
ENGROSSED SUBSTITUTE HOUSE BILL 1080

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Pennington, Chappell, McMorris, Carlson, Benton, McMahan, B. Thomas, Clements, Brumsickle, Boldt, Hatfield, Buck, Campbell, Delvin, Johnson, Sheldon, Mulliken, Kessler, Basich, Fuhrman, Morris, Huff, Honeyford, Chandler, Elliot, Schoesler and Sheahan)

Read first time 02/10/95.

1 AN ACT Relating to exempting certain nonurban areas from outdoor
2 burning permit requirements; amending RCW 70.94.745, 70.94.141, and
3 70.94.750; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 70.94.745 and 1991 c 199 s 401 are each amended to
6 read as follows:

7 (1) It shall be the responsibility and duty of the department of
8 natural resources, department of ecology, department of agriculture,
9 fire districts, and local air pollution control authorities to
10 establish, through regulations, ordinances, or policy, a limited
11 burning permit program (~~for the people of this state, consisting of a~~
12 ~~one-permit system, until such time as~~). The permit program shall
13 apply to any urban area that is not otherwise prohibited from burning
14 pursuant to RCW 70.94.743. Burning shall be prohibited in an area when
15 an alternate technology or method((s)) of disposing of the organic
16 refuse ((have been developed that are)) is available, reasonably
17 economical, and less harmful to the environment as determined by the
18 permitting entity. It is the policy of this state to foster and

1 encourage development of alternate methods or technology for disposing
2 of or reducing the amount of organic refuse.

3 (2) Fires burned for landclearing purposes may be conducted only
4 after receiving a permit under this section.

5 (3) Residential burning conducted without a permit as provided by
6 this section is subject to the burning restrictions in RCW 70.94.750
7 and 70.94.775.

8 (4) As used in this section, "urban area" means any unincorporated
9 area within a county that is designated as an urban growth area under
10 chapter 36.70A RCW.

11 In counties that have not designated urban growth areas under
12 chapter 36.70A RCW, "urban area" means any incorporated city or town.

13 (5) The permit program may be limited to a general permit by rule
14 or by verbal, written, or electronic approval by the permitting entity.

15 (6) Nothing in this section shall require fire districts to enforce
16 air quality requirements related to outdoor burning, unless the fire
17 district enters into an agreement with the department of ecology, the
18 department of natural resources, a local air pollution control
19 authority, or other appropriate entity to provide such enforcement.

20 (7) The burning of orchard prunings and irrigation ditches shall be
21 considered outdoor burning for the purposes of this section and RCW
22 70.94.750.

23 **Sec. 2.** RCW 70.94.141 and 1991 c 199 s 706 are each amended to
24 read as follows:

25 The board of any activated authority in addition to any other
26 powers vested in them by law, shall have power to:

27 (1) Adopt, amend, and repeal its own rules and regulations,
28 implementing this chapter and consistent with, and with regard to
29 agricultural burning no more stringent than it, after consideration at
30 a public hearing held in accordance with chapter 42.30 RCW. Rules and
31 regulations shall also be adopted in accordance with the notice and
32 adoption procedures set forth in RCW 34.05.320, those provisions of RCW
33 34.05.325 that are not in conflict with chapter 42.30 RCW, and with the
34 procedures of RCW 34.05.340, 34.05.355 through 34.05.380, and with
35 chapter 34.08 RCW, except that rules shall not be published in the
36 Washington Administrative Code. Judicial review of rules adopted by an
37 authority shall be in accordance with Part V of chapter 34.05 RCW. An

1 air pollution control authority shall not be deemed to be a state
2 agency.

3 (2) Hold hearings relating to any aspect of or matter in the
4 administration of this chapter not prohibited by the provisions of
5 chapter 62, Laws of 1970 ex. sess. and in connection therewith issue
6 subpoenas to compel the attendance of witnesses and the production of
7 evidence, administer oaths, and take the testimony of any person under
8 oath.

9 (3) Issue such orders as may be necessary to effectuate the
10 purposes of this chapter and enforce the same by all appropriate
11 administrative and judicial proceedings subject to the rights of appeal
12 as provided in chapter 62, Laws of 1970 ex. sess.

13 (4) Require access to records, books, files, and other information
14 specific to the control, recovery, or release of air contaminants into
15 the atmosphere.

16 (5) Secure necessary scientific, technical, administrative, and
17 operational services, including laboratory facilities, by contract or
18 otherwise.

19 (6) Prepare and develop a comprehensive plan or plans for the
20 prevention, abatement, and control of air pollution within its
21 jurisdiction.

22 (7) Encourage voluntary cooperation by persons or affected groups
23 to achieve the purposes of this chapter.

24 (8) Encourage and conduct studies, investigation, and research
25 relating to air pollution and its causes, effects, prevention,
26 abatement, and control.

27 (9) Collect and disseminate information and conduct educational and
28 training programs relating to air pollution.

29 (10) Advise, consult, cooperate, and contract with agencies and
30 departments and the educational institutions of the state, other
31 political subdivisions, industries, other states, interstate or
32 interlocal agencies, and the United States government, and with
33 interested persons or groups.

34 (11) Consult, upon request, with any person proposing to construct,
35 install, or otherwise acquire an air contaminant source or device or
36 system for the control thereof, concerning the efficacy of such device
37 or system, or the air pollution problems which may be related to the
38 source, device, or system. Nothing in any such consultation shall be
39 construed to relieve any person from compliance with this chapter,

1 ordinances, resolutions, rules, and regulations in force pursuant
2 thereto, or any other provision of law.

3 (12) Accept, receive, disburse, and administer grants or other
4 funds or gifts from any source, including public and private agencies
5 and the United States government for the purpose of carrying out any of
6 the functions of this chapter.

7 **Sec. 3.** RCW 70.94.750 and 1991 c 199 s 412 are each amended to
8 read as follows:

9 The following outdoor fires described in this section may be burned
10 subject to the provisions of this chapter and also subject to city
11 ordinances, county resolutions, rules of fire districts and laws, and
12 rules enforced by the department of natural resources if a permit has
13 been issued by a fire protection agency, county, or conservation
14 district:

15 (1) Fires consisting of leaves, clippings, prunings and other yard
16 and gardening refuse, and fires consisting of paper, cardboard, and
17 other paper products originating on lands immediately adjacent and in
18 close proximity to a human dwelling and burned on such lands by the
19 property owner or his or her designee.

20 (2) Fires consisting of residue of a natural character such as
21 trees, stumps, shrubbery or other natural vegetation arising from land
22 clearing projects or agricultural pursuits for pest or disease control;
23 provided the fires described in this subsection may be prohibited in
24 those areas having a general population density of one thousand or more
25 persons per square mile.

26 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
27 preservation of the public peace, health, or safety, or support of the
28 state government and its existing public institutions, and shall take
29 effect immediately.

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