

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1726**

Chapter 225, Laws of 1997

55th Legislature  
1997 Regular Session

BURNING OF STORM OR FLOOD-RELATED DEBRIS

EFFECTIVE DATE: 7/27/97

Passed by the House March 11, 1997  
Yeas 97 Nays 0

CLYDE BALLARD  
**Speaker of the  
House of Representatives**

Passed by the Senate April 16, 1997  
Yeas 38 Nays 11

IRV NEWHOUSE  
**President of the Senate**

Approved April 26, 1997

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1726** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN  
**Chief Clerk**

FILED

April 26, 1997 - 11:04 p.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1726**

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Passed Legislature - 1997 Regular Session

**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** House Committee on Agriculture & Ecology (originally sponsored by Representatives Robertson, Linville, L. Thomas, Regala, Benson, Kastama, Smith, Hatfield, Koster, Sullivan, McDonald, Chandler, Zellinsky, DeBolt, B. Thomas, Cairnes, Johnson, Cooke, Clements, Kessler and Mulliken)

Read first time 02/25/97.

1       AN ACT Relating to outdoor burning of storm or flood-related  
2 debris; and amending RCW 70.94.743 and 70.94.755.

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

4       **Sec. 1.** RCW 70.94.743 and 1991 c 199 s 402 are each amended to  
5 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.

1        (c) Notwithstanding any other provision of this section, outdoor  
2 burning may be allowed for the exclusive purpose of managing storm or  
3 flood-related debris. The decision to allow burning shall be made by  
4 the entity with permitting jurisdiction as determined under RCW  
5 70.94.660 or 70.94.755. If outdoor burning is allowed in areas subject  
6 to (a) or (b) of this subsection, a permit shall be required, and a fee  
7 may be collected to cover the expenses of administering and enforcing  
8 the permit. All conditions and restrictions pursuant to RCW  
9 70.94.750(1) and 70.94.775 apply to outdoor burning allowed under this  
10 section.

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

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

18        **Sec. 2.** RCW 70.94.755 and 1972 ex.s. c 136 s 4 are each amended to  
19 read as follows:

20        Each activated air pollution control authority, and the department  
21 of ecology in those areas outside the jurisdictional boundaries of an  
22 activated air pollution control authority, shall establish, through  
23 regulations, ordinances, or policy, a program implementing the limited  
24 burning policy authorized by RCW (~~70.94.740~~) 70.94.743 through  
25 70.94.765.

Passed the House March 11, 1997.

Passed the Senate April 16, 1997.

Approved by the Governor April 26, 1997.

Filed in Office of Secretary of State April 26, 1997.