

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5609**

54th Legislature  
1995 Regular Session

Passed by the Senate March 10, 1995  
YEAS 44 NAYS 0

---

**President of the Senate**

Passed by the House April 5, 1995  
YEAS 96 NAYS 0

---

**Speaker of the  
House of Representatives**

Approved

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5609** as passed by the Senate and the House of Representatives on the dates hereon set forth.

---

**Secretary**

FILED

---

**Governor of the State of Washington**

**Secretary of State  
State of Washington**

---

**SUBSTITUTE SENATE BILL 5609**

---

Passed Legislature - 1995 Regular Session

**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.

--- END ---