
Environment Committee

HB 1299

Brief Description: Including cattle feedlots implementing best management practices within the statutory exemption for odor or fugitive dust caused by agricultural activity.

Sponsors: Representatives Blake, Manweller, Pettigrew, Dent, Robinson, Chapman, Buys, Kretz, Haler and Irwin.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Includes cattle feedlots implementing best management practices pursuant to the feedlot's fugitive dust control plan within the agricultural activities that are exempt under the Washington Clean Air Act from certain fugitive dust regulations.
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Hearing Date: 1/23/17

Staff: Robert Hatfield (786-7117).

Background:

The Washington Clean Air Act.

The Washington Clean Air Act sets up a regulatory scheme to protect air quality in Washington State. Under the Washington Clean Air Act, all sources and emissions units are required to meet emission standards established by the Department of Ecology (Ecology). Enforcement authority for the Washington Clean Air Act is handled either by Ecology or by one of the seven clean air agencies within Washington, depending on the county where the source is located. Civil penalties of up to \$10,000 per violation are authorized by the state Clean Air Act.

Odors and fugitive dust are two types of emissions regulated under the state Clean Air Act's general standards for maximum emissions. The standards require sources of fugitive emissions to implement "reasonable precautions" to prevent fugitive air emissions from being released and to prevent fugitive dust from becoming airborne. Sources of odors that may unreasonably

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interfere with any other property owner's use and enjoyment of their property must use recognized good practice and procedures to reduce those odors to a reasonable minimum.

Fugitive Dust Control Guidelines.

In 1995, Ecology issued a series of guidelines known as Fugitive Dust Control Guidelines for Beef Cattle Feedlots and Best Management Practices. The Guidelines identify best management practices (BMPs) for complying with the "reasonable precautions" standard for controlling dust at feedlots. Under the Guidelines, each feedlot develops its own fugitive dust control plan and implements its plan according to the criteria and/or implementation schedules outlined in their plans.

Agricultural Activity Exemption to the Washington Clean Air Act.

The Washington Clean Air Act creates an exemption to the requirements of the Clean Air Act for agricultural activities that cause odors or fugitive dust, so long as the activities are consistent with good agricultural practices, and unless they have a substantial adverse effect on public health. The Clean Air Act defines agricultural activity to include the raising of livestock. The agricultural activity exemption for fugitive dust does not apply to certain sources, including cattle feedlots that have an inventory of 1,000 or more cattle in operation between June 1 and October 1.

Summary of Bill:

The agricultural activity exemption for fugitive dust under the Clean Air Act applies to cattle feedlots implementing best management practices pursuant to the feedlot's fugitive dust control plan.

Appropriation: None.

Fiscal Note: Available.

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