

SENATE BILL REPORT

SB 5609

As Reported By Senate Committee On:
Ecology & Parks, February 28, 1995

Title: An act relating to air pollution control authorities.

Brief Description: Concerning the powers and duties of air pollution control authorities.

Sponsors: Senators Loveland, Rasmussen, Prince, Snyder, Morton, West and A. Anderson.

Brief History:

Committee Activity: Ecology & Parks: 2/22/95, 2/28/95 [DPS].

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: That Substitute Senate Bill No. 5609 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: Washington's air pollution control laws allow the "activation" of local air pollution control authorities to administer air pollution control program within the local area. The local authorities are activated by action of a county or several counties, and the governing body of the authority is composed of local elected officials from the cities and counties for that area. The Department of Ecology administers air pollution control laws in areas of the state without an activated local authority. There are local authorities throughout Western Washington and in many counties in Eastern Washington.

Permits are required to conduct agricultural burning, to be administered by the Department of Ecology, air quality authorities, or by local governments. Ecology is to establish general criteria for permit issuance of statewide applicability. Rules adopted by Ecology in January of 1995 establish such general criteria by listing the factors that should be considered by local permitting entities, such as meteorological conditions, time of year, size and duration of the burning activity, applicant's need, and type of material to be burned. The criteria do not require seasonal limitations on burning, but also do not prohibit such limitations in local permit program.

The Spokane County Air Pollution Control Authority (SCAPCA) has adopted agricultural burning restrictions that limit burning to late summer and encourage completion of burning within a 16-day period. The permit issuing agencies in neighboring areas such as Whitman and Adams counties have not adopted such restrictions, but instead rely on weather conditions, particularly wind speed and direction, in determining when such burning may be permitted. Segments of the grass seed industry in Spokane contend that the SCAPCA

limitations are unduly restrictive when compared to these nearby areas and that uniform restrictions should apply.

Summary of Substitute Bill: Local air authorities administering the agricultural burning permit program must not limit the number of days of allowable burning, but may consider other criteria such as weather conditions.

Substitute Bill Compared to Original Bill: The substitute bill replaces the original bill.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Spokane Air Authority adopted too limited a burning period for Spokane area seed growers to adequately treat their acreage during such period.

Testimony Against: (original bill): This bill would unduly restrict air authorities' rules to address urban area air quality concerns, and would reverse the balance between state and local air pollution authority established by the 1991 Washington Clean Air Act.

Testified: Jim Nolan, Puget Sound Air Pollution (con); Bruce Wishart, Sierra Club (con); John Cornwall, IGGA (pro/amendment).