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SENATE BILL 6103

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State of Washington

53rd Legislature

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By Senators Snyder, McCaslin, Loveland, Vognild, Hargrove, Owen, M. Rasmussen, Roach and Oke

Read first time 01/12/94. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to burning permits for fire fighting instruction;  
2 and amending RCW 70.94.650.

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

4 **Sec. 1.** RCW 70.94.650 and 1993 c 353 s 1 are each amended to read  
5 as follows:

6 (1) Any person who proposes to set fires in the course of

7 (a) weed abatement,

8 (b) instruction in methods of fire fighting, except forest fire  
9 training, or

10 (c) agricultural activities shall obtain a permit from an air  
11 pollution control authority, the department of ecology, or a local  
12 entity delegated permitting authority under RCW 70.94.654. Permits for  
13 fire fighting instruction shall be issued under subsection (5) of this  
14 section. General permit criteria of state-wide applicability shall be  
15 established by the department, by rule, after consultation with the  
16 various air pollution control authorities. Permits shall be issued  
17 under this section based on seasonal operations or by individual  
18 operations, or both. All permits shall be conditioned to insure that  
19 the public interest in air, water, and land pollution and safety to

1 life and property is fully considered. In addition to any other  
2 requirements established by the department to protect air quality  
3 pursuant to other laws, applicants for permits must show that the  
4 setting of fires as requested is the most reasonable procedure to  
5 follow in safeguarding life or property under all circumstances or is  
6 otherwise reasonably necessary to successfully carry out the enterprise  
7 in which the applicant is engaged, or both. All burning permits will  
8 be designed to minimize air pollution insofar as practical. Nothing in  
9 this section shall relieve the applicant from obtaining permits,  
10 licenses, or other approvals required by any other law. An application  
11 for a permit to set fires in the course of agricultural burning for  
12 controlling diseases, insects, weed abatement or development of  
13 physiological conditions conducive to increased crop yield, shall be  
14 acted upon within seven days from the date such application is filed.  
15 The department of ecology and local air authorities shall provide  
16 convenient methods for issuance and oversight of agricultural burning  
17 permits. The department and local air authorities shall, through  
18 agreement, work with counties and cities to provide convenient methods  
19 for granting permission for agricultural burning, including telephone,  
20 facsimile transmission, issuance from local city or county offices, or  
21 other methods.

22 (2) Permit fees shall be assessed for burning under this section  
23 and shall be collected by the department of ecology, the appropriate  
24 local air authority, or a local entity delegated permitting authority  
25 pursuant to RCW 70.94.654 at the time the permit is issued. All fees  
26 collected shall be deposited in the air pollution control account  
27 created in RCW 70.94.015, except for that portion of the fee necessary  
28 to cover local costs of administering a permit issued under this  
29 section. Fees shall be set by rule by the permitting agency at the  
30 level determined by the task force created by subsection (4) of this  
31 section, but shall not exceed two dollars and fifty cents per acre to  
32 be burned. After fees are established by rule, any increases in such  
33 fees shall be limited to annual inflation adjustments as determined by  
34 the state office of the economic and revenue forecast council.

35 (3) Conservation districts and the Washington State University  
36 agricultural extension program in conjunction with the department shall  
37 develop public education material for the agricultural community  
38 identifying the health and environmental effects of agricultural

1 outdoor burning and providing technical assistance in alternatives to  
2 agricultural outdoor burning.

3 (4) An agricultural burning practices and research task force shall  
4 be established under the direction of the department. The task force  
5 shall be composed of a representative from the department who shall  
6 serve as chair; one representative of eastern Washington local air  
7 authorities; three representatives of the agricultural community from  
8 different agricultural pursuits; one representative of the department  
9 of agriculture; two representatives from universities or colleges  
10 knowledgeable in agricultural issues; one representative of the public  
11 health or medical community; and one representative of the conservation  
12 districts. The task force shall identify best management practices for  
13 reducing air contaminant emissions from agricultural activities and  
14 provide such information to the department and local air authorities.  
15 The task force shall determine the level of fees to be assessed by the  
16 permitting agency pursuant to subsection (2) of this section, based  
17 upon the level necessary to cover the costs of administering and  
18 enforcing the permit programs, to provide funds for research into  
19 alternative methods to reduce emissions from such burning, and to the  
20 extent possible be consistent with fees charged for such burning  
21 permits in neighboring states. The fee level shall provide, to the  
22 extent possible, for lesser fees for permittees who use best management  
23 practices to minimize air contaminant emissions. The task force shall  
24 identify research needs related to minimizing emissions from  
25 agricultural burning and alternatives to such burning. Further, the  
26 task force shall make recommendations to the department on priorities  
27 for spending funds provided through this chapter for research into  
28 alternative methods to reduce emissions from agricultural burning.

29 (5) Permits for fire fighting instruction purposes shall be issued  
30 whenever the following conditions are met:

31 (a) The applicant local fire protection agency certifies that the  
32 burning of the structure has some training value;

33 (b) The applicant local fire protection agency agrees to make a  
34 reasonable effort to ensure that all asbestos hazards have been  
35 removed; and

1       (c) The proposed fire will not occur within an area where the  
2 department or a local board has declared a stage of impaired air  
3 quality or a stage of an air pollution episode.

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