
SENATE BILL 5075

State of Washington

60th Legislature

2007 Regular Session

By Senators Honeyford, Rasmussen, Hewitt, Clements, Schoesler, Roach and Parlette

Read first time 01/10/2007. Referred to Committee on Water, Energy & Telecommunications.

1 AN ACT Relating to outdoor burning; and amending RCW 70.94.743.

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

3 **Sec. 1.** RCW 70.94.743 and 2004 c 213 s 1 are each amended to read
4 as follows:

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

7 (a) Outdoor burning shall not be allowed in any area of the state
8 where federal or state ambient air quality standards are exceeded for
9 pollutants emitted by outdoor burning.

10 (b) Outdoor burning shall not be allowed in any urban growth area
11 as defined by RCW 36.70A.030, or any city of the state having a
12 population greater than ten thousand people if such cities are
13 threatened to exceed state or federal air quality standards, and
14 alternative disposal practices consistent with good solid waste
15 management are reasonably available or practices eliminating production
16 of organic refuse are reasonably available. In no event shall such
17 burning be allowed after December 31, 2000, except that within the
18 urban growth areas for cities having a population of less than five
19 thousand people, that are neither within nor contiguous with any

1 nonattainment or maintenance area designated under the federal clean
2 air act, in no event shall such burning be allowed after December 31,
3 2006.

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

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

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

31 (e) Outdoor burning of cut brush or timber material is allowed
32 within the urban growth area as defined in (b) of this subsection if
33 the burning is not conducted during an air quality episode, or where a
34 determination of impaired air quality has been made as provided in RCW
35 70.94.473, and the local fire official has determined in writing that
36 burning of the material is an appropriate method to protect life or
37 property from a fire hazard.

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

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

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