

ANALYSIS OF HB 2216

House Agriculture & Ecology Committee

March 5, 1997

BACKGROUND:

The state's Clean Air Act contains provisions that apply specifically to open burning of field and turf grasses grown for seed. These provisions were enacted . . . to promote the development of economical and practical alternate agricultural practices to such burning, and to provide for interim regulation of such burning until practical alternates are found.– (RCW 70.94.656.)

A permit is required for such burning and a fee of up to one dollar per acre of the crop to be burned is levied. (RCW 70.94.656(1).) The permits may be conditioned to minimize emissions as far as practical and permission to burn during periods of adverse meteorological conditions may be denied. (RCW 70.94.656(5).) The fees are deposited in a special Grass Seed Burning Research Account. The Department of Ecology (DOE) is to allocate moneys annually from the account for the support of studies for identifying economical and practical agricultural practices that are alternatives to the open burning of these grasses. In recent years, these studies were to be conducted by Washington State University. (RCW 70.94.656(1).)

If the DOE concludes that a procedure, program, technique, or device constitutes such a practical alternative agricultural practice it must, by order, certify its approval of the alternative. Afterward, the open burning of field and turf grasses grown for seed is to be disallowed. (RCW 70.94.656(3).) In the meantime, the DOE or a local air pollution control agency . . . may limit the number of acres on a pro rata basis among those affected for which permits to burn will be issued in order to effectively control emissions from this source.– (RCW 70.94.656(4).)

Rules. In March 1996, the DOE adopted emergency rules requiring a reduction in the number of acres burned for field or turf grass seed production by two-thirds. (WSR 96-08-041.) In January 1997, it adopted permanent rules requiring in 1997 a further reduction to one-third of the base amount. These rules allow exceptions for extraordinary circumstances, but limit these exceptions to not more than 5 percent of the base acreage. The rules also allow the department or local air pollution control agency to establish a system for transferring permits among growers under certain circumstances. If an alternative burning practice that reduces emissions is certified by the DOE, and the practice is used and meets or exceeds other emission reduction requirements, the acreage burning limitation may be adjusted. (WSR 97-03-021.)

SUMMARY:

The authority of the DOE or a local air pollution control agency to limit on a pro rata basis the number of acres burned for field or turf grass seed production applies only in a county with a population of 350,000 or more.