

---

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) For the purposes of this subsection (1)(d), the term "ongoing  
24 agricultural activities" includes, but is not limited to, the burning  
25 of cultivated trees regardless of whether the owner or operator of the  
26 land intends to replant trees or other agricultural crops on the land,  
27 and the burning of agricultural crops to prevent and control pest and  
28 disease infestations.

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

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

--- END ---