
SENATE BILL 6088

State of Washington

57th Legislature

2001 Regular Session

By Senator Hewitt

Read first time 02/20/2001. Referred to Committee on Environment,
Energy & Water.

1 AN ACT Relating to diverting funds collected by the agricultural
2 burning practices and research task force to develop a manufacturing
3 facility program; amending RCW 70.94.650; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature intends to direct funds from
6 burning permits collected by the agricultural burning practices and
7 research task force to the port of Walla Walla to develop a pilot
8 manufacturing facility that will use straw waste raw materials in the
9 manufacture of straw board or other products.

10 **Sec. 2.** RCW 70.94.650 and 1998 c 43 s 1 are each amended to read
11 as follows:

12 (1) Any person who proposes to set fires in the course of:

13 (a) Weed abatement;

14 (b) Instruction in methods of fire fighting, except training to
15 fight structural fires as provided in RCW 52.12.150 or training to
16 fight aircraft crash rescue fires as provided in subsection (5) of this
17 section, and except forest fire training; or

18 (c) Agricultural activities,

1 shall obtain a permit from an air pollution control authority, the
2 department of ecology, or a local entity delegated permitting authority
3 under RCW 70.94.654. General permit criteria of statewide
4 applicability shall be established by the department, by rule, after
5 consultation with the various air pollution control authorities.
6 Permits shall be issued under this section based on seasonal operations
7 or by individual operations, or both. All permits shall be conditioned
8 to insure that the public interest in air, water, and land pollution
9 and safety to life and property is fully considered. In addition to
10 any other requirements established by the department to protect air
11 quality pursuant to other laws, applicants for permits must show that
12 the setting of fires as requested is the most reasonable procedure to
13 follow in safeguarding life or property under all circumstances or is
14 otherwise reasonably necessary to successfully carry out the enterprise
15 in which the applicant is engaged, or both. All burning permits will
16 be designed to minimize air pollution insofar as practical. Nothing in
17 this section shall relieve the applicant from obtaining permits,
18 licenses, or other approvals required by any other law. An application
19 for a permit to set fires in the course of agricultural burning for
20 controlling diseases, insects, weed abatement or development of
21 physiological conditions conducive to increased crop yield, shall be
22 acted upon within seven days from the date such application is filed.
23 The department of ecology and local air authorities shall provide
24 convenient methods for issuance and oversight of agricultural burning
25 permits. The department and local air authorities shall, through
26 agreement, work with counties and cities to provide convenient methods
27 for granting permission for agricultural burning, including telephone,
28 facsimile transmission, issuance from local city or county offices, or
29 other methods. A local air authority administering the permit program
30 under this subsection (1)(c) shall not limit the number of days of
31 allowable agricultural burning, but may consider the time of year,
32 meteorological conditions, and other criteria specified in rules
33 adopted by the department to implement this subsection (1)(c).

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

1 to cover local costs of administering a permit issued under this
2 section. Fees shall be set by rule by the permitting agency at the
3 level determined by the task force created by subsection (4) of this
4 section, but shall not exceed two dollars and fifty cents per acre to
5 be burned. After fees are established by rule, any increases in such
6 fees shall be limited to annual inflation adjustments as determined by
7 the state office of the economic and revenue forecast council.

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

14 (4) An agricultural burning practices and research task force shall
15 be established under the direction of the department. The task force
16 shall be composed of a representative from the department who shall
17 serve as chair; one representative of eastern Washington local air
18 authorities; three representatives of the agricultural community from
19 different agricultural pursuits; one representative of the department
20 of agriculture; two representatives from universities or colleges
21 knowledgeable in agricultural issues; one representative of the public
22 health or medical community; and one representative of the conservation
23 districts. The task force shall identify best management practices for
24 reducing air contaminant emissions from agricultural activities and
25 provide such information to the department and local air authorities.
26 In addition, the task force shall work with local governments and port
27 districts to assist them in developing programs that will use straw
28 waste raw materials in Washington in the manufacture of straw board or
29 other products. The task force shall determine the level of fees to be
30 assessed by the permitting agency pursuant to subsection (2) of this
31 section, based upon the level necessary to cover the costs of
32 administering and enforcing the permit programs, and to provide funds
33 ~~((for research into alternative methods to reduce emissions from such~~
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))~~,
38 until July 1, 2006, to the port of Walla Walla to be used in the
39 development of a pilot manufacturing facility that will use straw waste

1 raw materials collected in Washington state in the manufacture of straw
2 board or other products. The task force shall ~~((identify research))~~
3 monitor the progress of the development of the pilot manufacturing
4 facility to determine additional needs related to minimizing emissions
5 from agricultural burning and ~~((alternatives to such burning. Further,~~
6 ~~the task force shall make recommendations to the department on~~
7 ~~priorities for spending funds provided through this chapter for~~
8 ~~research into alternative methods to reduce emissions from agricultural~~
9 ~~burning))~~ make recommendations to the legislature for additional
10 actions that would be necessary to expand the pilot manufacturing
11 facility program to other areas in the state.

12 (5) A permit is not required under this section, or under RCW
13 70.94.743 through 70.94.780, from an air pollution control authority,
14 the department, or any local entity with delegated permit authority,
15 for aircraft crash rescue fire training activities meeting the
16 following conditions:

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

21 (b) The fire training may not be conducted during an air pollution
22 episode or any stage of impaired air quality declared under RCW
23 70.94.715 for the area where training is to be conducted;

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

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

30 (e) Prior to the commencement of the aircraft fire training, the
31 organization conducting training shall notify both the: (i) Local fire
32 district or fire department; and (ii) air pollution control authority,
33 department of ecology, or local entity delegated permitting authority
34 under RCW 70.94.654, having jurisdiction within the area where training
35 is to be conducted.

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

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

6 (7) To provide for fire fighting instruction in instances not
7 governed by subsection (6) of this section, or other actions to protect
8 public health and safety, the department or a local air pollution
9 control authority may issue permits that allow limited burning of
10 prohibited materials listed in RCW 70.94.775(1).

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