
HOUSE BILL 1743

State of Washington

56th Legislature

1999 Regular Session

By Representatives Schoesler, G. Chandler and Pennington

Read first time 02/04/1999. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to silvicultural burning; and amending RCW
2 70.94.670.

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

4 **Sec. 1.** RCW 70.94.670 and 1991 c 199 s 405 are each amended to
5 read as follows:

6 (1) The department of natural resources in granting burning permits
7 for fires for the purposes set forth in RCW 70.94.660 shall condition
8 the issuance and use of such permits to comply with air quality
9 standards established by the department of ecology after full
10 consultation with the department of natural resources. Such burning
11 shall not cause the state air quality standards to be exceeded in the
12 ambient air up to two thousand feet above ground level over critical
13 areas designated by the department of ecology, otherwise subject to air
14 pollution from other sources. Air quality standards shall be
15 established and published by the department of ecology which shall also
16 establish a procedure for advising the department of natural resources
17 when and where air contaminant levels exceed or threaten to exceed the
18 ambient air standards over such critical areas. The air quality shall
19 be quantitatively measured by the department of ecology or the

1 appropriate local air pollution control authority at established
2 monitoring stations over such designated areas. Further, such
3 permitted burning shall not cause damage to public health or the
4 environment. All permits issued under this section shall be subject to
5 all applicable fees, permitting, penalty, and enforcement provisions of
6 this chapter. The department of natural resources shall set forth
7 smoke dispersal objectives designed consistent with this section to
8 minimize any air pollution from such burning and the procedures
9 necessary to meet those objectives.

10 (2) Upon receiving a request or application to conduct
11 silvicultural burning, the department of natural resources shall
12 promptly transmit to the department of ecology a copy or record of the
13 request or application. The department of ecology shall promptly
14 transmit a copy of the request or application to each local air
15 pollution control authority within the jurisdictional boundaries of
16 which the burning would be conducted and to each local air pollution
17 control authority a jurisdictional boundary of which is within seventy-
18 five miles of the proposed burning.

19 (3) The department of natural resources shall encourage more
20 intense utilization in logging and alternative silviculture practices
21 to reduce the need for burning. The department of natural resources
22 shall, whenever practical, encourage landowners to develop and use
23 alternative acceptable disposal methods subject to the following
24 priorities: ~~((+1))~~ (a) Slash production minimization, ~~((+2))~~ (b)
25 slash utilization, ~~((+3))~~ (c) nonburning disposal, ~~((+4))~~ (d)
26 silvicultural burning. Such alternative methods shall be evaluated as
27 to the relative impact on air, water, and land pollution, public
28 health, and their financial feasibility.

29 (4)(a) The department of natural resources shall not issue burning
30 permits and shall revoke previously issued permits at any time in any
31 area where the department of ecology or local board has declared a
32 stage of impaired air quality as defined in RCW 70.94.473. The
33 department of natural resources shall not issue burning permits for
34 silvicultural burning conducted on publicly owned or managed land
35 during a calendar year if the department of ecology or an air pollution
36 control authority requires agricultural burning for cereal grain or
37 grass or turf seed production to be reduced or eliminated during that
38 calendar year when compared to the total of such agricultural burning
39 during any other calendar year.

1 (b) If the department of natural resources determines that the
2 circumstances identified in (a) of this subsection do not require that
3 a request or application for a permit for silvicultural burning be
4 denied, but the department of ecology or a local air pollution control
5 authority transmitted a copy of the request or application under
6 subsection (2) of this section determines to the contrary, the
7 department of ecology or authority shall immediately notify the
8 department of natural resources of its determination and the request or
9 application for the permit shall be denied or, if already issued,
10 revoked.

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