

**RCW 70A.15.5020 Outdoor burning—Areas where prohibited—
Exceptions—Use for management of storm or flood-related debris—
Silvicultural burning.** (1) Consistent with the policy of the state to reduce outdoor burning to the greatest extent practical, outdoor burning shall not be allowed in:

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

(b) Any urban growth area as defined by RCW 36.70A.030, or any city of the state having a population greater than ten thousand people if such cities are threatened to exceed state or federal air quality standards, and alternative disposal practices consistent with good solid waste management are reasonably available or practices eliminating production of organic refuse are reasonably available.

(2) Notwithstanding any other provision of this section, outdoor burning may be allowed for the exclusive purpose of managing storm or flood-related debris. The decision to allow burning shall be made by the entity with permitting jurisdiction as determined under RCW 70A.15.5120 or 70A.15.5040. If outdoor burning is allowed in areas subject to subsection (1)(a) or (b) of this section, a permit shall be required, and a fee may be collected to cover the expenses of administering and enforcing the permit. All conditions and restrictions pursuant to RCW 70A.15.5080(1) and 70A.15.5010 apply to outdoor burning allowed under this section.

(3)(a) Outdoor burning that is normal, necessary, and customary to ongoing agricultural activities, that is consistent with agricultural burning authorized under RCW 70A.15.5090 and 70A.15.5110, is allowed within the urban growth area in accordance with RCW 70A.15.5090(8)(a).

(b) Outdoor burning of cultivated orchard trees shall be allowed as an ongoing agricultural activity under this section in accordance with RCW 70A.15.5090(8)(b).

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

(5) Notwithstanding any other provisions of this section, outdoor burning that reduces the risk of a wildfire, or is normal, necessary, and customary to ongoing silvicultural activities consistent with silvicultural burning authorized under RCW 70A.15.5120(1), is allowed within the urban growth area in accordance with RCW 70A.15.5120. Before issuing a burn permit within the urban growth area for any burn that exceeds one hundred tons of material, the department of natural resources shall consult with department of ecology and condition the issuance and use of such permits to comply with air quality standards established by the department of ecology. [2020 c 20 s 1134; 2019 c 305 s 3; 2009 c 118 s 103; 2004 c 213 s 1; 2001 1st sp.s. c 12 s 1; 1998 c 68 s 1; 1997 c 225 s 1; 1991 c 199 s 402. Formerly RCW 70.94.6514, 70.94.743.]

Purpose—2009 c 118: See note following RCW 70A.15.5000.

Finding—1991 c 199: See note following RCW 70A.15.1005.