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**SUBSTITUTE SENATE BILL 6081**

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**State of Washington                      60th Legislature                      2007 Regular Session**

**By** Senate Committee on Ways & Means (originally sponsored by Senators Parlette, Poulsen, Honeyford and Rasmussen)

READ FIRST TIME 03/05/07.

1            AN ACT Relating to outdoor burning in urban growth areas of certain  
2 small cities; 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 2004 c 213 s 1 are each amended to read  
5 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)(i) After December 31, 2000, outdoor burning shall not be  
12 allowed in any urban growth area as defined by RCW 36.70A.030, or any  
13 city of the state having a population greater than ten thousand people  
14 if such cities are threatened to exceed state or federal air quality  
15 standards, and alternative disposal practices consistent with good  
16 solid waste management are reasonably available or practices  
17 eliminating production of organic refuse are reasonably available,  
18 except as provided in (b)(ii) and (iii) of this subsection.

1       (~~In no event shall such burning be allowed~~) (ii) After December  
2 31, (~~2000~~) 2006, (~~except that~~) outdoor burning is not allowed  
3 within the urban growth areas for cities having a population of less  
4 than five thousand people(~~, that are neither within nor contiguous~~  
5 with any nonattainment or maintenance area designated under the federal  
6 clean air act, in no event shall such burning be allowed after December  
7 31, 2006).

8       (iii) However, in counties that do not contain any nonattainment or  
9 maintenance areas designated under the federal clean air act for  
10 pollutants emitted by outdoor burning, such burning may continue to be  
11 allowed until July 1, 2008, within the urban growth areas, as defined  
12 in RCW 36.70A.030, for cities having a population of less than two  
13 thousand five hundred people, as determined by the office of financial  
14 management, if the city legislative authority, after public hearing and  
15 due public involvement process, through majority vote, decides to allow  
16 burning to continue. Cities electing to continue burning must submit  
17 vegetative waste management plans to the department by June 30, 2008,  
18 that identify adopted alternative practices to burning and begin  
19 implementing alternative practices by July 1, 2008.

20       (iv) If additional funding for alternatives to burning is provided  
21 through the coordinated prevention grant program in the 2007-2009  
22 biennium grant cycle, those cities not electing to continue burning  
23 under (b)(iii) of this subsection must receive highest priority for  
24 available grant dollars.

25       (c) The department shall convene a work group with representatives  
26 of affected stakeholders to assess opportunities, other than burning,  
27 to manage vegetative solid waste and recommend best management  
28 practices, consistent with good solid waste management practices, that  
29 work for smaller communities. The work group recommendations must be  
30 completed by December 31, 2007. The department shall provide the  
31 recommendations to the cities electing to continue burning under  
32 (b)(iii) of this subsection and to the appropriate standing committees  
33 of the legislature.

34       (d) Notwithstanding any other provision of this section, outdoor  
35 burning may be allowed for the exclusive purpose of managing storm or  
36 flood-related debris. The decision to allow burning shall be made by  
37 the entity with permitting jurisdiction as determined under RCW  
38 70.94.660 or 70.94.755. If outdoor burning is allowed in areas subject

1 to (a) or (b) of this subsection, a permit shall be required, and a fee  
2 may be collected to cover the expenses of administering and enforcing  
3 the permit. All conditions and restrictions pursuant to RCW  
4 70.94.750(1) and 70.94.775 apply to outdoor burning allowed under this  
5 section.

6 ~~((d))~~ (e)(i) Outdoor burning that is normal, necessary, and  
7 customary to ongoing agricultural activities, that is consistent with  
8 agricultural burning authorized under RCW 70.94.650 and 70.94.656, is  
9 allowed within the urban growth area as defined in (b) of this  
10 subsection if the burning is not conducted during air quality episodes,  
11 or where a determination of impaired air quality has been made as  
12 provided in RCW 70.94.473, and the agricultural activities preceded the  
13 designation as an urban growth area.

14 (ii) Outdoor burning of cultivated orchard trees, whether or not  
15 agricultural crops will be replanted on the land, shall be allowed as  
16 an ongoing agricultural activity under this section if a local  
17 horticultural pest and disease board formed under chapter 15.09 RCW, an  
18 extension office agent with Washington State University that has  
19 horticultural experience, or an entomologist employed by the department  
20 of agriculture, has determined in writing that burning is an  
21 appropriate method to prevent or control the spread of horticultural  
22 pests or diseases.

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

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

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