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**SUBSTITUTE SENATE BILL 6000**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senate Committee on Ecology & Parks (originally sponsored by Senators Snyder, Heavey, Loveland, A. Anderson, Oke, Winsley and Swecker)

Read first time 03/01/95.

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 the local fire district  
9 and air pollution regulatory agency having jurisdiction within the area  
10 where training is to be conducted.

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

14       (6) Subsection (5) of this section shall expire July 1, 1998.

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

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

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

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

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