

# FINAL BILL REPORT

## ESHB 1080

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C 206 L 95

Synopsis as Enacted

**Brief Description:** Establishing an exemption to the outdoor burning permit program for certain nonurban areas.

**Sponsors:** 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).

**House Committee on Agriculture & Ecology**  
**Senate Committee on Ecology & Parks**

**Background:** Outdoor burning refers to both "backyard" burning and to landclearing fires. Outdoor burning does not include silvicultural burning (slashburns) or agricultural burning.

Pollutants emitted by outdoor burns are PM-10 (inhalable particulate matter less than ten microns in diameter) and carbon monoxide. Outdoor burning contributes an estimated 3 percent to statewide air emissions. In general, state law regulates where and how outdoor burning can occur and what can be burned.

### Outdoor Burning Bans

Outdoor burning is permanently prohibited in areas where federal PM-10 or carbon monoxide standards are violated. Outdoor burning is temporarily prohibited in any area experiencing a period of impaired air quality. State law prohibits outdoor burning by December 31, 2000, in urban growth areas designated under the Growth Management Act and in cities greater than 10,000 population.

### Permits

State law allows outdoor burning in all areas not otherwise prohibited. All outdoor burning is subject to a permit. The permit system can be administered by the state, a local air authority, a county, a fire department, or a conservation district. A permitting entity may charge a fee. The permitting entity program can issue permits over the phone or through a more traditional written permit system. Outdoor burning can be banned in permitted areas when alternatives are "reasonably economical and less harmful to the environment". State law does not elaborate as to who decides when these criteria are met.

State law allows natural vegetative material to be burned. Department of Ecology rules allow paper to be burned only in quantities sufficient to start a fire and, specifically prohibit the burning of cardboard, untreated wood, garbage, and other materials.

**Summary:** Outdoor burning permit requirements are altered.

Outdoor residential burning and land clearing burning is allowed by permit in cities where outdoor burning is not prohibited and in nonurban areas of a county with an unincorporated population of greater than 50,000. Land clearing burning is allowed by permit in nonurban unincorporated areas of a county with an unincorporated population of less than 50,000. Outdoor burning may occur without a permit in other areas where outdoor burning is allowed.

An outdoor burning permit may be issued by rule or by verbal, written, or electronic approval.

Outdoor burning to dispose of tumbleweeds blown by wind is allowed without a permit or payment of a fee in a county with a population of less than 250,000 if such burning does not occur during an air pollution episode or any stage of impaired air quality.

Outdoor burning is prohibited when an alternative technology or method is available, the alternative technology is reasonably economical, and the alternative technology is less harmful to the environment than burning.

Incidental agricultural burning must be allowed without a permit and without payment of a fee if certain conditions are met.

A fire protection district is not required to enforce air quality requirements related to outdoor burning, unless the fire protection district enters into an agreement with the Department of Ecology, Department of Natural Resources, a local air pollution control authority, or other entity to provide such services.

**Votes on Final Passage:**

House	76	18	
Senate	44	0	(Senate amended)
House	76	19	(House concurred)

**Effective:** July 23, 1995