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SENATE BILL 5021

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State of Washington                      54th Legislature                      1995 Regular Session

By Senators Snyder, Owen and Rasmussen

Read first time 01/09/95. Referred to Committee on Ecology & Parks.

1            AN ACT Relating to the regulation of certain outdoor fires; and  
2 amending RCW 70.94.743, 70.94.745, 70.94.750, 70.94.755, 70.94.775, and  
3 70.94.780.

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

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

7            (1) Consistent with the policy of the state to reduce outdoor  
8 burning to the greatest extent practical(~~((a))~~), a permit shall be  
9 required for outdoor burning (~~((shall not be allowed))~~) in the following  
10 areas:

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(~~((a))~~);

14            ~~((Outdoor burning shall not be allowed in))~~ Any urban growth  
15 area as defined by RCW 36.70A.030(~~((a))~~); or

16            (c) Any city of the state having a population greater than ten  
17 thousand people (~~((if such cities are threatened to exceed state or~~  
18 ~~federal air quality standards, and alternative disposal practices~~  
19 ~~consistent with good solid waste management are reasonably available or~~

1 ~~practices eliminating production of organic refuse are reasonably~~  
2 ~~available. In no event shall such burning be allowed after December~~  
3 ~~31, 2000)).~~

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

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

11 **Sec. 2.** RCW 70.94.745 and 1991 c 199 s 401 are each amended to  
12 read as follows:

13 It shall be the responsibility and duty of the department of  
14 natural resources, department of ecology, department of agriculture,  
15 fire districts, and local air pollution control authorities to  
16 establish, through regulations, ordinances, or policy, a limited  
17 burning program for the people of this state, consisting of a one-  
18 permit system(~~(, until such time as alternate technology or methods of~~  
19 ~~disposing of the organic refuse have been developed that are reasonably~~  
20 ~~economical and less harmful to the environment)) in those areas  
21 specified in RCW 70.94.743(1). It is the policy of this state to  
22 foster and encourage development of alternate methods or technology for  
23 disposing of or reducing the amount of organic refuse.~~

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

26 The following outdoor fires described in this section may be burned  
27 subject to the provisions of this chapter and also subject to city  
28 ordinances, county resolutions, rules of fire districts and laws, and  
29 rules enforced by the department of natural resources, and in those  
30 areas specified in RCW 70.94.743(1), if a permit has been issued by a  
31 fire protection agency, county, or conservation district:

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

1 clearing projects or agricultural pursuits for pest or disease control;  
2 provided the fires described in this subsection may be prohibited in  
3 those areas having a general population density of one thousand or more  
4 persons per square mile.

5 **Sec. 4.** RCW 70.94.755 and 1972 ex.s. c 136 s 4 are each amended to  
6 read as follows:

7 (1) Each activated air pollution control authority, and the  
8 department of ecology in those areas outside the jurisdictional  
9 boundaries of an activated air pollution control authority, shall  
10 establish, through regulations, ordinances or policy, a program  
11 implementing the limited burning policy authorized by RCW 70.94.740  
12 through 70.94.765 for those areas specified in RCW 70.94.743(1).

13 (2) An outdoor fire subject to the program required by this section  
14 may not be closer than thirty feet to a structure, but may be required  
15 to be located at a distance greater than thirty feet by the permitting  
16 agency. If the outdoor fire is contained in an approved burning  
17 appliance, the fire may not be closer than fifteen feet to a structure.  
18 The pile size may not exceed that specified in the permit, and, if no  
19 size limit is specified, the size shall not exceed four feet by four  
20 feet by three feet.

21 **Sec. 5.** RCW 70.94.775 and 1991 c 199 s 410 are each amended to  
22 read as follows:

23 No person shall cause or allow any outdoor fire:

24 (1) Containing garbage, dead animals, asphalt, petroleum products,  
25 paints, chemically treated lumber, rubber products, plastics, or any  
26 substance (~~other than natural vegetation~~) that normally emits dense  
27 smoke or obnoxious odors. The prohibition in this subsection does not  
28 include: (a) Natural products; (b) natural by-products; and (c) paper  
29 or cardboard if the paper or cardboard is burned in an approved burning  
30 appliance. Agricultural heating devices that otherwise meet the  
31 requirements of this chapter shall not be considered outdoor fires  
32 under this section;

33 (2) During a forecast, alert, warning or emergency condition as  
34 defined in RCW 70.94.715 or impaired air quality condition as defined  
35 in RCW 70.94.473.

1       **Sec. 6.** RCW 70.94.780 and 1991 c 199 s 411 are each amended to  
2 read as follows:

3       In addition to any other powers granted to them by law, the fire  
4 protection agency, county, or conservation district issuing burning  
5 permits shall regulate or prohibit outdoor burning as necessary to  
6 prevent or abate the nuisances caused by such burning. For the  
7 purposes of RCW 70.94.743 through 70.94.780, "nuisance" means an  
8 emission of smoke from an open fire that unreasonably interferes with  
9 the use or enjoyment of the property the smoke is deposited on as  
10 determined by an investigating official. No fire protection agency,  
11 county, or conservation district may issue a burning permit in an area  
12 where the department or local board has declared any stage of impaired  
13 air quality per RCW 70.94.473 or any stage of an air pollution episode.  
14 All burning permits issued shall be subject to all applicable fee,  
15 permitting, penalty, and enforcement provisions of this chapter. The  
16 permitted burning shall not cause damage to public health or the  
17 environment.

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

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