
HOUSE BILL 2570

State of Washington

54th Legislature

1996 Regular Session

By Representatives Pennington, Hatfield, Basich, Honeyford, Thompson and Chappell

Read first time 01/12/96. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to nonagricultural outdoor burning; amending RCW
2 70.94.745, 70.94.743, 70.94.750, and 70.94.780; and repealing RCW
3 70.94.755, 70.94.760, and 70.94.765.

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

5 **Sec. 1.** RCW 70.94.745 and 1995 c 206 s 1 are each amended to read
6 as follows:

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

12 (2) The permit program shall apply to residential and land clearing
13 burning in the following areas:

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

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

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

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

6 (5) Notwithstanding any other provision of this section, neither a
7 permit nor the payment of a fee shall be required for outdoor burning
8 for the purpose of disposal of tumbleweeds blown by wind. Such burning
9 shall not be conducted during an air pollution episode or any stage of
10 impaired air quality declared under RCW ((70.94.714)) 70.94.715. This
11 subsection (5) shall only apply within counties with a population less
12 than two hundred fifty thousand.

13 (6) Burning shall be prohibited in an area when an alternate
14 technology or method of disposing of the organic refuse is available,
15 reasonably economical, and less harmful to the environment. It is the
16 policy of this state to foster and encourage development of alternate
17 methods or technology for disposing of or reducing the amount of
18 organic refuse.

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

21 (a) The burning is incidental to commercial agricultural
22 activities;

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

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

27 (d) Only the following items are burned:

28 (i) Orchard prunings;

29 (ii) Organic debris along fence lines or irrigation or drainage
30 ditches; or

31 (iii) Organic debris blown by wind.

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

35 (9) Nothing in this section shall require fire districts to enforce
36 air quality requirements related to outdoor burning, unless the fire
37 district enters into an agreement with the department of ecology,
38 department of natural resources, a local air pollution control
39 authority, or other appropriate entity to provide such enforcement.

1 **Sec. 2.** RCW 70.94.743 and 1991 c 199 s 402 are each amended to
2 read as follows:

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

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

8 (b) Outdoor burning shall not be allowed in any urban growth area
9 as defined by RCW 36.70A.030, or any city of the state having a
10 population greater than ten thousand people if such cities are
11 threatened to exceed state or federal air quality standards, and
12 alternative disposal practices consistent with good solid waste
13 management are reasonably available or practices eliminating production
14 of organic refuse are reasonably available. ~~((In no event shall such
15 burning be allowed after December 31, 2000.))~~

16 (2) "Outdoor burning" means the combustion of material of any type
17 in an open fire or in an outdoor container without providing for the
18 control of combustion or the control of emissions from the combustion.

19 (3) 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 **Sec. 3.** RCW 70.94.750 and 1991 c 199 s 412 are each amended to
24 read as follows:

25 The following outdoor fires described in this section may be burned
26 subject to the provisions of this chapter and also subject to city
27 ordinances, county resolutions, rules of fire districts and laws, and
28 rules enforced by the department of natural resources if a permit has
29 been issued by a fire protection agency, county, or conservation
30 district:

31 (1) Fires consisting of household paper products, untreated wood,
32 leaves, clippings, prunings and other yard and gardening refuse
33 originating on lands immediately adjacent and in close proximity to a
34 human dwelling and burned on such lands by the property owner or his or
35 her designee.

36 (2) Fires consisting of residue of a natural character such as
37 trees, stumps, shrubbery or other natural vegetation arising from land
38 clearing projects ~~((or))~~ agricultural pursuits for pest or disease

1 control(~~(; provided the fires described in this subsection may be~~
2 ~~prohibited in those areas having a general population density of one~~
3 ~~thousand or more persons per square mile))~~, or flood events.

4 **Sec. 4.** RCW 70.94.780 and 1991 c 199 s 411 are each amended to
5 read as follows:

6 In addition to any other powers granted to them by law, the fire
7 protection agency, county, or conservation district issuing burning
8 permits shall regulate or prohibit outdoor burning as necessary to
9 prevent or abate the nuisances caused by such burning. No fire
10 protection agency, town, city, county, or conservation district may
11 issue a burning permit in an area where the department or local board
12 has declared any stage of impaired air quality per RCW 70.94.473 or any
13 stage of an air pollution episode. All burning permits issued shall be
14 subject to all applicable fee, permitting, penalty, and enforcement
15 provisions of this chapter. The permitted burning shall not cause
16 damage to public health or the environment.

17 Any entity issuing a permit under this section may charge a fee at
18 the level necessary to recover the costs of administering and enforcing
19 the permit program.

20 NEW SECTION. **Sec. 5.** The following acts or parts of acts are each
21 repealed:

- 22 (1) RCW 70.94.755 and 1972 ex.s. c 136 s 4;
23 (2) RCW 70.94.760 and 1986 c 100 s 55 & 1972 ex.s. c 136 s 5; and
24 (3) RCW 70.94.765 and 1972 ex.s. c 136 s 6.

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