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SENATE BILL 6556

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State of Washington

61st Legislature

2010 Regular Session

By Senators Hatfield and Schoesler

Read first time 01/18/10. Referred to Committee on Agriculture & Rural Economic Development.

1 AN ACT Relating to changing fees for certain types of agricultural  
2 burning; and amending RCW 70.94.6528.

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

4 **Sec. 1.** RCW 70.94.6528 and 2009 c 118 s 401 are each amended to  
5 read as follows:

6 (1) Any person who proposes to set fires in the course of  
7 agricultural activities shall obtain a permit from an air pollution  
8 control authority, the department of ecology, or a local entity  
9 delegated permitting authority under RCW 70.94.6530. General permit  
10 criteria of statewide applicability shall be established by the  
11 department, by rule, after consultation with the various air pollution  
12 control authorities.

13 (a) Permits shall be issued under this section based on seasonal  
14 operations or by individual operations, or both.

15 (b) Incidental agricultural burning consistent with provisions  
16 established in RCW 70.94.6524 is allowed without applying for any  
17 permit and without the payment of any fee.

18 (2) The department of ecology, local air authorities, or a local  
19 entity with delegated permit authority shall:

1 (a) Condition all permits to (~~insure~~) ensure that the public  
2 interest in air, water, and land pollution and safety to life and  
3 property is fully considered;

4 (b) Condition all burning permits to minimize air pollution insofar  
5 as practical;

6 (c) Act upon, within seven days from the date an application is  
7 filed under this section, an application for a permit to set fires in  
8 the course of agricultural burning for controlling diseases, insects,  
9 weed abatement, or development of physiological conditions conducive to  
10 increased crop yield;

11 (d) Provide convenient methods for issuance and oversight of  
12 agricultural burning permits; and

13 (e) Work, through agreement, with counties and cities to provide  
14 convenient methods for granting permission for agricultural burning,  
15 including telephone, facsimile transmission, issuance from local city  
16 or county offices, or other methods.

17 (3) A local air authority administering the permit program under  
18 subsection (2) of this section shall not limit the number of days of  
19 allowable agricultural burning, but may consider the time of year,  
20 meteorological conditions, and other criteria specified in rules  
21 adopted by the department to implement subsection (2) of this section.

22 (4) In addition to following any other requirements established by  
23 the department to protect air quality pursuant to other laws,  
24 applicants for permits must show that the setting of fires as requested  
25 is the most reasonable procedure to follow in safeguarding life or  
26 property under all circumstances or is otherwise reasonably necessary  
27 to successfully carry out the enterprise in which the applicant is  
28 engaged, or both. Nothing in this section relieves the applicant from  
29 obtaining permits, licenses, or other approvals required by any other  
30 law.

31 (5) The department of ecology, the appropriate local air authority,  
32 or a local entity with delegated permitting authority pursuant to RCW  
33 70.94.6530 at the time the permit is issued shall assess and collect  
34 permit fees for burning under this section. All fees collected shall  
35 be deposited in the air pollution control account created in RCW  
36 70.94.015, except for that portion of the fee necessary to cover local  
37 costs of administering a permit issued under this section. Fees shall  
38 be set by rule by the permitting agency at the level determined by the

1 task force created by subsection (6) of this section, but fees for  
2 field burning shall not exceed (~~two~~) three dollars and (~~fifty~~)  
3 seventy-five cents per acre to be burned, or in the case of pile  
4 burning shall not exceed one dollar per ton of material burned. After  
5 fees are established by rule, any increases in such fees shall be  
6 limited to annual inflation adjustments as determined by the state  
7 office of the economic and revenue forecast council.

8 (6) An agricultural burning practices and research task force shall  
9 be established under the direction of the department. The task force  
10 shall be composed of a representative from the department who shall  
11 serve as chair; one representative of eastern Washington local air  
12 authorities; three representatives of the agricultural community from  
13 different agricultural pursuits; one representative of the department  
14 of agriculture; two representatives from universities or colleges  
15 knowledgeable in agricultural issues; one representative of the public  
16 health or medical community; and one representative of the conservation  
17 districts. The task force shall:

18 (a) Identify best management practices for reducing air contaminant  
19 emissions from agricultural activities and provide such information to  
20 the department and local air authorities;

21 (b) Determine the level of fees to be assessed by the permitting  
22 agency pursuant to subsection (5) of this section, based upon the level  
23 necessary to cover the costs of administering and enforcing the permit  
24 programs, to provide funds for research into alternative methods to  
25 reduce emissions from such burning, and to the extent possible be  
26 consistent with fees charged for such burning permits in neighboring  
27 states. The fee level shall provide, to the extent possible, for  
28 lesser fees for permittees who use best management practices to  
29 minimize air contaminant emissions;

30 (c) Identify research needs related to minimizing emissions from  
31 agricultural burning and alternatives to such burning; and

32 (d) Make recommendations to the department on priorities for  
33 spending funds provided through this chapter for research into  
34 alternative methods to reduce emissions from agricultural burning.

35 (7) 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

1 identifying the health and environmental effects of agricultural  
2 outdoor burning and providing technical assistance in alternatives to  
3 agricultural outdoor burning.

4 (8)(a) Outdoor burning that is normal, necessary, and customary to  
5 ongoing agricultural activities, that is consistent with agricultural  
6 burning authorized under this section and RCW 70.94.6532, is allowed  
7 within the urban growth area as described in RCW 70.94.6514 if the  
8 burning is not conducted during air quality episodes, or where a  
9 determination of impaired air quality has been made as provided in RCW  
10 70.94.473, and the agricultural activities preceded the designation as  
11 an urban growth area.

12 (b) Outdoor burning of cultivated orchard trees, whether or not  
13 agricultural crops will be replanted on the land, shall be allowed as  
14 an ongoing agricultural activity under this section if a local  
15 horticultural pest and disease board formed under chapter 15.09 RCW, an  
16 extension office agent with Washington State University that has  
17 horticultural experience, or an entomologist employed by the department  
18 of agriculture, has determined in writing that burning is an  
19 appropriate method to prevent or control the spread of horticultural  
20 pests or diseases.

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