

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5407**

53rd Legislature  
1993 Regular Session

Passed by the Senate April 24, 1993  
YEAS 42 NAYS 0

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**President of the Senate**

Passed by the House April 24, 1993  
YEAS 96 NAYS 0

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**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 5407** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5407**

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AS RECOMMENDED BY THE CONFERENCE COMMITTEE

Passed Legislature - 1993 Regular Session

**State of Washington                      53rd Legislature                      1993 Regular Session**

**By** Senate Committee on Ecology & Parks (originally sponsored by Senators Loveland, Barr and M. Rasmussen)

Read first time 02/23/93.

1            AN ACT Relating to agricultural burning permits; and amending RCW  
2 70.94.650 and 70.94.654.

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

4            **Sec. 1.** RCW 70.94.650 and 1991 c 199 s 408 are each amended to  
5 read 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 forest~~  
9 ~~fires))~~), except forest fire training, or

10            (c) agricultural activities(~~((~~) shall(~~((~~ prior to carrying out the  
11 ~~same~~)) obtain a permit from an air pollution control authority (~~((or))~~),  
12 the department of ecology, (~~((as appropriate. Each such authority and~~  
13 ~~the department of ecology shall, by rule or ordinance, establish a~~  
14 ~~permit system to carry out the provisions of this section except as~~  
15 ~~provided in RCW 70.94.660))~~ or a local entity delegated permitting  
16 authority under RCW 70.94.654. General permit criteria of state-wide  
17 applicability (~~((for ruling on such permits))~~) shall be established by  
18 the department, by rule, after consultation with the various air  
19 pollution control authorities. Permits shall be issued under this

1 section based on seasonal operations or by individual operations, or  
2 both. All permits (~~so issued~~) shall be conditioned to insure that  
3 the public interest in air, water, and land pollution and safety to  
4 life and property is fully considered. In addition to any other  
5 requirements established by the department to protect air quality  
6 pursuant to other laws, applicants for permits must show that the  
7 setting of fires as requested is the most reasonable procedure to  
8 follow in safeguarding life or property under all circumstances or is  
9 otherwise reasonably necessary to successfully carry out the enterprise  
10 in which the applicant is engaged, or both. All burning permits will  
11 be designed to minimize air pollution insofar as practical. Nothing in  
12 this section shall relieve the applicant from obtaining permits,  
13 licenses, or other approvals required by any other law. An application  
14 for a permit to set fires in the course of agricultural burning for  
15 controlling diseases, insects, weed abatement or development of  
16 physiological conditions conducive to increased crop yield, shall be  
17 acted upon within seven days from the date such application is filed.  
18 The department of ecology and local air authorities shall provide  
19 convenient methods for issuance and oversight of agricultural burning  
20 permits. The department and local air authorities shall, through  
21 agreement, work with counties and cities to provide convenient methods  
22 for granting permission for agricultural burning, including telephone,  
23 facsimile transmission, issuance from local city or county offices, or  
24 other methods.

25 (2) (~~Except as provided in RCW 70.94.780~~) Permit fees shall be  
26 assessed for (~~outdoor~~) burning under this section and shall be  
27 collected by the department of ecology (~~or~~), the appropriate local  
28 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 (~~(affects [effects])~~) effects  
5 of agricultural outdoor burning and providing technical assistance in  
6 alternatives to 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.

33 **Sec. 2.** RCW 70.94.654 and 1991 c 199 s 409 are each amended to  
34 read as follows:

35 Whenever an air pollution control authority, or the department of  
36 ecology for areas outside the jurisdictional boundaries of an activated  
37 air pollution control authority, shall find that any fire protection  
38 agency, county, or conservation district (~~((which is outside the~~

1 ~~jurisdictional boundaries of an activated air pollution control~~  
2 ~~authority~~) is capable of effectively administering the issuance and  
3 enforcement of permits for any or all of the kinds of burning  
4 identified in RCW 70.94.650 and desirous of doing so, the authority or  
5 the department of ecology, as appropriate, may delegate powers  
6 necessary for the issuance or enforcement, or both, of permits for any  
7 or all of the kinds of burning to the fire protection agency, county,  
8 or conservation district. Such delegation may be withdrawn by the  
9 authority or the department of ecology upon ((~~its~~)) finding that the  
10 fire protection agency, county, or conservation district is not  
11 effectively administering the permit program.

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