
SUBSTITUTE SENATE BILL 6055

State of Washington

65th Legislature

2018 Regular Session

By Senate Energy, Environment & Technology (originally sponsored by Senators Hawkins, Carlyle, Palumbo, and Mullet)

READ FIRST TIME 02/01/18.

1 AN ACT Relating to creating a pilot program for outdoor burning
2 for cities or towns located partially inside a quarantine area for
3 apple maggot; amending RCW 70.94.6514; adding a new section to
4 chapter 70.94 RCW; and providing an expiration date.

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

6 **Sec. 1.** RCW 70.94.6514 and 2009 c 118 s 103 are each amended to
7 read as follows:

8 (1) Consistent with the policy of the state to reduce outdoor
9 burning to the greatest extent practical, outdoor burning shall not
10 be allowed in:

11 (a) Any area of the state where federal or state ambient air
12 quality standards are exceeded for pollutants emitted by outdoor
13 burning; or

14 (b) Except as provided in section 2 of this act, any urban growth
15 area as defined by RCW 36.70A.030, or any city of the state having a
16 population greater than ten thousand people if such cities are
17 threatened to exceed state or federal air quality standards, and
18 alternative disposal practices consistent with good solid waste
19 management are reasonably available or practices eliminating
20 production of organic refuse are reasonably available.

1 (2) Notwithstanding any other provision of this section, outdoor
2 burning may be allowed for the exclusive purpose of managing storm or
3 flood-related debris. The decision to allow burning shall be made by
4 the entity with permitting jurisdiction as determined under RCW
5 70.94.6534 or 70.94.6518. If outdoor burning is allowed in areas
6 subject to subsection (1)(a) or (b) of this section, a permit shall
7 be required, and a fee may be collected to cover the expenses of
8 administering and enforcing the permit. All conditions and
9 restrictions pursuant to RCW 70.94.6526(1) and 70.94.6512 apply to
10 outdoor burning allowed under this section.

11 (3)(a) Outdoor burning that is normal, necessary, and customary
12 to ongoing agricultural activities, that is consistent with
13 agricultural burning authorized under RCW 70.94.6528 and 70.94.6532,
14 is allowed within the urban growth area in accordance with RCW
15 70.94.6528(8)(a).

16 (b) Outdoor burning of cultivated orchard trees shall be allowed
17 as an ongoing agricultural activity under this section in accordance
18 with RCW 70.94.6528(8)(b).

19 (4) This section shall not apply to silvicultural burning used to
20 improve or maintain fire dependent ecosystems for rare plants or
21 animals within state, federal, and private natural area preserves,
22 natural resource conservation areas, parks, and other wildlife areas.

23 (5) Outdoor burning is allowed as provided in section 2 of this
24 act.

25 NEW SECTION. Sec. 2. A new section is added to chapter 70.94
26 RCW to read as follows:

27 (1) An outdoor burning pilot program is established for the
28 purpose of evaluating the effectiveness of allowing certain cities
29 and towns to burn brush and yard waste under the supervision of local
30 fire authorities.

31 (2) Until July 1, 2020, a city or town that is located partially
32 inside a quarantine area for apple maggot (*Rhagoletis pomonella*)
33 established by the Washington state department of agriculture must be
34 allowed to conduct outdoor burning of brush and yard waste in
35 accordance with RCW 70.94.6512 and the following requirements:

36 (a) Burning must be conducted by city or town employees, by
37 contractors under the supervision of city or town employees, or by
38 the city or town fire department or other local fire officials;

1 (b) Burning must be conducted under the supervision of the city
2 or town fire department or other local fire officials and in
3 consultation with the department of agriculture and the department of
4 ecology or an air pollution control authority, as applicable. In
5 consulting with the department of ecology or an air pollution control
6 authority, the city or town must consider whether conducting burning
7 will create a risk of exceeding applicable national ambient air
8 quality standards. The department of ecology or an air pollution
9 control authority may recommend that the city or town schedule
10 burning in a manner that reduces the likelihood of exceeding
11 applicable national ambient air quality standards; and

12 (c) Burning must not be conducted more than two times per
13 calendar year.

14 (3) A burning permit is not required for outdoor burning
15 conducted under this section.

16 (4) This section does not authorize the movement of any material,
17 including brush or yard waste that has not been completely combusted,
18 in violation of state law or rules regulating the transportation of
19 waste from a quarantine area.

20 (5) A city or town conducting outdoor burning under this section
21 shall provide requested information to the departments of agriculture
22 and ecology that will enable the departments to complete the report
23 required under subsection (6) of this section.

24 (6) The departments of agriculture and ecology shall evaluate the
25 effectiveness of the pilot program established in this section and
26 submit a joint report to the legislature by December 31, 2020, in
27 accordance with RCW 43.01.036. At a minimum, the report must include
28 the following elements:

29 (a) A list of cities and towns that conducted burning under the
30 authority of this section;

31 (b) A record of the number of times each city and town conducted
32 burning under the authority of this section;

33 (c) An estimate of the volume of brush and yard waste burned by
34 cities and towns under the authority of this section; and

35 (d) Any recommendations for improving the pilot program,
36 consistent with the goals of preventing the transport of apple maggot
37 larvae beyond the boundaries of a quarantine area and safeguarding
38 public health and safety.

1 (7) This section applies to brush and yard waste originating from
2 an urban growth area associated with a city or town that is located
3 partially inside a quarantine area for apple maggot.

4 (8) This section expires December 31, 2021.

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