
SENATE BILL 6155

State of Washington 58th Legislature 2004 Regular Session

By Senators Parlette, Hewitt and Mulliken

Read first time 01/13/2004. Referred to Committee on Agriculture.

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~~) is not (~~be~~) allowed in any area of
9 the state where federal or state ambient air quality standards are
10 exceeded for pollutants emitted by outdoor burning.

11 (b) Outdoor burning (~~shall~~) is not (~~be~~) allowed in any urban
12 growth area as defined by RCW 36.70A.030, or any city of the state
13 having a population greater than ten thousand people if (~~such~~) the
14 cities are threatened to exceed state or federal air quality standards,
15 and 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~~) is not allowed after
4 December 31, 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~~) must be
8 made by 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~~) is required,
11 and a fee may be collected to cover the expenses of administering and
12 enforcing 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) 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 (2) "Ongoing agricultural activities" includes, but is not limited
24 to, the burning of cultivated trees whether or not the owner or
25 operator of the land intends to replant trees or other agricultural
26 crops on the land, and the burning of agricultural crops to prevent and
27 control pest and disease infestations.

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

31 (~~(3)~~) (4) This section (~~shall~~) does not apply to silvicultural
32 burning used to improve or maintain fire dependent ecosystems for rare
33 plants or animals within state, federal, and private natural area
34 preserves, natural resource conservation areas, parks, and other
35 wildlife areas.

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