsored by Representatives Fitzgibbon, Springer and Dent; by request of Department of Natural Resources).

House Committee on Environment & Energy
Senate Committee on Environment, Energy & Technology

Background:

Burning Permits.

The Department of Natural Resources (DNR) is responsible for issuing and regulating permits for certain burning activities on lands under the DNR's fire protection authority to: (1) abate and prevent fire hazards; (2) facilitate forest firefighting instruction; and (3) enable burning operations to improve fire-dependent ecosystems and otherwise improve the forestlands of the state. In addition, outdoor burning may be allowed for managing storm- or flood-related debris.

Conditions may be imposed in the permit for the protection of life, property, or air quality and the DNR may suspend or revoke the permits when conditions warrant.

The Washington Clean Air Act.

The Washington Clean Air Act (Act) regulates outdoor air pollution. The Act defines "air pollution" as the "presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property."

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

Air pollution control regulations address emissions of air contaminants that injure health or unreasonably interfere with enjoyment of life and property. Enforcement of the Act is generally handled either by the Department of Ecology or by one of the seven regional clean air agencies within Washington, depending on the county in which the source of the air contamination is located.

Any person who violates any of the provisions of the Act may incur a civil penalty in an amount not to exceed \$10,000 per day for each violation. Each violation is a separate and distinct offense, and in the case of a continuing violation, each day's continuance is a separate and distinct violation.

Summary:

A person who violates the requirement to have a valid written burning permit obtained from the Department of Natural Resources (DNR) to burn any flammable material on any lands under the protection of the DNR or to burn refuse or waste forest material on forestlands protected by the DNR may incur a civil penalty under the Washington Clean Air Act in an amount not to exceed \$10,000 per day for each violation. Each such violation is a separate and distinct offense, and in the case of a continuing violation, each day's continuance is a separate and distinct violation.

Civil enforcement actions related to violations of the burning permit statute must be consistent with the provisions of the burning permit statute.

The DNR must adopt a rule that establishes: (1) a framework for resolving conflicts that may arise related to the burning permit statute, including the issuance of civil penalties; and (2) the method by which penalties related to violations of the burning permit statute will be calculated. The DNR must conduct a public process to solicit input on the development of the rule.

Votes on Final Passage:

House	95	2
Senate	44	5

Effective: July 25, 2021