
HOUSE BILL 2244

State of Washington

58th Legislature

2003 Regular Session

By Representative Delvin

Read first time 04/11/2003. Referred to Committee on Fisheries,
Ecology & Parks.

1 AN ACT Relating to limited outdoor burning during periods in which
2 a fire safety burn ban has been declared; 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 1995 c 206 s 1 are each amended to read
5 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.

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

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

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

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

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

3 (5) Notwithstanding any other provision of this section, neither a
4 permit nor the payment of a fee shall be required for outdoor burning
5 for the purpose of disposal of tumbleweeds blown by wind. Such burning
6 shall not be conducted during an air pollution episode or any stage of
7 impaired air quality declared under RCW (~~70.94.714~~) 70.94.715. This
8 subsection (5) shall only apply within counties with a population less
9 than two hundred fifty thousand.

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

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

18 (a) The burning is incidental to commercial agricultural
19 activities;

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

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

24 (d) The burning does not occur during a period in which a fire
25 safety burn ban has been declared; and

26 (e) 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.

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