

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5407

Chapter 353, Laws of 1993

53rd Legislature
1993 Regular Session

AGRICULTURAL BURNING PERMITS--CONVENIENT ISSUANCE AND
OVERSIGHT METHODS REQUIRED

EFFECTIVE DATE: 7/25/93

Passed by the Senate April 24, 1993
YEAS 42 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House April 24, 1993
YEAS 96 NAYS 0

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Approved May 15, 1993

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5407** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

May 15, 1993 - 10:54 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5407

AS RECOMMENDED BY THE CONFERENCE COMMITTEE

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By Senate Committee on Ecology & Parks (originally sponsored by Senators Loveland, Barr and M. Rasmussen)

Read first time 02/23/93.

1 AN ACT Relating to agricultural burning permits; and amending RCW
2 70.94.650 and 70.94.654.

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

4 **Sec. 1.** RCW 70.94.650 and 1991 c 199 s 408 are each amended to
5 read 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~~
9 ~~fires))~~), except forest fire training, or

10 (c) agricultural activities(~~((~~) shall(~~((~~ prior to carrying out the
11 ~~same~~)) obtain a permit from an air pollution control authority (~~((or))~~),
12 the department of ecology, (~~((as appropriate. Each such authority and~~
13 ~~the department of ecology shall, by rule or ordinance, establish a~~
14 ~~permit system to carry out the provisions of this section except as~~
15 ~~provided in RCW 70.94.660))~~ or a local entity delegated permitting
16 authority under RCW 70.94.654. General permit criteria of state-wide
17 applicability (~~((for ruling on such permits))~~) shall be established by
18 the department, by rule, after consultation with the various air
19 pollution control authorities. Permits shall be issued under this

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

25 (2) (~~Except as provided in RCW 70.94.780~~) Permit fees shall be
26 assessed for (~~outdoor~~) burning under this section and shall be
27 collected by the department of ecology (~~or~~), the appropriate local
28 air authority, or a local entity delegated permitting authority
29 pursuant to RCW 70.94.654 at the time the permit is issued. All fees
30 collected shall be deposited in the air pollution control account
31 created in RCW 70.94.015, except for that portion of the fee necessary
32 to cover local costs of administering a permit issued under this
33 section. Fees shall be set by rule by the permitting agency at the
34 level determined by the task force created by subsection (4) of this
35 section, but shall not exceed two dollars and fifty cents per acre to
36 be burned. After fees are established by rule, any increases in such
37 fees shall be limited to annual inflation adjustments as determined by
38 the state office of the economic and revenue forecast council.

1 (3) Conservation districts and the Washington State University
2 agricultural extension program in conjunction with the department shall
3 develop public education material for the agricultural community
4 identifying the health and environmental (~~(affects [effects])~~) effects
5 of agricultural outdoor burning and providing technical assistance in
6 alternatives to agricultural outdoor burning.

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

33 **Sec. 2.** RCW 70.94.654 and 1991 c 199 s 409 are each amended to
34 read as follows:

35 Whenever an air pollution control authority, or the department of
36 ecology for areas outside the jurisdictional boundaries of an activated
37 air pollution control authority, shall find that any fire protection
38 agency, county, or conservation district (~~((which is outside the~~

1 ~~jurisdictional boundaries of an activated air pollution control~~
2 ~~authority~~) is capable of effectively administering the issuance and
3 enforcement of permits for any or all of the kinds of burning
4 identified in RCW 70.94.650 and desirous of doing so, the authority or
5 the department of ecology, as appropriate, may delegate powers
6 necessary for the issuance or enforcement, or both, of permits for any
7 or all of the kinds of burning to the fire protection agency, county,
8 or conservation district. Such delegation may be withdrawn by the
9 authority or the department of ecology upon ((~~its~~)) finding that the
10 fire protection agency, county, or conservation district is not
11 effectively administering the permit program.

Passed the Senate April 24, 1993.

Passed the House April 24, 1993.

Approved by the Governor May 15, 1993.

Filed in Office of Secretary of State May 15, 1993.