
ENGROSSED HOUSE BILL 2033

State of Washington

54th Legislature

1995 Regular Session

By Representatives D. Schmidt and Scott

Read first time 02/22/95. Referred to Committee on Government Operations.

1 AN ACT Relating to an exemption to the Washington clean air act for
2 fire training; and amending RCW 70.94.650 and 70.94.775.

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

4 **Sec. 1.** RCW 70.94.650 and 1994 c 28 s 2 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((~~τ~~));

8 (b) Instruction in methods of fire fighting, except training to
9 fight structural fires as provided in RCW 52.12.150 or training to
10 fight aircraft crash rescue fires as provided in subsection (5) of this
11 section, and except forest fire training((~~τ~~)) or

12 (c) Agricultural activities,

13 shall obtain a permit from an air pollution control authority, the
14 department of ecology, or a local entity delegated permitting authority
15 under RCW 70.94.654. General permit criteria of state-wide
16 applicability shall be established by the department, by rule, after
17 consultation with the various air pollution control authorities.
18 Permits shall be issued under this section based on seasonal operations
19 or by individual operations, or both. All permits shall be conditioned

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

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

36 (3) Conservation districts and the Washington State University
37 agricultural extension program in conjunction with the department shall
38 develop public education material for the agricultural community
39 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) A permit is not required under this section, or under RCW
30 70.94.743 through 70.94.780, from an air pollution control authority,
31 the department, or any local entity with delegated permit authority,
32 for aircraft crash rescue fire training activities meeting the
33 following conditions:

34 (a) Fire fighters participating in the training fires must be
35 limited to those who provide fire fighting support to an airport that
36 is either certified by the federal aviation administration or operated
37 in support of military or governmental activities;

1 (b) The fire training may not be conducted during an air pollution
2 episode or any stage of impaired air quality declared under RCW
3 70.94.715 for the area where training is to be conducted;

4 (c) The number of training fires allowed per year without a permit
5 shall be the minimum number necessary to meet federal aviation
6 administration or other federal safety requirements; and

7 (d) Prior to the commencement of the aircraft fire training, the
8 organization conducting training shall notify both the: (i) Local fire
9 district or fire department; and (ii) air pollution control authority,
10 department of ecology, or local entity delegated permitting authority
11 under RCW 70.94.654, having jurisdiction within the area where training
12 is to be conducted.

13 Aircraft crash rescue fire training activities conducted in
14 compliance with this subsection are not subject to the prohibition, in
15 RCW 70.94.775(1), of outdoor fires containing petroleum products.

16 **Sec. 2.** RCW 70.94.775 and 1991 c 199 s 410 are each amended to
17 read as follows:

18 Except as provided in RCW 70.94.650(5), no person shall cause or
19 allow any outdoor fire:

20 (1) Containing garbage, dead animals, asphalt, petroleum products,
21 paints, rubber products, plastics, or any substance other than natural
22 vegetation that normally emits dense smoke or obnoxious odors.
23 Agricultural heating devices that otherwise meet the requirements of
24 this chapter shall not be considered outdoor fires under this section;

25 (2) During a forecast, alert, warning or emergency condition as
26 defined in RCW 70.94.715 or impaired air quality condition as defined
27 in RCW 70.94.473.

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