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## Environment Committee

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### SB 6178

**Brief Description:** Concerning the outdoor burning of organic waste derived from pruning by commercial berry growers.

**Sponsors:** Senator Honeyford.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Authorizes the outdoor burning of organic waste from commercial berry pruning in certain areas where other outdoor burning is restricted.</li></ul>
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**Hearing Date:** 2/18/16

**Staff:** Jacob Lipson (786-7196).

**Background:**

The Department of Ecology (ECY) and seven local air pollution control authorities (local air authorities) have each received approval from the United States Environmental Protection Agency (EPA) to administer aspects of the federal Clean Air Act in Washington. Under the federal Clean Air Act, the EPA sets ambient air quality standards for six common types of air pollutants; likewise, under the state clean air act, the ECY sets state ambient air quality standards that are at least as protective as the federal ambient air quality standards.

The Department of Natural Resources, the ECY, local air authorities, and certain other local political jurisdictions may issue permits for a variety of outdoor burning activities. Outdoor burning includes agricultural burning, the burning of organic yard or gardening waste, and silvicultural burning. Agricultural burning permits issued by the ECY, a local air authority, or other local jurisdiction must ensure consideration of public safety and environmental interests, and minimize air pollution to the extent practical. Permit fees are collected in conjunction with most agricultural burning activities.

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

In general, outdoor burn permits may not be issued during a period when federal or state air quality standards are exceeded in an area. Outdoor burning is also prohibited in urban growth areas and in cities with at least 10,000 people that are at risk of exceeding state or federal air quality standards, if alternative means of disposing of solid waste are available. However, outdoor burning associated with ongoing agricultural activities is authorized within urban growth areas so long as the agricultural activity preceded the designation of the urban growth area and the burning activity is not conducted during times of impaired air quality. Burning of cultivated orchard trees is considered an ongoing agricultural activity and is authorized in urban growth areas only if burning is determined to be an appropriate method of preventing or controlling horticultural pests or diseases. This determination of the appropriateness of burning cultivated orchard trees must be made in writing by a Washington State University extension office agent, a local horticultural pest board, or a Department of Agriculture entomologist.

A limited fee-based burning program established by the state and local agencies with burn permit jurisdiction applies to residential and land-clearing burning in non-urban areas of counties with at least 50,000 people, and in cities and urban growth areas where outdoor burning is not prohibited. In areas covered by these fee-based burning programs, incidental agricultural burning of certain types of organic material, including orchard prunings and windblown debris, must be allowed without a permit or fee payment, so long as the burn operator notifies the local fire department and the burning does not occur during a period of impaired air quality.

**Summary of Bill:**

The outdoor burning of organic waste from pruning by commercial berry growers may qualify as an ongoing agricultural activity so long as it receives the same determination that is required of cultivated orchard trees that burning is an appropriate method to prevent or control horticultural pests or diseases. As with cultivated orchard tree burning, the burning of commercial berry growers' organic pruning material as an ongoing agricultural activity is allowed in urban growth areas if the agricultural activity preceded the designation of the urban growth area, and if the burn is not conducted during times of impaired air quality.

The outdoor burning of organic waste from commercial berry growers is also authorized without a permit or payment of a fee as an incidental agricultural burning activity under the limited fee-based burning programs established in certain cities, urban growth areas, and non-urban areas of large counties.

**Appropriation:** None.

**Fiscal Note:** Available.

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