
Environment & Energy Committee

HB 1423

Brief Description: Concerning smoke management civil enforcement.

Sponsors: Representatives Fitzgibbon, Springer and Dent; by request of Department of Natural Resources.

Brief Summary of Bill

- Provides that a civil penalty may be issued to a person who violates the requirement to have a burning permit issued by the Department of Natural Resources (DNR) in order to burn certain classes of material on lands protected by the DNR.

Hearing Date: 2/4/21

Staff: Robert Hatfield (786-7117).

Background:

Burning Permits.

The Department of Natural Resources (DNR) is responsible for issuing and regulating permits for certain burning activities on lands under the DNR's fire protection authority to (1) abate and prevent fire hazards, (2) facilitate forest firefighting instruction, and (3) enable burning operations to improve fire-dependent ecosystems and otherwise improve the forestlands of the state. In addition, outdoor burning may be allowed for managing storm or flood-related debris.

Conditions may be imposed in the permit for the protection of life, property, or air quality and the DNR may suspend or revoke the permits when conditions warrant.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

The DNR, authorized employees thereof, or any warden or ranger may refuse, revoke, or postpone the use of permits to burn when necessary for the safety of adjacent property or when necessary to prevent air pollution.

The Washington Clean Air Act.

The Washington Clean Air Act (Act) regulates outdoor air pollution. The Act defines "air pollution" as the "presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property."

Air pollution control regulations address emissions of air contaminants that injure health or unreasonably interfere with enjoyment of life and property. Enforcement authority for the Act is generally handled either by the Department of Ecology or by one of the seven regional clean air agencies within Washington, depending on the county in which the source is located.

Any person who violates any of the provisions of the Act may incur a civil penalty in an amount not to exceed \$10,000 per day for each violation. Each such violation is a separate and distinct offense, and in case of a continuing violation, each day's continuance is a separate and distinct violation.

Summary of Bill:

A person who violates the requirement to have a valid written burning permit obtained from the Department of Natural Resources (DNR) to burn any flammable material on any lands under the protection of the DNR or to burn refuse or waste forest material on forestlands protected by the DNR may incur a civil penalty under the Clean Air Act in an amount not to exceed \$10,000 per day for each violation. Each such violation is a separate and distinct offense, and in case of a continuing violation, each day's continuance is a separate and distinct violation.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.