

# HOUSE BILL REPORT

## HB 1726

---

---

**As Reported By House Committee On:**  
Agriculture & Ecology

**Title:** An act relating to outdoor burning of storm or flood-related debris.

**Brief Description:** Allowing outdoor burning of storm and flood-related debris.

**Sponsors:** Representatives Robertson, Linville, L. Thomas, Regala, Benson, Kastama, Smith, Hatfield, Koster, Sullivan, McDonald, Chandler, Zellinsky, DeBolt, B. Thomas, Cairnes, Johnson, Cooke, Clements, Kessler and Mulliken.

**Brief History:**

**Committee Activity:**

Agriculture & Ecology: 2/10/97, 2/20/97 [DPS].

---

### HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Chandler, Chairman; Parlette, Vice Chairman; Linville, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Cooper; Delvin; Koster; Mastin; Regala and Sump.

**Staff:** Rick Anderson (786-7114).

**Background:** Outdoor burning refers to both "backyard" burning and to land-clearing 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 10 microns in diameter) and carbon monoxide. Outdoor burning contributes an estimated 6 percent to statewide air emissions. In general, state law regulates where and how outdoor burning can occur and what can be burned.

Outdoor burning is prohibited in areas where federal PM-10 or carbon monoxide standards are violated. These areas include the greater Spokane, Yakima, and Olympia areas and the Tacoma tideflats, the Duwamish valley, and the Kent valley. State law prohibits outdoor burning by December 31, 2000, in urban growth areas designated under the Growth Management Act, or in cities greater than 10,000 population.

The federal Clean Air Act requires a state implementation plan for areas that do not meet, or have not met, federal air quality standards. These plans must identify enforceable actions that will reduce air pollution sufficiently to meet federal air quality standards. Many of these plans include outdoor burning bans as one action to reduce air pollution. The U.S. Environmental Protection Agency has final approval of state implementation plans.

**Summary of Substitute Bill:** Outdoor burning may be allowed in areas in which outdoor burning is prohibited if the burning is conducted solely for managing storm and flood-related debris. The entity with permitting jurisdiction will decide if burning will be permitted in an area in which outdoor burning is prohibited. A permit is required and a fee may be charged to recover the costs of administering the permit. All restrictions on what can and cannot be burned remain unchanged except that outdoor burning of debris resulting from land-clearing activities is not allowed.

**Substitute Bill Compared to Original Bill:** The original bill did not specify the type of debris eligible for the exemption. The substitute bill specifies that outdoor burning cannot occur in prohibited areas if the debris results from land-clearing activities and that the Department of Natural Resources can authorize burning in prohibited areas if it is the permitting entity.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Recent storms have inundated residents with broken limbs and other yard waste. Outdoor burning needs to be an option, especially in areas that do not provide chipping or collection services for yard waste. The exemption from outdoor burning prohibitions should apply only to flood and storm-related debris. The Department of Natural Resources has permitting authority in some parts of the state and should be authorized to provide this exemption to landowners.

**Testimony Against:** The type of debris eligible for the exemption should be defined. The exemption should not allow outdoor burning of debris resulting from land-clearing activities. The bill may jeopardize federally required air quality plans.

**Testified:** Rep. Eric Robertson, sponsor (pro); Gunther Ries (pro); Randy Acker, Department of Natural Resources (pro w/concerns); Stu Clark, Department of Ecology (pro w/concerns); Charles Peace, Olympic Air Pollution Control Authority (con); and Mike Ryherd, Puget Sound Air Pollution Control Association (con).