

# SENATE BILL REPORT

## SB 5021

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As Reported By Senate Committee On:  
Ecology & Parks, February 2, 1995

**Title:** An act relating to the regulation of certain outdoor fires.

**Brief Description:** Modifying regulation of limited outdoor burning.

**Sponsors:** Senators Snyder, Owen and Rasmussen.

**Brief History:**

**Committee Activity:** Ecology & Parks: 1/17/95, 2/2/95 [DPS].

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### SENATE COMMITTEE ON ECOLOGY & PARKS

**Majority Report:** That Substitute Senate Bill No. 5021 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

**Staff:** Gary Wilburn (786-7453)

**Background:** Open burning is a significant source of air pollution in Washington State. The contribution to the state's annual air pollution from agricultural, silvicultural and residential open burning is an estimated 12 percent. Since the early 1970's, state law has directed that state and local air pollution control agencies administer a "one-permit" system for approving open burning by residential and commercial sources. Different measures are provided for regulating agricultural and silvicultural burning, and are not included in the discussion below.

In 1991 the Legislature substantially revised the open burning laws. It prohibited outdoor fires in areas that are in nonattainment with the federal air standards for pollutants emitted by outdoor fires, primarily particulate matter and carbon monoxide. It also prohibited such fires during periods of "impaired air quality," when certain wood stoves and fireplaces are also prohibited from operation. Finally, it set a deadline for banning outdoor fires by the year 2000 within urban growth areas and in cities over 10,000 population whose air quality threatens to exceed federal air-quality standards. In such areas, bans are to be phased in before the year 2000 as alternative disposal methods become available.

The administration and enforcement of the permit system was not specified by statute, but assigned collectively to air control agencies and local fire control agencies. Rules adopted by the Department of Ecology required local action to assume regulatory responsibility for the permit system by November 1994, without which outdoor fires within such area would be prohibited.

State laws also specify materials that may not be burned in outdoor fires, and authorize the Department of Ecology to adopt rules to implement the limited burning policy provided by state law. Among the rules adopted are limits on the size of fires and setbacks from structures. State law directs administering agencies to prevent and abate "nuisances" caused by outdoor fires, but do not define this term.

**Summary of Substitute Bill:** The outdoor burning permit program applies as to residential and land clearing burning within: (1) cities; (2) urban growth areas; and (3) outside urban growth areas in counties with unincorporated populations more than 50,000. In all other areas, the permit program applies only to land clearing. The permit program may be limited to general permit by rule, or by verbal, written, or electronic approval methods. Nothing requires fire districts to enforce air quality requirements related to outdoor burning unless an agreement to that effect has been entered with the appropriate agency.

**Substitute Bill Compared to Original Bill:** The substitute replaces the original bill. Deleted are provisions relating to prohibited materials in outdoor fires, standards for pile size and setbacks, and determination of "nuisance" fires.

**Appropriation:** None.

**Fiscal Note:** Requested on January 10, 1995.

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

**Testimony For:** Fire districts in many rural areas do not have sufficient staff or resources to issue burning permits and respond to complaints on fires that are causing air quality, and not safety, problems.

**Testimony Against:** Exempting large parts of the state from the outdoor burning provisions entirely will adversely affect public health and potentially cause areas to exceed federal air quality standards. Should address permit program to make it easier to administer but not eliminate it.

**Testified:** Jan Teague, Building Industry Assn. (pro); Dennis McLerran, Puget Sound Air Pollution Control (con); Emil Caruthers, Jack McDonald, Pacific County Fire Dist. 1 (pro); Stu Clark, Ecology (con); Bruce Wishart, Sierra Club (con); Pete Spiller, Fire Districts (pro); Art Stearns, DNR; Bill Clingan, Region 2 Fire Chiefs, Wesport Fire Dept. (pro); Ron Caster, Twin Harbor Fire Chiefs Assn., Grays Harbor Fire Dist. 2 (pro); Rita Hutcheson, Thurston County Fire Dist. 4 (pro); Mel Low, Thurston County Fire Dist. 6 (pro).