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HOUSE BILL 1726

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State of Washington

55th Legislature

1997 Regular Session

By Representatives Robertson, Linville, L. Thomas, Regala, Benson, Kastama, Smith, Hatfield, Koster, Sullivan, McDonald, Chandler, Zellinsky, DeBolt, B. Thomas, Cairnes, Johnson, Cooke, Clements, Kessler and Mulliken

Read first time 02/06/97. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to outdoor burning of storm or flood-related  
2 debris; and amending RCW 70.94.743 and 70.94.755.

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

4 **Sec. 1.** RCW 70.94.743 and 1991 c 199 s 402 are each amended to  
5 read as follows:

6 (1) Consistent with the policy of the state to reduce outdoor  
7 burning to the greatest extent practical:

8 (a) Outdoor burning shall not be allowed in any area of the state  
9 where federal or state ambient air quality standards are exceeded for  
10 pollutants emitted by outdoor burning.

11 (b) Outdoor burning shall not be allowed in any urban growth area  
12 as defined by RCW 36.70A.030, or any city of the state having a  
13 population greater than ten thousand people if such cities are  
14 threatened to exceed state or federal air quality standards, and  
15 alternative disposal practices consistent with good solid waste  
16 management are reasonably available or practices eliminating production  
17 of organic refuse are reasonably available. In no event shall such  
18 burning be allowed after December 31, 2000.

1        (c) Notwithstanding any other provision of this section, outdoor  
2 burning may be allowed for the exclusive purpose of managing debris.  
3 The decision to allow burning shall be made by the entity with  
4 permitting jurisdiction as determined under RCW 70.94.755. If outdoor  
5 burning is allowed in areas subject to (a) or (b) of this subsection,  
6 a permit shall be required, and a fee may be collected to cover the  
7 expenses of administering and enforcing the permit. All conditions and  
8 restrictions pursuant to RCW 70.94.750 and 70.94.775 apply to outdoor  
9 burning allowed under this section.

10        (2) "Outdoor burning" means the combustion of material of any type  
11 in an open fire or in an outdoor container without providing for the  
12 control of combustion or the control of emissions from the combustion.

13        (3) This section shall not apply to silvicultural burning used to  
14 improve or maintain fire dependent ecosystems for rare plants or  
15 animals within state, federal, and private natural area preserves,  
16 natural resource conservation areas, parks, and other wildlife areas.

17        **Sec. 2.** RCW 70.94.755 and 1972 ex.s. c 136 s 4 are each amended to  
18 read as follows:

19        Each activated air pollution control authority, and the department  
20 of ecology in those areas outside the jurisdictional boundaries of an  
21 activated air pollution control authority, shall establish, through  
22 regulations, ordinances, or policy, a program implementing the limited  
23 burning policy authorized by RCW (~~70.94.740~~) 70.94.743 through  
24 70.94.765.

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