

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 1080**

Chapter 206, Laws of 1995

54th Legislature  
1995 Regular Session

OUTDOOR BURNING PERMITS--EXEMPTION OF CERTAIN NONURBAN AREAS

EFFECTIVE DATE: 7/23/95

Passed by the House April 19, 1995  
Yeas 76 Nays 19

CLYDE BALLARD

**Speaker of the  
House of Representatives**

Passed by the Senate April 7, 1995  
Yeas 44 Nays 0

JOEL PRITCHARD

**President of the Senate**

Approved May 3, 1995

MIKE LOWRY

**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1080** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN

**Chief Clerk**

FILED

May 3, 1995 - 11:32 a.m.

**Secretary of State  
State of Washington**

---

ENGROSSED SUBSTITUTE HOUSE BILL 1080

---

AS AMENDED BY THE SENATE

Passed Legislature - 1995 Regular Session

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Pennington, Chappell, McMorris, Carlson, Benton, McMahan, B. Thomas, Clements, Brumsickle, Boldt, Hatfield, Buck, Campbell, Delvin, Johnson, Sheldon, Mulliken, Kessler, Basich, Fuhrman, Morris, Huff, Honeyford, Chandler, Elliot, Schoesler and Sheahan)

Read first time 02/10/95.

1 AN ACT Relating to exempting certain nonurban areas from outdoor  
2 burning permit requirements; and amending RCW 70.94.745.

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

4 **Sec. 1.** RCW 70.94.745 and 1991 c 199 s 401 are each amended to  
5 read as follows:

6 (1) It shall be the responsibility and duty of the department of  
7 natural resources, department of ecology, department of agriculture,  
8 fire districts, and local air pollution control authorities to  
9 establish, through regulations, ordinances, or policy, a limited  
10 burning permit program ((for the people of this state, consisting of a  
11 one-permit system, until such time as)).

12 (2) The permit program shall apply to residential and land clearing  
13 burning in the following areas:

14 (a) In the nonurban areas of any county with an unincorporated  
15 population of greater than fifty thousand; and

16 (b) In any city and urban growth area that is not otherwise  
17 prohibited from burning pursuant to RCW 70.94.743.

1       (3) The permit program shall apply only to land clearing burning in  
2 the nonurban areas of any county with an unincorporated population of  
3 less than fifty thousand.

4       (4) The permit program may be limited to a general permit by rule,  
5 or by verbal, written, or electronic approval by the permitting entity.

6       (5) Notwithstanding any other provision of this section, neither  
7 a permit nor the payment of a fee shall be required for outdoor burning  
8 for the purpose of disposal of tumbleweeds blown by wind. Such burning  
9 shall not be conducted during an air pollution episode or any stage of  
10 impaired air quality declared under RCW 70.94.714. This subsection (5)  
11 shall only apply within counties with a population less than 250,000.

12       (6) Burning shall be prohibited in an area when an alternate  
13 technology or method(~~s~~) of disposing of the organic refuse (~~have~~  
14 been developed that are)) is available, reasonably economical, and less  
15 harmful to the environment. It is the policy of this state to foster  
16 and encourage development of alternate methods or technology for  
17 disposing of or reducing the amount of organic refuse.

18       (7) Incidental agricultural burning must be allowed without  
19 applying for any permit and without the payment of any fee if:

20       (a) The burning is incidental to commercial agricultural  
21 activities;

22       (b) The operator notifies the local fire department within the area  
23 where the burning is to be conducted;

24       (c) The burning does not occur during an air pollution episode or  
25 any stage of impaired air quality declared under RCW 70.94.715; and

26       (d) Only the following items are burned:

27       (i) Orchard prunings;

28       (ii) Organic debris along fence lines or irrigation or drainage  
29 ditches; or

30       (iii) Organic debris blown by wind.

31       (8) As used in this section, "nonurban areas" are unincorporated  
32 areas within a county that is not designated as an urban growth area  
33 under chapter 36.70A RCW.

34       (9) Nothing in this section shall require fire districts to enforce  
35 air quality requirements related to outdoor burning, unless the fire  
36 district enters into an agreement with the department of ecology,  
37 department of natural resources, a local air pollution control  
38 authority, or other appropriate entity to provide such enforcement.

Passed the House April 19, 1995.  
Passed the Senate April 7, 1995.  
Approved by the Governor May 3, 1995.  
Filed in Office of Secretary of State May 3, 1995.