
ENGROSSED HOUSE BILL 2545

State of Washington

58th Legislature

2004 Regular Session

By Representatives Condotta, Chase, Armstrong, Sump, Hunt, Chandler, Newhouse, Hinkle, Kristiansen, Holmquist, Clements, Schoesler and Skinner

Read first time 01/15/2004. Referred to Committee on Fisheries, Ecology & Parks.

1 AN ACT Relating to clarifying the meaning of ongoing agricultural
2 activities; and amending RCW 70.94.743.

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

4 **Sec. 1.** RCW 70.94.743 and 2001 1st sp.s. c 12 s 1 are each amended
5 to 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, except that within the
19 urban growth areas for cities having a population of less than five

1 thousand people, that are neither within nor contiguous with any
2 nonattainment or maintenance area designated under the federal clean
3 air act, in no event shall such burning be allowed after December 31,
4 2006.

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

15 (d)(i) Outdoor burning that is normal, necessary, and customary to
16 ongoing agricultural activities, that is consistent with agricultural
17 burning authorized under RCW 70.94.650 and 70.94.656, is allowed within
18 the urban growth area as defined in (b) of this subsection if the
19 burning is not conducted during air quality episodes, or where a
20 determination of impaired air quality has been made as provided in RCW
21 70.94.473, and the agricultural activities preceded the designation as
22 an urban growth area.

23 (ii) Outdoor burning of cultivated orchard trees, whether or not
24 agricultural crops will be replanted on the land, shall be allowed as
25 an ongoing agricultural activity under this section if a local
26 horticultural pest and disease board formed under chapter 15.09 RCW, an
27 extension office agent with Washington State University that has
28 horticultural experience, or an entomologist employed by the department
29 of agriculture, has determined in writing that burning is an
30 appropriate method to prevent or control the spread of horticultural
31 pests or diseases.

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

35 (3) This section shall not apply to silvicultural burning used to
36 improve or maintain fire dependent ecosystems for rare plants or

1 animals within state, federal, and private natural area preserves,
2 natural resource conservation areas, parks, and other wildlife areas.

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