

HOUSE BILL REPORT

HB 1080

As Reported By House Committee On:

Agriculture & Ecology

Title: An act relating to exempting certain nonurban areas from outdoor burning permit requirements.

Brief Description: Establishing an exemption to the outdoor burning permit program for certain nonurban areas.

Sponsors: Representatives Pennington, Chappell, McMorris, Carlson, Benton, McMahan, B. Thomas, Clements, Brumsickle, Boldt, Hatfield, Buck, Campbell, Delvin, Johnson, Sheldon, Mulliken, Kessler, Basich, Fuhrman, Morris, Huff, Honeyford, Chandler, Elliot, Schoesler and Sheahan.

Brief History:

Committee Activity:

Agriculture & Ecology: 1/25/95, 2/8/95 [DPS].

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Kremen; Poulsen and Robertson.

Minority Report: Without recommendation. Signed by 3 members: Representatives R. Fisher; Regala and Rust.

Staff: Rick Anderson (786-7114).

Background: Outdoor burning refers to both "backyard" burning (in piles or burn barrels) and to landclearing fires. Outdoor burning does not include silvicultural burning (slashburns), or agricultural burning.

Pollutants emitted by outdoor burns are PM-10 (inhalable particulate matter less than ten microns in diameter) and carbon monoxide. Outdoor burning contributes an estimated 3 percent to statewide air emissions. In general, state law regulates where and how outdoor burning can occur and what can be burned.

Outdoor Burning Bans

Outdoor burning is permanently prohibited in areas where federal PM-10 or carbon monoxide standards are violated. Outdoor burning is temporarily prohibited in any area experiencing a period of impaired air quality.

State law prohibits outdoor burning by December 31, 2000, in urban growth areas and in cities greater than 10,000.

Permits

State law allows outdoor burning in all areas not otherwise prohibited. All outdoor burning is subject to a permit. The permit system can be administered by the state, a local air authority, a county, a fire department, or a conservation district. A permitting entity may charge a fee. The permitting entity program can issue permits over the phone or through a more traditional written permit system. Outdoor burning can be banned in permitted areas when alternatives are "reasonably economical and less harmful to the environment". State law does not elaborate as to who decides when these criteria are met.

State law allows natural vegetative material to be burned. Ecology rules allow paper to be burned only in quantities sufficient to start a fire and, specifically prohibit the burning of cardboard, untreated wood, garbage, and other materials.

Nine counties in this state have unincorporated populations that exceed 50,000: Clark, King, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima Counties.

Summary of Substitute Bill: Citizens within the non-urban area of any county are exempt from the state requirement to obtain an outdoor burning permit. Citizens within the urban area of any county are required to obtain a permit. Urban areas are defined as: 1) locally defined urban areas under the Growth Management Act in counties that have designated such areas; and 2) incorporated cities and towns in counties that have not designated urban areas.

Persons exempted from the requirement to obtain a permit are subject to restrictions on what can and cannot be legally burned. The exemption from an outdoor burning permit does not apply to landclearing fires.

The permitting entity is to make the determination if outdoor burning is to be banned based on reasonably available alternatives to outdoor burning.

Substitute Bill Compared to Original Bill: The substitute bill allows outdoor burning without a permit in all non-urban areas. The original bill allowed this exemption only for counties with an unincorporated population of 50,000 or less. The substitute bill makes technical changes and adds an emergency clause.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: Rural areas have clean air and should not be required to obtain a permit for an activity (outdoor burning) that does not significantly affect the local air quality. Local fire districts are not an appropriate entity to issue permits for residential burning in rural areas.

Testimony Against: None.

Testified: Representative John Pennington (prime sponsor); Carl Hemenway, Lewis County Commissioner (pro); Richard Graham, Lewis County Commissioner (pro); Glenn Aldrich, Lewis County Commissioner (pro); Pete Spiller, Washington Fire Commissioners Association (pro); Mel Low, Thurston County Fire Chief (pro); Charles Peace, Olympic Air Pollution Control Authority (pro); John Penberth (pro); Addison DeBoer, (pro); George Benton (pro); Ray Sullivan (pro); Wilbur Underwood (pro); Lyle Hojem (pro); Joe Williams, Department of Ecology (pro); Ron Kalberg (pro); and Pat Dobyngs (pro).