

2 **ESHB 1034** - S COMM AMD
3 By Committee on Environment, Energy & Water

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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)) have been
13 exceeded for 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((7)) or in 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)):

22 (i) Within the urban growth areas for cities having a population of
23 less than five thousand people, that are neither within nor contiguous
24 with any nonattainment or maintenance area designated under the federal
25 clean air act, in no event shall such burning be allowed after December
26 31, 2006; or

27 (ii) Within the urban growth area and within the jurisdiction of a
28 (A) local air authority that has adopted rules, or (B) city or county
29 without a local air authority, that after consultation with the
30 department, has adopted an ordinance, allowing outdoor burning in the
31 unincorporated portions of that urban growth area, subject to any
32 conditions in this section. Under this subsection (1)(b)(ii), a local
33 air authority, city, or county may not allow outdoor burning within:
34 Any nonattainment area or maintenance area established under the
35 federal clean air act; the boundaries of any incorporated city or town;
36 or any area having a general population density of one thousand or more

1 persons per square mile, based on the population within each census
2 tract as determined every five years.

3 (c) Outdoor burning shall not be allowed in any area of the state
4 where it is expressly prohibited by the local air authority with
5 jurisdiction over that area.

6 (d) Notwithstanding any other provision of this section, outdoor
7 burning may be allowed for the exclusive purpose of managing storm or
8 flood-related debris. The decision to allow burning shall be made by
9 the entity with permitting jurisdiction as determined under RCW
10 70.94.660 or 70.94.755. If outdoor burning is allowed in areas subject
11 to (a) or (b) of this subsection, a permit shall be required, and a fee
12 may be collected to cover the expenses of administering and enforcing
13 the permit. All conditions and restrictions pursuant to RCW
14 70.94.750(1) and 70.94.775 apply to outdoor burning allowed under this
15 section.

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: (a) Fire hazard abatement
20 burning under a permit issued by a fire protection agency, county, or
21 conservation district subject to the limitations in RCW 70.94.780, when
22 there are no reasonable alternatives to burning, and when the regional
23 deputy state fire marshal has verified the fire hazard; or (b)
24 silvicultural burning ((used to improve or maintain fire dependent
25 ecosystems for rare plants or animals within state, federal, and
26 private natural area preserves, natural resource conservation areas,
27 parks, and other wildlife areas)) regulated by the department of
28 natural resources under RCW 70.94.660 through 70.94.670, except for
29 forest lands located in areas identified in accordance with subsection
30 (1)(a) and (b) of this section."

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34 On page 1, line 1 of the title, after "burning;" strike the
35 remainder of the title and insert "and amending RCW 70.94.743."

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