

# HOUSE BILL REPORT

## EHB 2033

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### As Passed Legislature

**Title:** An act relating to an exemption to the Washington clean air act for fire training.

**Brief Description:** Providing an exemption to the Washington clean air act for fire training.

**Sponsors:** Representatives D. Schmidt and Scott.

**Brief History:**

**Committee Activity:**

Government Operations: 3/1/95 [DP].

**Floor Activity:**

Passed House: 3/8/95, 93-5.

Senate Amended.

House Concurred.

Passed Legislature.

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### HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** Do pass. Signed by 15 members: Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

**Staff:** Steve Lundin (786-7127).

**Background:** Both the federal and state governments have Clean Air Acts regulating air pollution.

Under the state Clean Air Act, an active air pollution control authority is created in every county with a population of 125,000 or more and an inactive air pollution control authority is created in every other county. The county legislative authority may adopt a resolution activating its inactive air pollution control authority. The county legislative authorities of two or more contiguous counties may merge any combination of active or inactive air pollution control authorities.

A local air pollution control authority or the Department of Ecology, where such an authority does not exist, issues permits for setting fires, including fires for weed abatement, agricultural activities, instruction in methods of fire fighting, yard waste, and land clearing projects.

A permit is not required for forest fire training purposes.

Further, legislation was enacted in 1994 permitting fire protection district fire fighters to set fire to structures without obtaining a permit from an air pollution control authority, or the Department of Ecology, if certain conditions are met, including:

- o The structure is located outside of an urban growth area designated under the Growth Management Act, and also outside of a city with a population of 10,000 or more;
- o The area is not declared to be in an air pollution episode or any stage of an impaired air quality;
- o Nuisance laws apply to the fire;
- o A good faith effort is made to remove any asbestos from the structure; and
- o Notice is provided to owners of adjacent property and other persons who will be potentially impacted.

**Summary of Bill:** A permit is not needed from a local air pollution control authority, or the Department of Ecology, to set a fire for training to fight aircraft crash rescue fires, if the following conditions are met:

- o The only fire fighters who participate are those providing support to an airport that is either certified by the Federal Aviation Administration or in support of military or governmental activities;
- o The fire is not conducted during an air pollution episode or any stage of impaired air quality.
- o The number of training fires allowed per year without a permit is limited to the minimum number necessary to meet federal aviation administration safety requirements; and
- o Prior to commencing the aircraft fire training, the local fire department and air pollution control authority or Department of Ecology is notified of the exercise.

The prohibition on outdoor burning of garbage, rubber products, plastics, petroleum products, and other substances emitting dense smoke or obnoxious odors is not applicable to a fire set for training to fight aircraft crash rescue fires.

These provisions expire on the earlier of either July 1, 1998, or the date the North Bend fire training center is fully operational for aircraft rescue fire training activities.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Federal requirements necessitate periodic practice burns for fire fighters to gain experience fighting aircraft fires. There are scheduling and other problems associated with getting permits.

**Testimony Against:** None.

**Testified:** Representative Dave Schmidt, prime sponsor; Ken Kirsch, Boeing Fire Department; Jim Justin, Association of Washington Cities; and Stu Clark, Department of Ecology.