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HOUSE BILL 2204

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State of Washington

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By Representatives Grant and Mastin

Read first time 02/26/2001. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to research regarding agricultural burning and  
2 alternatives to such burning; and amending RCW 70.94.650.

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

4 **Sec. 1.** RCW 70.94.650 and 1998 c 43 s 1 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 or training to  
10 fight aircraft crash rescue fires as provided in subsection (5) of this  
11 section, and except forest fire training; 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 statewide  
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~~) ensure 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. The department of ecology and local air  
17 authorities shall provide convenient methods for issuance and oversight  
18 of agricultural burning permits. The department and local air  
19 authorities shall, through agreement, work with counties and cities to  
20 provide convenient methods for granting permission for agricultural  
21 burning, including telephone, facsimile transmission, issuance from  
22 local city or county offices, or other methods. A local air authority  
23 administering the permit program under this subsection (1)(c) shall not  
24 limit the number of days of allowable agricultural burning, but may  
25 consider the time of year, meteorological conditions, and other  
26 criteria specified in rules adopted by the department to implement this  
27 subsection (1)(c).

28 (2) Permit fees shall be assessed for burning under this section  
29 and shall be collected by the department of ecology, the appropriate  
30 local air authority, or a local entity delegated permitting authority  
31 pursuant to RCW 70.94.654 at the time the permit is issued. All fees  
32 collected shall be deposited in the air pollution control account  
33 created in RCW 70.94.015, except for that portion of the fee necessary  
34 to cover local costs of administering a permit issued under this  
35 section. Fees shall be set by rule by the permitting agency at the  
36 level determined by the task force created by subsection (4) of this  
37 section, but shall not exceed two dollars and fifty cents per acre to  
38 be burned. After fees are established by rule, any increases in such

1 fees shall be limited to annual inflation adjustments as determined by  
2 the state office of the economic and revenue forecast council.

3 (3) Conservation districts and the Washington State University  
4 agricultural extension program in conjunction with the department shall  
5 develop public education material for the agricultural community  
6 identifying the health and environmental effects of agricultural  
7 outdoor burning and providing technical assistance in alternatives to  
8 agricultural outdoor burning.

9 (4) An agricultural burning practices and research task force shall  
10 be established under the direction of the department. The task force  
11 shall be composed of a representative from the department who shall  
12 serve as chair; one representative of eastern Washington local air  
13 authorities; three representatives of the agricultural community from  
14 different agricultural pursuits; one representative of the department  
15 of agriculture; two representatives from universities or colleges  
16 knowledgeable in agricultural issues; one representative of the public  
17 health or medical community; and one representative of the conservation  
18 districts. The task force shall identify best management practices for  
19 reducing air contaminant emissions from agricultural activities and  
20 provide such information to the department and local air authorities.  
21 The task force shall determine the level of fees to be assessed by the  
22 permitting agency pursuant to subsection (2) of this section, based  
23 upon the level necessary to cover the costs of administering and  
24 enforcing the permit programs, to provide funds for research into  
25 alternative methods to reduce emissions from such burning and into  
26 alternatives to such burning, and to the extent possible be consistent  
27 with fees charged for such burning permits in neighboring states. The  
28 fee level shall provide, to the extent possible, for lesser fees for  
29 permittees who use best management practices to minimize air  
30 contaminant emissions. The task force shall identify research needs  
31 related to minimizing emissions from agricultural burning and  
32 alternatives to such burning. Further, the task force shall make  
33 recommendations to the department on priorities for spending funds  
34 provided through this chapter for research into alternative methods to  
35 reduce emissions from agricultural burning and into alternatives to  
36 such burning, which alternatives may include but are not limited to  
37 pilot manufacturing projects that use straw as an ingredient in the  
38 manufacturing process. The department may make expenditures for such  
39 research.

1 (5) A permit is not required under this section, or under RCW  
2 70.94.743 through 70.94.780, from an air pollution control authority,  
3 the department, or any local entity with delegated permit authority,  
4 for aircraft crash rescue fire training activities meeting the  
5 following conditions:

6 (a) Fire fighters participating in the training fires must be  
7 limited to those who provide fire fighting support to an airport that  
8 is either certified by the federal aviation administration or operated  
9 in support of military or governmental activities;

10 (b) The fire training may not be conducted during an air pollution  
11 episode or any stage of impaired air quality declared under RCW  
12 70.94.715 for the area where training is to be conducted;

13 (c) The number of training fires allowed per year without a permit  
14 shall be the minimum number necessary to meet federal aviation  
15 administration or other federal safety requirements;

16 (d) The facility shall use current technology and be operated in a  
17 manner that will minimize, to the extent possible, the air contaminants  
18 generated during operation; and

19 (e) Prior to the commencement of the aircraft fire training, the  
20 organization conducting training shall notify both the: (i) Local fire  
21 district or fire department; and (ii) air pollution control authority,  
22 department of ecology, or local entity delegated permitting authority  
23 under RCW 70.94.654, having jurisdiction within the area where training  
24 is to be conducted.

25 Written approval from the department or a local air pollution  
26 control authority shall be obtained prior to the initial operation of  
27 aircraft crash rescue fire training. Such approval will be granted to  
28 fire training activities meeting the conditions in this subsection.

29 (6) Aircraft crash rescue fire training activities conducted in  
30 compliance with (~~this~~) subsection (5) of this section are not subject  
31 to the prohibition, in RCW 70.94.775(1), of outdoor fires containing  
32 petroleum products and are not considered outdoor burning under RCW  
33 70.94.743 through 70.94.780.

34 (7) To provide for fire fighting instruction in instances not  
35 governed by subsection (6) of this section, or other actions to protect  
36 public health and safety, the department or a local air pollution

1 control authority may issue permits that allow limited burning of  
2 prohibited materials listed in RCW 70.94.775(1).

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