

2 ESHB 1034 - S AMD 313  
3 By Senator Honeyford

4  
5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 70.94.743 and 1998 c 68 s 1 are each amended to read  
8 as follows:

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

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

14 (b) Outdoor burning shall not be allowed in any urban growth area  
15 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 production  
20 of organic refuse are reasonably available. In no event shall such  
21 burning be allowed after December 31, 2000, except that within the  
22 urban growth areas for cities having a population of less than five  
23 thousand people, that are neither within nor contiguous with any  
24 nonattainment or maintenance area designated under the federal clean  
25 air act, in no event shall such burning be allowed after December 31,  
26 2006.

27 (c) Notwithstanding any other provision of this section, outdoor  
28 burning may be allowed for the exclusive purpose of managing storm or  
29 flood-related debris. The decision to allow burning shall be made by  
30 the entity with permitting jurisdiction as determined under RCW  
31 70.94.660 or 70.94.755. If outdoor burning is allowed in areas subject  
32 to (a) or (b) of this subsection, a permit shall be required, and a fee  
33 may be collected to cover the expenses of administering and enforcing  
34 the permit. All conditions and restrictions pursuant to RCW  
35 70.94.750(1) and 70.94.775 apply to outdoor burning allowed under this  
36 section.

1           (d) Outdoor burning that is normal, necessary, and customary to  
2 ongoing agricultural activities, that is consistent with agricultural  
3 burning authorized under RCW 70.94.650 and 70.94.656, is allowed within  
4 the urban growth area as defined in (b) of this subsection if the  
5 burning is not conducted during air quality episodes, or where a  
6 determination of impaired air quality has been made as provided in RCW  
7 70.94.473, and the agricultural activities preceded the designation as  
8 an urban growth area.

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

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

16           Renumber the sections consecutively and correct any internal  
17 references accordingly.

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