
**Select Committee on
Environmental Health**

HB 3017

Brief Description: Authorizing limited outdoor burning.

Sponsors: Representatives Warnick, Hinkle and Kretz.

Brief Summary of Bill

- Authorizes outdoor burning of organic debris within urban growth areas on the first and third Saturdays in November.

Hearing Date: 1/29/08

Staff: Ashley Pedersen (786-7303).

Background:

The Clean Air Act is a federal law enacted in 1970 to create a nationwide framework for controlling air pollution. In 1990 Congress added significant amendments to the Clean Air Act aimed at improving air quality in metropolitan areas that currently violate health-based standards. The 1990 amendments set acceptable standard levels for various air pollutants, called National Ambient Air Quality Standards. Pollutants with established national standards include ozone, carbon monoxide, and toxins. If the presence of a pollutant exceeds the acceptable level in a metropolitan area, the United States Environmental Protection Agency (US EPA) designates that area a nonattainment area. Nonattainment areas are subject to federal, state, and local regulations aimed at reducing the amount of the pollutant in the air.

In 1991 legislation was enacted in Washington to immediately disallow outdoor burning in any designated nonattainment or maintenance area for the chemicals released by burning. These chemicals are reported by the Washington Department of Ecology (DOE) to include carbon monoxide, sulfur dioxide, nitrogen oxides, particulate matter, and various toxic substances. The Legislature defined outdoor burning as 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. The 1991 legislation prohibited outdoor burning in any urban growth area

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defined by the Growth Management Act and in any city with a population greater than 10,000 that is threatened to exceed federal air quality standards and has a reasonable available alternative to burning. The latest date for these burning prohibitions to take effect was on December 31, 2000. The 1998 Legislature extended this deadline to December 31, 2006, for the urban growth area of cities with a population fewer than 5,000 that are not within, or contiguous to, an actual or threatened nonattainment area.

Currently in Washington, outdoor burning is only allowed if it fits a statutory exception (i.e. storm debris burning), if it occurs in cities not within an urban growth area, or if it occurs within a city with a population fewer than 5,000 that is not contiguous with a nonattainment area. Agricultural and silvicultural burning are not effected by these prohibitions.

Impaired Air Quality Condition

The DOE or a local air authority may declare an impaired air quality condition. A first stage of impaired air quality is reached when fine particulates are measured greater than 35 micrograms per cubic meter on a 24 hour average. A second stage of impaired air quality is reached when fine particulates are measured greater than 60 micrograms per cubic meter on a 24 hour average.

Air Pollution Episodes

Whenever certain meteorological conditions are met, the Director of the DOE may declare an air pollution episode. When these conditions occur, there is a possible danger to public health and safety.

There are four air pollution episode levels: forecast; alert; warning; and emergency. The DOE may declare and terminate the first three stages. The Governor may declare and terminate the emergency stage. The declaration of any episode stage shall specify the area to which it applies.

Whenever any episode stage has been declared, the DOE must establish an emergency action center. Enforcement with respect to any episode shall be directed from the emergency action center by the Director of the DOE in consultation with the Governor's office.

Summary of Bill:

Outdoor burning of organic debris will be allowed within urban growth areas on the first and third Saturdays in November.

Legislative authorities for counties that designate urban growth areas may choose not to allow outdoor burning of organic debris on the first and third Saturdays in their area of jurisdiction.

Outdoor burning of organic debris will not be allowed on in areas that are experiencing an air pollution episode or where a determination of impaired air quality has been made. If the burning is prohibited due to an air pollution episode or a determination of impaired air quality, then outdoor burning of organic debris shall be allowed on the next Saturday or Saturdays when there is not an air pollution episode or determination of impaired air quality.

Appropriation: None.

Fiscal Note: Requested on January 25, 2008.

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