
SUBSTITUTE SENATE BILL 5609

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Ecology & Parks (originally sponsored by Senators Loveland, Rasmussen, Prince, Snyder, Morton, West and A. Anderson)

Read first time 03/01/95.

1 AN ACT Relating to air pollution control authorities; and amending
2 RCW 70.94.650.

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,

8 (b) instruction in methods of fire fighting, except training to
9 fight structural fires as provided in RCW 52.12.150 and except forest
10 fire training, or

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

1 considered. In addition to any other requirements established by the
2 department to protect air quality pursuant to other laws, applicants
3 for permits must show that the setting of fires as requested is the
4 most reasonable procedure to follow in safeguarding life or property
5 under all circumstances or is otherwise reasonably necessary to
6 successfully carry out the enterprise in which the applicant is
7 engaged, or both. All burning permits will be designed to minimize air
8 pollution insofar as practical. Nothing in this section shall relieve
9 the applicant from obtaining permits, licenses, or other approvals
10 required by any other law. An application for a permit to set fires in
11 the course of agricultural burning for controlling diseases, insects,
12 weed abatement or development of physiological conditions conducive to
13 increased crop yield, shall be acted upon within seven days from the
14 date such application is filed. The department of ecology and local
15 air authorities shall provide convenient methods for issuance and
16 oversight of agricultural burning permits. The department and local
17 air authorities shall, through agreement, work with counties and cities
18 to provide convenient methods for granting permission for agricultural
19 burning, including telephone, facsimile transmission, issuance from
20 local city or county offices, or other methods. A local air authority
21 administering the permit program under this subsection (1)(c) shall not
22 limit the number of days of allowable agricultural burning, but may
23 consider the time of year, meteorological conditions, and other
24 criteria specified in rules adopted by the department to implement this
25 subsection (1)(c).

26 (2) Permit fees shall be assessed for burning under this section
27 and shall be collected by the department of ecology, the appropriate
28 local 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 effects of agricultural
5 outdoor burning and providing technical assistance in alternatives to
6 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.

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