
SENATE BILL 6578

State of Washington

53rd Legislature

1994 Regular Session

By Senators Loveland and M. Rasmussen

Read first time 01/31/94. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to preserving a strong agricultural economy;
2 amending RCW 70.94.650; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that agricultural
5 commodities are a fundamental element of the state economy. Several
6 products sold internationally are especially vulnerable to factors that
7 may indirectly increase commodity prices decreasing their
8 competitiveness in international markets.

9 It is the intent of the legislature that fees imposed on
10 agricultural burning take into consideration their economic impact on
11 the agricultural commodities that underlie the local economy, and the
12 implementation of best management practices to minimize air contaminant
13 emissions.

14 **Sec. 2.** RCW 70.94.650 and 1993 c 353 s 1 are each amended to read
15 as follows:

16 (1) Any person who proposes to set fires in the course of
17 (a) weed abatement,

1 (b) instruction in methods of fire fighting, except forest fire
2 training, or

3 (c) agricultural activities shall obtain a permit from an air
4 pollution control authority, the department of ecology, or a local
5 entity delegated permitting authority under RCW 70.94.654. General
6 permit criteria of state-wide applicability shall be established by the
7 department, by rule, after consultation with the various air pollution
8 control authorities. Permits shall be issued under this section based
9 on seasonal operations or by individual operations, or both. All
10 permits shall be conditioned to insure that the public interest in air,
11 water, and land pollution and safety to life and property is fully
12 considered. In addition to any other requirements established by the
13 department to protect air quality (~~pursuant to~~) under other laws,
14 applicants for permits must show that the setting of fires as requested
15 is the most reasonable procedure to follow in safeguarding life or
16 property under all circumstances or is otherwise reasonably necessary
17 to successfully carry out the enterprise in which the applicant is
18 engaged, or both. All burning permits will be designed to minimize air
19 pollution insofar as practical. Nothing in this section shall relieve
20 the applicant from obtaining permits, licenses, or other approvals
21 required by any other law. An application for a permit to set fires in
22 the course of agricultural burning for controlling diseases, insects,
23 weed abatement or development of physiological conditions conducive to
24 increased crop yield, shall be acted upon within seven days from the
25 date such application is filed. The department of ecology and local
26 air authorities shall provide convenient methods for issuance and
27 oversight of agricultural burning permits. The department and local
28 air authorities shall, through agreement, work with counties and cities
29 to provide convenient methods for granting permission for agricultural
30 burning, including telephone, facsimile transmission, issuance from
31 local city or county offices, or other methods.

32 (2) Maximum permit fees shall be assessed for burning under this
33 section and shall be collected by the department of ecology, the
34 appropriate local air authority, or a local entity delegated permitting
35 authority (~~pursuant to~~) under RCW 70.94.654 at the time the permit is
36 issued. All fees collected shall be deposited in the air pollution
37 control account created in RCW 70.94.015, except for that portion of
38 the fee necessary to cover local costs of administering a permit issued
39 under this section. Fees shall be set by rule by the permitting agency

1 at the level determined by the task force created by subsection (4) of
2 this section, but shall not exceed two dollars and fifty cents per acre
3 to be burned. After fees are established by rule, any increases in
4 ~~((such))~~ the fees shall be limited to annual inflation adjustments as
5 determined by the state office of the economic and revenue forecast
6 council. A lower fee than recommended by the task force may be set by
7 the county in which the burning will take place based on the extent
8 that best management practices are implemented within the county to
9 minimize air contaminant emissions and the economic impact of the fees
10 on the agricultural economy of the county.

11 (3) Conservation districts and the Washington State University
12 agricultural extension program in conjunction with the department shall
13 develop public education material for the agricultural community
14 identifying the health and environmental effects of agricultural
15 outdoor burning and providing technical assistance in alternatives to
16 agricultural outdoor burning.

17 (4) An agricultural burning practices and research task force shall
18 be established under the direction of the department. The task force
19 shall be composed of a representative from the department who shall
20 serve as chair; one representative of eastern Washington local air
21 authorities; three representatives of the agricultural community from
22 different agricultural pursuits; one representative of the department
23 of agriculture; two representatives from universities or colleges
24 knowledgeable in agricultural issues; one representative of the public
25 health or medical community; and one representative of the conservation
26 districts. The task force shall identify best management practices for
27 reducing air contaminant emissions from agricultural activities and
28 provide ~~((such))~~ this information to the department and local air
29 authorities. The task force shall determine the level of fees to be
30 assessed by the permitting agency ~~((pursuant to))~~ under subsection (2)
31 of this section, based upon the level necessary to cover the costs of
32 administering and enforcing the permit programs, to provide funds for
33 research into alternative methods to reduce emissions from ~~((such))~~ the
34 burning, and to the extent possible be consistent with fees charged for
35 ~~((such))~~ burning permits in neighboring states. The fee level shall
36 provide, to the extent possible, for lesser fees for permittees who use
37 best management practices to minimize air contaminant emissions. The
38 task force shall identify research needs related to minimizing
39 emissions from agricultural burning and alternatives to ~~((such))~~

1 burning. Further, the task force shall make recommendations to the
2 department on priorities for spending funds provided through this
3 chapter for research into alternative methods to reduce emissions from
4 agricultural burning.

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