
SUBSTITUTE SENATE BILL 5407

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.

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 fires),

9 or

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

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

17 (2) Except as provided in RCW 70.94.780 permit fees shall be
18 assessed for outdoor burning under this section and shall be collected
19 by the department of ecology or the appropriate local air authority at
20 the time the permit is issued. All fees collected shall be deposited
21 in the air pollution control account created in RCW 70.94.015. Fees
22 shall be set by rule by the permitting agency at the level determined
23 by the task force created by subsection (4) of this section, but shall
24 not exceed two dollars and fifty cents per acre to be burned. After
25 fees are established by rule, any increases in such fees shall be
26 limited to annual inflation adjustments as determined by the state
27 office of the economic and revenue forecast council.

28 The department of ecology and local air authorities shall provide
29 convenient methods for issuance and oversight of agricultural burning
30 permits. The department and local air authorities shall, through
31 agreement, work with counties and cities to provide convenient methods
32 for granting permission for agricultural burning, including telephone,
33 facsimile transmission, issuance from local city or county offices, or
34 other methods.

35 (3) 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
38 identifying the health and environmental affects [effects] of

1 agricultural outdoor burning and providing technical assistance in
2 alternatives to 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.

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