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**SUBSTITUTE SENATE BILL 5931**

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**State of Washington**

**59th Legislature**

**2005 Regular Session**

**By** Senate Committee on Water, Energy & Environment (originally sponsored by Senator Fraser)

READ FIRST TIME 02/25/05.

1 AN ACT Relating to protecting human health and the environment;  
2 amending RCW 52.12.150; and adding a new section to chapter 70.94 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.94 RCW  
5 to read as follows:

6 The department shall, in consultation with local air pollution  
7 control agencies, the state fire protection policy board, and the  
8 department of health, develop a list, as guidance, of hazardous  
9 materials commonly found in structures, that would pose a risk of a  
10 carcinogenic, toxic, or any other adverse health or environmental  
11 effect, if not removed from a structure before the structure's  
12 intentional destruction as part of a fire fighter training exercise.  
13 In developing the list, consideration shall be given to the quantity or  
14 concentration of the materials generally found in such structures, and  
15 may include such items as asphalt shingles, tar paper, insulation,  
16 paints, chemicals, plastics, petroleum-based products, and carpeting or  
17 other flooring materials.

1       **Sec. 2.** RCW 52.12.150 and 2000 c 199 s 1 are each amended to read  
2 as follows:

3       Without obtaining a permit issued under RCW 70.94.650, fire  
4 protection district fire fighters may set fire to structures located  
5 outside of urban growth areas in counties that plan under the  
6 requirements of RCW 36.70A.040, and outside of any city with a  
7 population of ten thousand or more in all other counties, for  
8 instruction in methods of fire fighting, if all of the following  
9 conditions are met:

10       (1) In consideration of prevailing air patterns, the fire is  
11 unlikely to cause air pollution in areas of sensitivity downwind of the  
12 proposed fire location;

13       (2) The fire is not located in an area that is declared to be in an  
14 air pollution episode or any stage of an impaired air quality as  
15 defined in RCW 70.94.715 and 70.94.473;

16       (3) Nuisance laws are applicable to the fire, including nuisances  
17 related to the unreasonable interference with the enjoyment of life and  
18 property and the depositing of particulate matter or ash on other  
19 property;

20       (4) Notice of the fire is provided to the owners of property  
21 adjoining the property on which the fire will occur, to other persons  
22 who potentially will be impacted by the fire, and to additional persons  
23 in a broader manner as specifically requested by the local air  
24 pollution control agency or the department of ecology;

25       (5) Each structure that is proposed to be set on fire must be  
26 identified specifically as a structure to be set on fire. Each other  
27 structure on the same parcel of property that is not proposed to be set  
28 on fire must be identified specifically as a structure not to be set on  
29 fire; and

30       (6) Before setting a structure on fire, a good-faith inspection is  
31 conducted by the fire agency or fire protection district conducting the  
32 training fire to determine if: (a) Materials containing asbestos are  
33 present((, the inspection is documented in writing and forwarded to the  
34 appropriate local air authority or the department of ecology if there  
35 is no local air authority, and asbestos that is found is)); or (b)  
36 other hazardous materials, as identified under section 1 of this act,  
37 are present. If any asbestos is found, or other hazardous materials in  
38 a quantity or concentration that pose a significant or potential

1 adverse risk to human health or the environment are found, the material  
2 must be removed as required by state and federal laws. The inspection  
3 must be documented in writing and forwarded to the appropriate local  
4 air authority or the department of ecology if there is no local air  
5 authority.

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