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SENATE BILL 5898

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State of Washington                      54th Legislature                      1995 Regular Session

By Senators Rasmussen, West, Loveland, Newhouse, Bauer and Morton

Read first time 02/13/95. Referred to Committee on Ecology & Parks.

1            AN ACT Relating to open burning of grasses grown for seed; amending  
2 RCW 70.94.656; and declaring an emergency.

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

4            **Sec. 1.** RCW 70.94.656 and 1991 sp.s. c 13 s 28 are each amended to  
5 read as follows:

6            It is hereby declared to be the policy of this state that strong  
7 efforts should be made to minimize adverse effects on air quality from  
8 the open burning of field and turf grasses grown for seed. To such end  
9 this section is intended to promote the development of economical and  
10 practical alternate agricultural practices to such burning, and to  
11 provide for interim regulation of such burning until practical  
12 alternates are found.

13            (1) The department shall approve of a study or studies for the  
14 exploration and identification of economical and practical alternate  
15 agricultural practices to the open burning of field and turf grasses  
16 grown for seed. Any study conducted pursuant to this section shall be  
17 conducted by Washington State University. Prior to the issuance of any  
18 permit for such burning under RCW 70.94.650, there shall be collected  
19 a fee not to exceed one dollar per acre of crop to be burned. Any such

1 fees received by any authority shall be transferred to the department  
2 of ecology. The department of ecology shall deposit all such acreage  
3 fees in a special grass seed burning research account, hereby created,  
4 in the state treasury.

5 (2) The department shall allocate moneys annually from this account  
6 for the support of any approved study or studies as provided for in  
7 ~~((this))~~ subsection (1) of this section. For the conduct of any such  
8 study or studies, the department may contract with public or private  
9 entities: PROVIDED, That whenever the department of ecology shall  
10 conclude that sufficient reasonably available alternates to open  
11 burning have been developed, and at such time as all costs of any  
12 studies have been paid, the grass seed burning research account shall  
13 be dissolved, and any money remaining therein shall revert to the  
14 general fund. The fee collected under ~~((this))~~ subsection (1) of this  
15 section shall constitute the research portion of fees required under  
16 RCW 70.94.650 for open burning of grass grown for seed.

17 ~~((+2))~~ (3) Whenever on the basis of information available to it,  
18 the department after public hearings have been conducted wherein  
19 testimony will be received and considered from interested parties  
20 wishing to testify shall conclude that any procedure, program,  
21 technique, or device constitutes a practical alternate agricultural  
22 practice to the open burning of field or turf grasses grown for seed,  
23 the department shall, by order, certify approval of such alternate.  
24 Thereafter, in any case which any such approved alternate is reasonably  
25 available, the open burning of field and turf grasses grown for seed  
26 shall be disallowed and no permit shall issue therefor.

27 ~~((+3))~~ (4) Until approved alternates become available, the  
28 department or the authority may limit the number of acres on a pro rata  
29 basis among those affected for which permits to burn will be issued in  
30 order to effectively control emissions from this source.

31 ~~((+4))~~ (5) Permits issued for burning of field and turf grasses  
32 may be conditioned to minimize emissions insofar as practical,  
33 including denial of permission to burn during periods of adverse  
34 meteorological conditions.

35 (6) By November 1, 1996, and every two years thereafter, Washington  
36 State University shall submit to the appropriate standing committees of  
37 the legislature a brief report assessing the potential of the  
38 university's research to result in economical and practical  
39 alternatives to grass seed burning.

1        NEW SECTION.    **Sec. 2.**    This act is necessary for the immediate  
2    preservation of the public peace, health, or safety, or support of the  
3    state government and its existing public institutions, and shall take  
4    effect immediately.

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