
Environment Committee

SSB 6055

Brief Description: Creating a pilot program for outdoor burning for cities or towns located partially inside a quarantine area for apple maggot.

Sponsors: Senate Committee on Energy, Environment & Technology (originally sponsored by Senators Hawkins, Carlyle, Palumbo and Mullet).

Brief Summary of Substitute Bill

- Establishes a pilot outdoor burning program within cities and towns that are located partially inside an apple maggot quarantine area.
- Directs the Department of Ecology and the Department of Agriculture to submit a report to the Legislature that addresses, among other topics, recommendations for improving the pilot program consistent with the goals of preventing the transport of apple maggot larvae beyond the boundaries of the quarantine area.

Hearing Date: 2/19/18

Staff: Robert Hatfield (786-7117).

Background:

Clean Air Act Requirements.

The Department of Ecology (Ecology) 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. In addition to the federal Clean Air Act, Washington has also enacted a state Clean Air Act.

Under the federal Clean Air Act, each state maintains a State Implementation Plan (SIP) that describes how the state will implement clean air programs to achieve the federal National Ambient Air Quality Standards (NAAQS) for air pollutants. If the state does not achieve the NAAQS in a portion of the state for a particular air pollutant, that area is considered to be in nonattainment, and the state must revise its SIP with the goal of regaining attainment with the

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NAAQS. Ecology must submit the SIP revisions to the EPA for approval and may work with affected local air agencies to revise the SIP.

Under the state Clean Air Act, Ecology sets Washington Ambient Air Quality Standards (WAAQS). Local air authorities may also adopt standards that apply within their jurisdiction, which must be at least as protective as the federal standards. The state Clean Air Act directs Ecology or the local air authorities to require permits for certain operating sources of air pollutants and allows the state and these local air authorities to impose registration requirements on sources of other air pollutants.

Clean Air Act - Outdoor Burning.

The state Clean Air Act prohibits outdoor burning in certain circumstances, including within Urban Growth Areas and within any city with a population greater than 10,000, if such a city is at risk of exceeding state or federal air quality standards and alternative disposal methods are reasonably available.

Apple Maggot Quarantine.

Under the statutory authority of the Washington State Department of Agriculture, the apple maggot is subject to quarantine regulations. The transport of homegrown or foraged fresh fruit, including apples, crabapples, cherries, pears, plums, and apricots, out of a quarantined area is prohibited. Most counties in western Washington are quarantined for apple maggot, as is Spokane County. Parts of Chelan, Kittitas, Yakima, and Lincoln counties are also quarantined.

Summary of Bill:

An outdoor burning pilot program is established for the purpose of establishing the effectiveness of allowing certain cities and towns to burn brush and yard waste under the supervision of local fire authorities.

Until July 1, 2020, a city or town that is located partially inside an apple maggot quarantine area established by the Washington State Department of Agriculture (WSDA) must be allowed to conduct outdoor burning of brush and yard waste, subject to the following requirements:

- burning must be conducted by city or town employees, or by contractors under the supervision of city or town employees, or by local fire officials;
- burning must be supervised by local fire officials and in consultation with the WSDA and either the Department of Ecology (Ecology) or a local air authority, as applicable; and
- burning may be conducted no more than twice per calendar year.

When the city or town consults with Ecology or a local air authority, as applicable, the city or town must consider whether the burning will create a risk of exceeding applicable national ambient air quality standards. Ecology or the local air authority, as applicable, may recommend that the city or town schedule the burning in a way that reduces the likelihood of exceeding national ambient air quality standards.

Ecology and the WSDA must evaluate the effectiveness of the pilot program and must submit a joint report to the Legislature by December 31, 2020. The report must address, among other topics: a list of cities and towns that conducted burning under the pilot program; a record of the number of times each city or town conducted burning under the pilot program, and;

recommendations for improving the pilot program, consistent with the goals of preventing the transport of apple maggot larvae beyond the boundaries of a quarantine area and safeguarding public health and safety.

The section authorizing the pilot program expires December 31, 2021.

Appropriation: None.

Fiscal Note: Available.

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