
SENATE BILL 6919

State of Washington

60th Legislature

2008 Regular Session

By Senator Rasmussen

Read first time 02/05/08. Referred to Committee on Water, Energy & Telecommunications.

1 AN ACT Relating to prohibiting outdoor burning when an alternate
2 technology or method of disposing of organic refuse is available,
3 reasonably economical, and less harmful to the environment; and
4 amending RCW 70.94.745.

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

6 **Sec. 1.** RCW 70.94.745 and 1995 c 206 s 1 are each amended to read
7 as follows:

8 (1) It shall be the responsibility and duty of the department of
9 natural resources, department of ecology, department of agriculture,
10 fire districts, and local air pollution control authorities to
11 establish, through regulations, ordinances, or policy, a limited
12 burning permit program.

13 (2) The permit program shall apply to residential and land clearing
14 burning in the following areas:

15 (a) In the nonurban areas of any county with an unincorporated
16 population of greater than fifty thousand; and

17 (b) In any city and urban growth area that is not otherwise
18 prohibited from burning pursuant to RCW 70.94.743.

1 (3) The permit program shall apply only to land clearing burning in
2 the nonurban areas of any county with an unincorporated population of
3 less than fifty thousand.

4 (4) The permit program may be limited to a general permit by rule,
5 or by verbal, written, or electronic approval by the permitting entity.

6 (5) Notwithstanding any other provision of this section, neither a
7 permit nor the payment of a fee shall be required for outdoor burning
8 for the purpose of disposal of tumbleweeds blown by wind. Such burning
9 shall not be conducted during an air pollution episode or any stage of
10 impaired air quality declared under RCW ((70.94.714)) 70.94.715. This
11 subsection (5) shall only apply within counties with a population less
12 than two hundred fifty thousand.

13 (6) Burning shall be prohibited in an area on lots, tracts, or
14 parcels of up to twenty acres when an alternate technology or method of
15 disposing of the organic refuse is available, reasonably economical,
16 and less harmful to the environment. It is the policy of this state to
17 foster and encourage development of alternate methods or technology for
18 disposing of or reducing the amount of organic refuse.

19 (7) Incidental agricultural burning must be allowed without
20 applying for any permit and without the payment of any fee if:

21 (a) The burning is incidental to commercial agricultural
22 activities;

23 (b) The operator notifies the local fire department within the area
24 where the burning is to be conducted;

25 (c) The burning does not occur during an air pollution episode or
26 any stage of impaired air quality declared under RCW 70.94.715; and

27 (d) Only the following items are burned:

28 (i) Orchard prunings;

29 (ii) Organic debris along fence lines or irrigation or drainage
30 ditches; or

31 (iii) Organic debris blown by wind.

32 (8) ((~~As used in this section,~~)) The definitions in this subsection
33 apply throughout this section unless the context clearly requires
34 otherwise.

35 (a) "Available and reasonably economical" means that the area is
36 served by:

37 (i) A county or municipally sponsored service for recycling of the
38 organic refuse; or

1 (ii) Any other method for disposing of the organic refuse (such as
2 a public or private chipping or chipper rental service, an energy
3 recovery or incineration facility, or a solid waste drop box, transfer
4 station, or landfill) that is located within a reasonable distance and
5 that will accept the type and volume of organic refuse at a total cost
6 that is less than or equivalent to the median of all county tipping
7 fees in the state for disposal of one ton of municipal solid waste.

8 (b) "Nonurban areas" ((are)) means unincorporated areas within a
9 county that ((is)) are not designated as an urban growth area under
10 chapter 36.70A RCW.

11 (9) Nothing in this section shall require fire districts to enforce
12 air quality requirements related to outdoor burning, unless the fire
13 district enters into an agreement with the department of ecology,
14 department of natural resources, a local air pollution control
15 authority, or other appropriate entity to provide such enforcement.

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