

# HOUSE BILL REPORT

## HB 1646

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**As Reported by House Committee On:**  
Agriculture & Natural Resources

**Title:** An act relating to adding the department of natural resources' civil enforcement decisions under RCW 76.04.205 to appeals that may be heard by the pollution control hearings board.

**Brief Description:** Adding the department of natural resources' civil enforcement decisions under RCW 76.04.205 to appeals that may be heard by the pollution control hearings board.

**Sponsors:** Representatives Ormsby, Orcutt and Tharinger; by request of Department of Natural Resources.

**Brief History:**

**Committee Activity:**

Agriculture & Natural Resources: 2/11/25, 2/19/25 [DP].

**Brief Summary of Bill**

- Authorizes the Pollution Control Hearings Board to hear appeals of Department of Natural Resources (DNR) actions relating to burning permits and silvicultural burning.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 11 members: Representatives Reeves, Chair; Morgan, Vice Chair; Dent, Ranking Minority Member; Engell, Assistant Ranking Minority Member; Bernbaum, McClintock, Nance, Orcutt, Richards, Schmick and Springer.

**Staff:** Lily Smith (786-7175).

**Background:**

The State Clean Air Act.

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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 part of the legislation nor does it constitute a statement of legislative intent.*

The state Clean Air Act (CAA) regulates outdoor air pollution. Any person who violates any of the provisions of the CAA may incur a civil penalty in an amount not to exceed \$10,000 per day for each violation.

Department of Natural Resources Burn Permits.

The Department of Natural Resources (DNR) regulates burning activities on DNR-protected land and silvicultural burning under the CAA through the issuance of permits, which may include conditions for the protection of life, property, or air quality, and may be suspended or revoked. A person who violates the requirements to have a valid, written burning permit obtained from the DNR may incur a civil penalty under the CAA.

Pollution Control Hearings Board.

The Pollution Control Hearings Board (PCHB) is an administrative body that has jurisdiction to hear appeals covering a wide range of environmental permits and enforcement actions.

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**Summary of Bill:**

The PCHB jurisdiction is expanded to include appeals of:

- civil penalties issued by the DNR for violations of burning permits or silvicultural burning activities under the CAA; and
- decisions issued by the DNR regarding the issuance or revocation of a burning permit.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) This is agency request legislation. The DNR was granted civil enforcement authority in 2021 over silvicultural burning requirements and smoke management, but not the authority to develop an appeals process for it. This proposed change will allow for such appeals to the PCHB as an independent administrative tribunal.

(Opposed) None.

**Persons Testifying:** Erika Odem, Department of Natural Resources.

**Persons Signed In To Testify But Not Testifying:** None.