
HOUSE BILL 2523

State of Washington 55th Legislature 1998 Regular Session

By Representatives Chandler, Linville, Mulliken and Schoesler

Read first time . Referred to Committee on .

1 AN ACT Relating to fire training activities; and reenacting and
2 amending RCW 70.94.650.

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

4 **Sec. 1.** RCW 70.94.650 and 1995 c 362 s 1 and 1995 c 58 s 1 are
5 each reenacted and amended to 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 training to
9 fight structural fires as provided in RCW 52.12.150 or training to
10 fight aircraft crash rescue fires as provided in subsection (5) of this
11 section, and except forest fire training; or

12 (c) Agricultural activities,

13 shall obtain a permit from an air pollution control authority, the
14 department of ecology, or a local entity delegated permitting authority
15 under RCW 70.94.654. General permit criteria of state-wide
16 applicability shall be established by the department, by rule, after
17 consultation with the various air pollution control authorities.
18 Permits shall be issued under this section based on seasonal operations
19 or by individual operations, or both. All permits shall be conditioned

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

27 (2) Permit fees shall be assessed for burning under this section
28 and shall be collected by the department of ecology, the appropriate
29 local air authority, or a local entity delegated permitting authority
30 pursuant to RCW 70.94.654 at the time the permit is issued. All fees
31 collected shall be deposited in the air pollution control account
32 created in RCW 70.94.015, except for that portion of the fee necessary
33 to cover local costs of administering a permit issued under this
34 section. Fees shall be set by rule by the permitting agency at the
35 level determined by the task force created by subsection (4) of this
36 section, but shall not exceed two dollars and fifty cents per acre to
37 be burned. After fees are established by rule, any increases in such
38 fees shall be limited to annual inflation adjustments as determined by
39 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 effects of agricultural
5 outdoor burning and providing technical assistance in alternatives to
6 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 ~~(5) ((A permit is not required under this section, or under RCW~~
34 ~~70.94.743 through 70.94.780, from an air pollution control authority,~~
35 ~~the department, or any local entity with delegated permit authority,~~
36 ~~for aircraft crash rescue fire training activities meeting the~~
37 ~~following conditions:~~

38 ~~(a) Fire fighters participating in the training fires must be~~
39 ~~limited to those who provide fire fighting support to an airport that~~

1 is either certified by the federal aviation administration or operated
2 in support of military or governmental activities;

3 (b) The fire training may not be conducted during an air pollution
4 episode or any stage of impaired air quality declared under RCW
5 70.94.715 for the area where training is to be conducted;

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

9 (d) Prior to the commencement of the aircraft fire training, the
10 organization conducting training shall notify both the: (i) Local fire
11 district or fire department; and (ii) air pollution control authority,
12 department of ecology, or local entity delegated permitting authority
13 under RCW 70.94.654, having jurisdiction within the area where training
14 is to be conducted.

15 Aircraft crash rescue fire training activities conducted in
16 compliance with this subsection are not subject to the prohibition, in
17 RCW 70.94.775(1), of outdoor fires containing petroleum products.

18 (6) Subsection (5) of this section shall expire on the earlier of
19 the following dates: (a) July 1, 1998; or (b) the date upon which the
20 North Bend fire training center is fully operational for aircraft crash
21 rescue fire training activities)) Written approval from the department
22 or local air pollution control authority shall be obtained for aircraft
23 crash rescue fire training activities before commencement of
24 operations. The combustion of petroleum products necessary to conduct
25 aircraft crash rescue fire training is exempt from RCW 70.94.775(1),
26 and the activity will not be considered outdoor open burning under RCW
27 70.94.743 through 70.94.780 if the requirements of this section are
28 met. Department or local air pollution control authority approval
29 under this section will be granted to aircraft crash rescue fire
30 training activities meeting the following conditions:

31 (a) Aircraft crash rescue fire training activities must be
32 conducted at a facility specifically designed, maintained, and operated
33 in accordance with federal aviation agency requirements to provide such
34 training. The facility shall use current technology and be operated in
35 a manner that will minimize, to the extent possible, the air
36 contaminants generated during operation;

37 (b) The aircraft crash rescue fire training facility must have a
38 permanent system, petroleum product, fire retardant, and water, to

1 collect and contain fluids to ensure that petroleum contamination of
2 surface water, ground water, or soil does not occur;

3 (c) The aircraft crash rescue fire training facility shall be
4 located to minimize air quality impacts during the operation of the
5 facility. The facility may not be operated during an air pollution
6 episode or during any stage of impaired air quality declared under RCW
7 70.94.715 for the area where the training is to be conducted; and

8 (d) The aircraft crash rescue fire training facility shall provide
9 notification before operation to the department or local air pollution
10 control authority and to the local fire district or fire department
11 having jurisdiction within the area where training is to be conducted.

12 (6) The department or a local air pollution control authority may
13 issue permits that allow limited burning of prohibited materials listed
14 in RCW 70.94.775(1), in order to provide for fire fighting instruction
15 or other actions to protect public health and safety.

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