

SENATE BILL 5073

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State of Washington

52nd Legislature

1991 Regular Session

By Senators Nelson, Oke, Thorsness, McCaslin, Bailey and Barr.

Read first time January 17, 1991. Referred to Committee on Environment & Natural Resources.

1 AN ACT Relating to restricting the burning of natural and synthetic  
2 fabrics used in flags; and amending RCW 70.94.477 and 70.94.775.

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

4 **Sec. 1.** RCW 70.94.477 and 1990 c 128 s 3 are each amended to read  
5 as follows:

6 (1) Unless allowed by rule, under chapter 34.05 RCW, a person shall  
7 not cause or allow any of the following materials to be burned in any  
8 residential solid fuel burning device:

9 (a) Garbage;

10 (b) Treated wood;

11 (c) Plastics;

12 (d) Rubber products;

13 (e) Animals;

14 (f) Asphaltic products;

15 (g) Waste petroleum products;

1 (h) Paints; (~~or~~)

2 (i) Natural or synthetic fabrics, including any flag under RCW  
3 9.86.010 which is made of these fabrics; or

4 (j) Any substance, other than properly seasoned fuel wood, which  
5 normally emits dense smoke or obnoxious odors.

6 (2) On or after July 1, 1995, a local authority may geographically  
7 limit the use of solid fuel burning devices, except fireplaces as  
8 defined in RCW 70.94.453(3), wood stoves meeting the standards set  
9 forth in RCW 70.94.457 or pellet stoves issued an exemption certificate  
10 by the United States environmental protection agency in accordance with  
11 Title 40, Part 60 of the code of federal regulations. An authority  
12 shall allow an exemption from this subsection for low-income persons  
13 who reside in a geographical area affected by this subsection. In the  
14 exercise of this limitation, a local authority shall consider the  
15 following factors:

16 (a) The contribution of solid fuel burning devices that do not meet  
17 the standards set forth in RCW 70.94.457 to nonattainment of national  
18 ambient air quality standards;

19 (b) The population density of geographical areas within the local  
20 authority's jurisdiction giving greater consideration to urbanized  
21 areas; and

22 (c) The public health effects of use of solid fuel burning devices  
23 which do not meet the standards set forth in RCW 70.94.457.

24 **Sec. 2.** RCW 70.94.775 and 1974 ex.s. c 164 s 1 are each amended to  
25 read as follows:

26 No person shall cause or allow any outdoor fire:

27 (1) Containing garbage, dead animals, asphalt, petroleum products,  
28 paints, rubber products, plastics, natural or synthetic fabrics,  
29 including any flag under RCW 9.86.010 which is made of natural or

1 synthetic fabrics, or any substance other than natural vegetation which  
2 normally emits dense smoke or obnoxious odors except as provided in RCW  
3 70.94.650: PROVIDED, That agricultural heating devices which otherwise  
4 meet the requirements of this chapter shall not be considered outdoor  
5 fires under this section;

6 (2) During a forecast, alert, warning or emergency condition as  
7 defined in RCW 70.94.715;

8 (3) In any area which has been designated by the department of  
9 ecology or board of an activated authority as an area exceeding or  
10 threatening to exceed state or federal ambient air quality standards,  
11 or after July 1, 1976, state ambient air quality goals for  
12 particulates, except instructional fires permitted by RCW 70.94.650(2).