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HOUSE BILL 2605

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State of Washington                      58th Legislature                      2004 Regular Session

By Representatives Bush, Mielke, Boldt, Sump, Orcutt, Campbell,  
McMorris and Nixon

Read first time 01/16/2004.      Referred to Committee on Fisheries,  
Ecology & Parks.

1            AN ACT Relating to allowing outdoor burning in areas that are no  
2 longer designated a nonattainment area by the federal government  
3 because of air quality; and amending RCW 70.94.743.

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

5            **Sec. 1.** RCW 70.94.743 and 2001 1st sp.s. c 12 s 1 are each amended  
6 to read as follows:

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

9            (a) Outdoor burning shall not be allowed in any area (~~of the state~~  
10 ~~where federal or state ambient air quality standards are exceeded for~~  
11 ~~pollutants emitted by outdoor burning~~) that is actively deemed a  
12 nonattainment area by the state or federal government.

13            (b) Outdoor burning shall not be allowed in any urban growth area  
14 as defined by RCW 36.70A.030, or any city of the state having a  
15 population greater than ten thousand people if such cities are  
16 threatened to exceed state or federal air quality standards, and  
17 alternative disposal practices consistent with good solid waste  
18 management are reasonably available or practices eliminating production  
19 of organic refuse are reasonably available. In no event shall such

1 burning be allowed after December 31, 2000, except that within the  
2 urban growth areas for cities having a population of less than five  
3 thousand people, that are neither within nor contiguous with any  
4 nonattainment or maintenance area designated under the federal clean  
5 air act, in no event shall such burning be allowed after December 31,  
6 2006.

7 (c) Notwithstanding any other provision of this section, outdoor  
8 burning may be allowed for the exclusive purpose of managing storm or  
9 flood-related debris. The decision to allow burning shall be made by  
10 the entity with permitting jurisdiction as determined under RCW  
11 70.94.660 or 70.94.755. If outdoor burning is allowed in areas subject  
12 to (a) or (b) of this subsection, a permit shall be required, and a fee  
13 may be collected to cover the expenses of administering and enforcing  
14 the permit. All conditions and restrictions pursuant to RCW  
15 70.94.750(1) and 70.94.775 apply to outdoor burning allowed under this  
16 section.

17 (d) Outdoor burning that is normal, necessary, and customary to  
18 ongoing agricultural activities, that is consistent with agricultural  
19 burning authorized under RCW 70.94.650 and 70.94.656, is allowed within  
20 the urban growth area as defined in (b) of this subsection if the  
21 burning is not conducted during air quality episodes, or where a  
22 determination of impaired air quality has been made as provided in RCW  
23 70.94.473, and the agricultural activities preceded the designation as  
24 an urban growth area.

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

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

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