
SENATE BILL 6081

State of Washington 60th Legislature 2007 Regular Session

By Senators Parlette, Poulsen, Honeyford and Rasmussen

Read first time 02/19/2007. Referred to Committee on Ways & Means.

1 AN ACT Relating to outdoor burning in urban growth areas of certain
2 small cities; amending RCW 70.94.743; and creating a new section.

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) Outdoor burning shall not be allowed in any urban growth
12 area 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.

18 (ii) In no event shall such burning be allowed after December 31,
19 2000, except that within the urban growth areas for cities having a

1 population of less than five thousand people, that are neither within
2 nor contiguous with any nonattainment or maintenance area designated
3 under the federal clean air act, in no event shall such burning be
4 allowed after December 31, 2006, in counties bordering Puget Sound that
5 were greater than two hundred forty thousand in population in 2006 as
6 determined by office of financial management population estimates.

7 (iii) However, in other counties such burning shall continue to be
8 allowed within the urban growth areas, as defined in RCW 36.70A.030,
9 for cities having a population of less than five thousand people, that
10 are neither within nor contiguous with any nonattainment or maintenance
11 area designated under the federal clean air act, until July 1, 2008.

12 (c) Notwithstanding any other provision of this section, outdoor
13 burning may be allowed for the exclusive purpose of managing storm or
14 flood-related debris. The decision to allow burning shall be made by
15 the entity with permitting jurisdiction as determined under RCW
16 70.94.660 or 70.94.755. If outdoor burning is allowed in areas subject
17 to (a) or (b) of this subsection, a permit shall be required, and a fee
18 may be collected to cover the expenses of administering and enforcing
19 the permit. All conditions and restrictions pursuant to RCW
20 70.94.750(1) and 70.94.775 apply to outdoor burning allowed under this
21 section.

22 (d)(i) Outdoor burning that is normal, necessary, and customary to
23 ongoing agricultural activities, that is consistent with agricultural
24 burning authorized under RCW 70.94.650 and 70.94.656, is allowed within
25 the urban growth area as defined in (b) of this subsection if the
26 burning is not conducted during air quality episodes, or where a
27 determination of impaired air quality has been made as provided in RCW
28 70.94.473, and the agricultural activities preceded the designation as
29 an urban growth area.

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

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.

8 NEW SECTION. **Sec. 2.** (1) A small city outdoor burning advisory
9 task force is created to identify a range of burning alternatives in
10 small rural and isolated cities and to explore rationales for
11 exemptions to the prohibitions under RCW 70.94.743.

12 (2) Members of the task force include:

13 (a) Two representatives from cities with a population of five
14 thousand or fewer, to be selected by the association of Washington
15 cities;

16 (b) Two representatives from the department of ecology, one from
17 the air quality program and one from the solid waste program, to be
18 selected by the director of the department of ecology;

19 (c) Two representatives from counties, to be selected by the
20 Washington state association of counties;

21 (d) Two representatives from two different regional clean air
22 agencies, to be selected by the director of the department of ecology;
23 and

24 (e) One representative from the department of health, to be
25 selected by the secretary of the department of health.

26 (3) The task force shall meet by August 1, 2007, and deliver a
27 report with recommendations to the appropriate policy committees of the
28 legislature by December 1, 2007.

--- END ---