

EHB 2545 - S COMM AMD
By Committee on Agriculture

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 70.94.745 and 1995 c 206 s 1 are each amended to read
4 as follows:

5 (1) It (~~shall be~~) is the responsibility and duty of the
6 department of natural resources, department of ecology, department of
7 agriculture, fire districts, and local air pollution control
8 authorities to establish, through regulations, ordinances, or policy,
9 a limited burning permit program.

10 (2) The permit program (~~shall apply~~) applies to residential and
11 land clearing burning in the following areas:

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

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

16 (3) The permit program (~~shall apply~~) applies only to land
17 clearing burning in the nonurban areas of any county with an
18 unincorporated population of less than fifty thousand.

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

21 (5) Notwithstanding any other provision of this section, neither a
22 permit nor the payment of a fee (~~shall be~~) is required for outdoor
23 burning for the purpose of disposal of: (a) Tumbleweeds blown by wind;
24 or (b) cultivated orchard tree tear-outs, whether or not other
25 agricultural crops or trees will be replanted on the land, if the
26 appropriate county legislative authority has determined in writing that
27 the disposal will help prevent or control the spread of horticultural
28 pests or diseases. Such burning shall not be conducted during an air
29 pollution episode or any stage of impaired air quality declared under

1 RCW ((70.94.714)) 70.94.715. This subsection (5) ((shall)) only
2 ((apply)) applies within counties with a population less than two
3 hundred fifty thousand.

4 (6) Burning ((shall be)) is prohibited in an area when an alternate
5 technology or method of disposing of the organic refuse is available,
6 reasonably economical, and less harmful to the environment. It is the
7 policy of this state to foster and encourage development of alternate
8 methods or technology for disposing of or reducing the amount of
9 organic refuse.

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

12 (a) The burning is incidental to commercial agricultural
13 activities;

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

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

18 (d) Only the following items are burned:

19 (i) Orchard prunings;

20 (ii) Organic debris along fence lines or irrigation or drainage
21 ditches; or

22 (iii) Organic debris blown by wind.

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

26 (9) Nothing in this section ((shall)) requires fire districts to
27 enforce air quality requirements related to outdoor burning, unless the
28 fire district enters into an agreement with the department of ecology,
29 department of natural resources, a local air pollution control
30 authority, or other appropriate entity to provide such enforcement."

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

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