
SENATE BILL 5646

State of Washington

56th Legislature

1999 Regular Session

By Senators Hale, Loveland, Deccio, T. Sheldon, Honeyford, Haugen, Rasmussen, McCaslin and Snyder

Read first time 02/01/1999. Referred to Committee on Environmental Quality & Water Resources.

1 AN ACT Relating to outdoor burning; amending RCW 70.94.743;
2 creating a new section; providing an effective date; and declaring an
3 emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the quality of
6 the air in the state of Washington is excellent and we must ensure that
7 it remains among the best in the world.

8 The legislature further finds that limiting outdoor burning is a
9 means of protecting and enhancing air quality.

10 The legislature further finds that such limitations on outdoor
11 burning must be done in a fiscally prudent manner and in a reasonable
12 time frame in order to allow for an orderly transition to alternative
13 refuse disposal options.

14 The legislature therefore declares that the goal for the state
15 should be a reduction in outdoor burning, but such burning must be
16 allowed under reasonable conditions until viable alternatives are found
17 and put into place.

1 **Sec. 2.** RCW 70.94.743 and 1998 c 68 s 1 are each amended to read
2 as follows:

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

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

8 (b) Outdoor burning shall not be allowed in any urban growth area
9 as defined by RCW 36.70A.030, or any city of the state having a
10 population greater than ten thousand people if such cities are
11 threatened to exceed state or federal air quality standards, and
12 alternative disposal practices consistent with good solid waste
13 management are reasonably available or practices eliminating production
14 of organic refuse are reasonably available. In no event shall such
15 burning be allowed after December 31, (~~2000~~) 2005, except that within
16 the urban growth areas for cities having a population of less than five
17 thousand people, that are neither within nor contiguous with any
18 nonattainment or maintenance area designated under the federal clean
19 air act, in no event shall such burning be allowed after December 31,
20 (~~2006~~) 2011.

21 (c) Notwithstanding any other provision of this section, outdoor
22 burning may be allowed for the exclusive purpose of managing storm or
23 flood-related debris. The decision to allow burning shall be made by
24 the entity with permitting jurisdiction as determined under RCW
25 70.94.660 or 70.94.755. If outdoor burning is allowed in areas subject
26 to (a) or (b) of this subsection, a permit shall be required, and a fee
27 may be collected to cover the expenses of administering and enforcing
28 the permit. All conditions and restrictions pursuant to RCW
29 70.94.750(1) and 70.94.775 apply to outdoor burning allowed under this
30 section.

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

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

1 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 July 1, 1999.

--- END ---