
ENGROSSED SUBSTITUTE HOUSE BILL 1034

State of Washington

57th Legislature

2001 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Pennington, Mielke and Schindler)

Read first time . Referred to Committee on .

1 AN ACT Relating to outdoor burning; and amending RCW 70.94.743.

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

3 **Sec. 1.** RCW 70.94.743 and 1998 c 68 s 1 are each amended to read
4 as follows:

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

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

10 (b) Outdoor burning shall not be allowed in any ((urban growth area
11 as defined by RCW 36.70A.030, or any)) city of the state having a
12 population greater than ten thousand people if such cities are
13 threatened to exceed state or federal air quality standards, and
14 alternative disposal practices consistent with good solid waste
15 management are reasonably available or practices eliminating production
16 of organic refuse are reasonably available. In no event shall such
17 burning be allowed after December 31, 2000((, except that within the
18 urban growth areas for cities having a population of less than five
19 thousand people, that are neither within nor contiguous with any

1 ~~nonattainment or maintenance area designated under the federal clean~~
2 ~~air act, in no event shall such burning be allowed after December 31,~~
3 ~~2006)).~~

4 (c) Outdoor burning shall not be allowed in any urban growth area
5 as defined by RCW 36.70A.030, unless:

6 (i) The urban growth area is within the jurisdiction of a local air
7 authority and that local air authority allows outdoor burning in the
8 unincorporated portions of that urban growth area, subject to the
9 conditions of this section; or

10 (ii) The urban growth area is not within the jurisdiction of a
11 local air authority and the county the urban growth area is within,
12 after consultation with the department, allows outdoor burning in the
13 unincorporated portions of that urban growth area, subject to the
14 provisions of this section.

15 (d) A local air authority or a county may not allow outdoor burning
16 in an urban growth area within or contiguous with any nonattainment
17 area or maintenance area established under the federal clean air act,
18 within the incorporated portions of an urban growth area, or within any
19 portion of an urban growth area that has a general population density
20 of one thousand or more persons per square mile after the effective
21 date of this section if those portions are contiguous with the
22 incorporated portions of the urban growth area.

23 (e) Outdoor burning shall not be allowed in any area of the state
24 where it is expressly prohibited by the local air authority with
25 jurisdiction over that area. If no local air authorities have
26 jurisdiction, then the county with jurisdiction over the area may
27 expressly prohibit outdoor burning after consulting with the
28 department.

29 (f) Urban growth areas for cities having a population of five
30 thousand or fewer, that are neither within nor contiguous with any
31 nonattainment area or maintenance area designated under the federal
32 clean air act are not subject to the provisions of this section until
33 December 31, 2006.

34 (g) Notwithstanding any other provision of this section, outdoor
35 burning may be allowed for the exclusive purpose of managing storm or
36 flood-related debris. The decision to allow burning shall be made by
37 the entity with permitting jurisdiction as determined under RCW
38 70.94.660 or 70.94.755. If outdoor burning is allowed in areas subject
39 to (a) or (b) of this subsection, a permit shall be required, and a fee

1 may be collected to cover the expenses of administering and enforcing
2 the permit. All conditions and restrictions pursuant to RCW
3 70.94.750(1) and 70.94.775 apply to outdoor burning allowed under this
4 section.

5 (2) "Outdoor burning" means the combustion of material of any type
6 in an open fire or in an outdoor container without providing for the
7 control of combustion or the control of emissions from the combustion.
8 Local air authorities may adopt rules regarding the use and kind of
9 containers that may be used for outdoor burning within their
10 jurisdictions. Upon adoption, local rules adopted under this
11 subsection shall supersede any rule on the same subject issued by the
12 department or any fire district and may be less restrictive or more
13 strict than any rule on the same subject issued by the department or
14 any fire district.

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

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