
SENATE BILL 5407

State of Washington 53rd Legislature 1993 Regular Session

By Senators Loveland, Barr and M. Rasmussen

Read first time 01/27/93. Referred to Committee on Ecology & Parks.

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 shall, upon the request of a county,
29 authorize a county to issue agricultural burning permits consistent
30 with the requirements of this section and collect the fees set by rule.
31 The fees, less a reasonable amount for county administration of the
32 program, shall be deposited in the air pollution control account
33 created in RCW 70.94.015.

34 (3) Conservation districts and the Washington State University
35 agricultural extension program in conjunction with the department shall
36 develop public education material for the agricultural community
37 identifying the health and environmental affects [effects] of
38 agricultural outdoor burning and providing technical assistance in
39 alternatives to agricultural outdoor burning.

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

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