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## HOUSE BILL 2308

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**State of Washington**       **54th Legislature**       **1996 Regular Session**

**By** Representatives Pennington, Hatfield and Boldt

Read first time 01/09/96.   Referred to Committee on Agriculture & Ecology.

1      AN ACT Relating to outdoor burning; and amending RCW 70.94.743,
2  70.94.750, and 70.94.780.

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

4      **Sec. 1.**  RCW 70.94.743 and 1991 c 199 s 402 are each amended to
5  read as follows:
6      (1) Consistent with the policy of the state to reduce outdoor
7  burning to the greatest extent practical:
8      (a) Outdoor burning shall not be allowed in any area of the state
9  where federal or state ambient air quality standards are exceeded for
10  pollutants emitted by outdoor burning.
11      (b) Outdoor burning shall not be allowed in any urban growth area
12  as defined by RCW 36.70A.030, or any city of the state having a
13  population greater than ten thousand people if such cities are
14  threatened to exceed state or federal air quality standards, and
15  alternative disposal practices consistent with good solid waste
16  management are reasonably available or practices eliminating production
17  of organic refuse are reasonably available.  ((~~In no event shall such~~
18  ~~burning be allowed after December 31, 2000.~~))

1    (2) "Outdoor burning" means the combustion of material of any type
2 in an open fire or in an outdoor container without providing for the
3 control of combustion or the control of emissions from the combustion.
4    (3) This section shall not apply to silvicultural burning used to
5 improve or maintain fire dependent ecosystems for rare plants or
6 animals within state, federal, and private natural area preserves,
7 natural resource conservation areas, parks, and other wildlife areas.

8    **Sec. 2.**  RCW 70.94.750 and 1991 c 199 s 412 are each amended to
9 read as follows:
10    The following outdoor fires described in this section may be burned
11 subject to the provisions of this chapter and also subject to city
12 ordinances, county resolutions, rules of fire districts and laws, and
13 rules enforced by the department of natural resources if a permit has
14 been issued by a fire protection agency, county, or conservation
15 district:
16    (1) Fires consisting of <u>household paper products, untreated wood,</u>
17 leaves, clippings, prunings and other yard and gardening refuse
18 originating on lands immediately adjacent and in close proximity to a
19 human dwelling and burned on such lands by the property owner or his or
20 her designee.
21    (2) Fires consisting of residue of a natural character such as
22 trees, stumps, shrubbery or other natural vegetation arising from land
23 clearing projects ((or))<u>,</u> agricultural pursuits for pest or disease
24 control((; provided the fires described in this subsection may be
25 prohibited in those areas having a general population density of one
26 thousand or more persons per square mile))<u>, or flood events</u>.

27    **Sec. 3.**  RCW 70.94.780 and 1991 c 199 s 411 are each amended to
28 read as follows:
29    In addition to any other powers granted to them by law, the fire
30 protection agency, <u>town, city,</u> county, or conservation district issuing
31 burning permits shall regulate or prohibit outdoor burning as necessary
32 to prevent or abate the nuisances caused by such burning.  No fire
33 protection agency, <u>town, city,</u> county, or conservation district may
34 issue a burning permit in an area where the department or local board
35 has declared any stage of impaired air quality per RCW 70.94.473 or any
36 stage of an air pollution episode.  All burning permits issued shall be
37 subject to all applicable fee, permitting, penalty, and enforcement

1 provisions of this chapter.  The permitted burning shall not cause
2 damage to public health or the environment.
3     Any entity issuing a permit under this section may charge a fee at
4 the level necessary to recover the costs of administering and enforcing
5 the permit program.

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