

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 6556

Chapter 70, Laws of 2010

61st Legislature
2010 Regular Session

AGRICULTURAL BURNING--FEES

EFFECTIVE DATE: 06/10/10

Passed by the Senate February 15, 2010
YEAS 43 NAYS 5

BRAD OWEN

President of the Senate

Passed by the House March 2, 2010
YEAS 94 NAYS 2

FRANK CHOPP

Speaker of the House of Representatives

Approved March 15, 2010, 3:12 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6556** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 15, 2010

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6556

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By Senate Agriculture & Rural Economic Development (originally sponsored by Senators Hatfield and Schoesler)

READ FIRST TIME 01/27/10.

1 AN ACT Relating to changing fees for certain types of agricultural
2 burning; and amending RCW 70.94.6528.

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

4 **Sec. 1.** RCW 70.94.6528 and 2009 c 118 s 401 are each amended to
5 read as follows:

6 (1) Any person who proposes to set fires in the course of
7 agricultural activities shall obtain a permit from an air pollution
8 control authority, the department of ecology, or a local entity
9 delegated permitting authority under RCW 70.94.6530. General permit
10 criteria of statewide applicability shall be established by the
11 department, by rule, after consultation with the various air pollution
12 control authorities.

13 (a) Permits shall be issued under this section based on seasonal
14 operations or by individual operations, or both.

15 (b) Incidental agricultural burning consistent with provisions
16 established in RCW 70.94.6524 is allowed without applying for any
17 permit and without the payment of any fee.

18 (2) The department of ecology, local air authorities, or a local
19 entity with delegated permit authority shall:

1 (a) Condition all permits to (~~insure~~) ensure that the public
2 interest in air, water, and land pollution and safety to life and
3 property is fully considered;

4 (b) Condition all burning permits to minimize air pollution insofar
5 as practical;

6 (c) Act upon, within seven days from the date an application is
7 filed under this section, an application for a permit to set fires in
8 the course of agricultural burning for controlling diseases, insects,
9 weed abatement, or development of physiological conditions conducive to
10 increased crop yield;

11 (d) Provide convenient methods for issuance and oversight of
12 agricultural burning permits; and

13 (e) Work, through agreement, with counties and cities to provide
14 convenient methods for granting permission for agricultural burning,
15 including telephone, facsimile transmission, issuance from local city
16 or county offices, or other methods.

17 (3) A local air authority administering the permit program under
18 subsection (2) of this section shall not limit the number of days of
19 allowable agricultural burning, but may consider the time of year,
20 meteorological conditions, and other criteria specified in rules
21 adopted by the department to implement subsection (2) of this section.

22 (4) In addition to following any other requirements established by
23 the department to protect air quality pursuant to other laws,
24 applicants for permits must show that the setting of fires as requested
25 is the most reasonable procedure to follow in safeguarding life or
26 property under all circumstances or is otherwise reasonably necessary
27 to successfully carry out the enterprise in which the applicant is
28 engaged, or both. Nothing in this section relieves the applicant from
29 obtaining permits, licenses, or other approvals required by any other
30 law.

31 (5) The department of ecology, the appropriate local air authority,
32 or a local entity with delegated permitting authority pursuant to RCW
33 70.94.6530 at the time the permit is issued shall assess and collect
34 permit fees for burning under this section. All fees collected shall
35 be deposited in the air pollution control account created in RCW
36 70.94.015, except for that portion of the fee necessary to cover local
37 costs of administering a permit issued under this section. Fees shall
38 be set by rule by the permitting agency at the level determined by the

1 task force created by subsection (6) of this section, but fees for
2 field burning shall not exceed ~~((two))~~ three dollars and ~~((fifty))~~
3 seventy-five cents per acre to be burned, or in the case of pile
4 burning shall not exceed one dollar per ton of material burned.
5 ~~((After fees are established by rule, any increases in such fees shall~~
6 ~~be limited to annual inflation adjustments as determined by the state~~
7 ~~office of the economic and revenue forecast council.))~~

8 (6) An agricultural burning practices and research task force shall
9 be established under the direction of the department. The task force
10 shall be composed of a representative from the department who shall
11 serve as chair; one representative of eastern Washington local air
12 authorities; three representatives of the agricultural community from
13 different agricultural pursuits; one representative of the department
14 of agriculture; two representatives from universities or colleges
15 knowledgeable in agricultural issues; one representative of the public
16 health or medical community; and one representative of the conservation
17 districts. The task force shall:

18 (a) Identify best management practices for reducing air contaminant
19 emissions from agricultural activities and provide such information to
20 the department and local air authorities;

21 (b) Determine the level of fees to be assessed by the permitting
22 agency pursuant to subsection (5) of this section, based upon the level
23 necessary to cover the costs of administering and enforcing the permit
24 programs, to provide funds for research into alternative methods to
25 reduce emissions from such burning, and to the extent possible be
26 consistent with fees charged for such burning permits in neighboring
27 states. The fee level shall provide, to the extent possible, for
28 lesser fees for permittees who use best management practices to
29 minimize air contaminant emissions;

30 (c) Identify research needs related to minimizing emissions from
31 agricultural burning and alternatives to such burning; and

32 (d) Make recommendations to the department on priorities for
33 spending funds provided through this chapter for research into
34 alternative methods to reduce emissions from agricultural burning.

35 (7) 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

1 identifying the health and environmental effects of agricultural
2 outdoor burning and providing technical assistance in alternatives to
3 agricultural outdoor burning.

4 (8)(a) Outdoor burning that is normal, necessary, and customary to
5 ongoing agricultural activities, that is consistent with agricultural
6 burning authorized under this section and RCW 70.94.6532, is allowed
7 within the urban growth area as described in RCW 70.94.6514 if the
8 burning is not conducted during air quality episodes, or where a
9 determination of impaired air quality has been made as provided in RCW
10 70.94.473, and the agricultural activities preceded the designation as
11 an urban growth area.

12 (b) Outdoor burning of cultivated orchard trees, whether or not
13 agricultural crops will be replanted on the land, shall be allowed as
14 an ongoing agricultural activity under this section if a local
15 horticultural pest and disease board formed under chapter 15.09 RCW, an
16 extension office agent with Washington State University that has
17 horticultural experience, or an entomologist employed by the department
18 of agriculture, has determined in writing that burning is an
19 appropriate method to prevent or control the spread of horticultural
20 pests or diseases.

Passed by the Senate February 15, 2010.
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