

# HOUSE BILL REPORT

## HB 2980

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**As Reported by House Committee On:**  
General Government Appropriations

**Title:** An act relating to changing fees for certain types of agricultural burning.

**Brief Description:** Changing the fees for certain types of agricultural burning.

**Sponsors:** Representatives Blake, Walsh, Takko, Kessler and Schmick.

**Brief History:**

**Committee Activity:**

General Government Appropriations: 1/28/10, 2/4/10 [DP].

**Brief Summary of Bill**

- Increases agricultural burning permit fees charged by the Department of Ecology for field burning and pile burning.

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### HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS

**Majority Report:** Do pass. Signed by 12 members: Representatives Darneille, Chair; Takko, Vice Chair; Blake, Dunshee, Hudgins, Kenney, Klippert, Pedersen, Sells, Short, Van De Wege and Williams.

**Minority Report:** Do not pass. Signed by 3 members: Representatives McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Crouse.

**Staff:** Owen Rowe (786-7391).

**Background:**

The maximum permit fee for agricultural field burning is set at \$2.50 per acre. This statutory cap was established in 1991. The fee was established at the current level of \$2.25 per acre by the Agricultural Burning Practices and Research Task Force in 2008. The revenue from these permit fees are deposited in the Air Pollution Control Account, except for the portion necessary to cover the local cost of administering the permit.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The current fee of \$2.25 per acre is used as follows:

- \$1.25 is retained by delegated permitting entities;
- \$0.50 goes toward the Department of Ecology's (DOE) administrative and smoke management activities; and
- \$0.50 is directed to agricultural burning research.

After fees are established by rule, any increase is limited to annual inflation adjustments as determined by the state office of the Economic and Revenue Forecast Council.

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**Summary of Bill:**

The current statutory maximum permit fee of \$2.50 per acre for agricultural field burning is increased to \$3.75 per acre. Additionally, the DOE is given the authority to charge a permit fee for pile burning that is not to exceed \$1 per ton of material burned. Fees continue to be set by rule adopted by the DOE at the level determined by the Agricultural Burning Practices and Research Task Force. After fees are established by rule, any increase continues to be limited to annual inflation adjustments as determined by the state office of the Economic and Revenue Forecast Council.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) In the early 1990s a perfect storm of variables highlighted the lack of smoke management in the state. Agricultural burning was largely unregulated during this time period and there were numerous temperature inversions that caused smog from agricultural burning practices. The federal government brought a lawsuit against the Department of Ecology for failure to enforce air quality. This led to the creation of the Agricultural Burning Task Force (Task Force) which has been a success from everyone's standpoint. The permit fee has not been increased since the early 1990s. The Task Force is a good forum for growers and clean air advocates, as an added bonus it has kept the state out of federal court. A suggestion for an amendment: in current statute the fee can be adjusted by a fiscal growth factor. This can be dealt with in a more coordinated manner.

(Neutral) Since the federal lawsuit and settlement Ecology has conducted work to improve the program. Ecology evaluates material on the ground and weather impacts to determine potential impacts on public health. The program has had good success and cooperation from farmers.

(Opposed) None.

**Persons Testifying:** (In support) Representative Blake, prime sponsor; and Jim Jesernig, Washington Association of Wheat Growers and Washington Association of Conservation Districts.

(Neutral) Marshall Taylor, Department of Ecology.

**Persons Signed In To Testify But Not Testifying:** None.