

2 **ESHB 1080** - S COMM AMD
3 By Committee on Ecology & Parks

4 ADOPTED AS AMENDED 4/7/95

5 Strike everything after the enacting clause and insert the
6 following:

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

9 (1) It shall be the responsibility and duty of the department of
10 natural resources, department of ecology, department of agriculture,
11 fire districts, and local air pollution control authorities to
12 establish, through regulations, ordinances, or policy, a limited
13 burning permit program (~~for the people of this state, consisting of a~~
14 ~~one permit system, until such time as~~)).

15 (2) The permit program shall apply to residential and land clearing
16 burning in the following areas:

17 (a) In the nonurban areas of any county with an unincorporated
18 population of greater than fifty thousand; and

19 (b) In any city and urban growth area that is not otherwise
20 prohibited from burning pursuant to RCW 70.94.743.

21 (3) The permit program shall apply only to land clearing burning in
22 the nonurban areas of any county with an unincorporated population of
23 less than fifty thousand.

24 (4) The permit program may be limited to a general permit by rule,
25 or by verbal, written, or electronic approval by the permitting entity.

26 (5) Notwithstanding any other provision of this section, neither
27 a permit nor the payment of a fee shall be required for outdoor burning
28 for the purpose of disposal of tumbleweeds blown by wind. Such burning
29 shall not be conducted during an air pollution episode or any stage of
30 impaired air quality declared under RCW 70.94.714. This subsection (5)
31 shall only apply within counties with a population less than 250,000.

32 (6) Burning shall be prohibited in an area when an alternate
33 technology or method(~~s~~) of disposing of the organic refuse (~~have~~
34 ~~been developed that are~~) is available, reasonably economical, and less
35 harmful to the environment. It is the policy of this state to foster
36 and encourage development of alternate methods or technology for

1 disposing of or reducing the amount of organic refuse.

2 (7) Incidental agricultural burning must be allowed without
3 applying for any permit and without the payment of any fee if:

4 (a) The burning is incidental to commercial agricultural
5 activities;

6 (b) The operator notifies the local fire department within the area
7 where the burning is to be conducted;

8 (c) The burning does not occur during an air pollution episode or
9 any stage of impaired air quality declared under RCW 70.94.715; and

10 (d) Only the following items are burned:

11 (i) Orchard prunings;

12 (ii) Organic debris along fence lines or irrigation or drainage
13 ditches; or

14 (iii) Organic debris blown by wind.

15 (8) As used in this section, "nonurban areas" are unincorporated
16 areas within a county that is not designated as an urban growth area
17 under chapter 36.70A RCW.

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

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26 On page 1, line 2 of the title, after "requirements;" strike the
27 remainder of the title and insert "and amending RCW 70.94.745."

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