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CHAPTER 232

[Engrossed Substitute House Bill No. 772]

AIR POLLUTION CONTROL--
FIRE AND BURNING PERMITS

AN ACT Relating to air pollution control; requiring permits for certain fires; adding new sections to chapter 232, Laws of 1957 and to chapter 70.94 RCW; and repealing section 25, chapter 232, Laws of 1957, section 42, chapter 238, Laws of 1967 and RCW 70.94.250.

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

NEW SECTION. Section 1. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Any person who proposes to set fires in the course of the following:

- (1) Weed abatement,
 - (2) Instruction in methods of fire fighting (except forest fires), or
 - (3) Disease prevention relating to agricultural activities,
- shall, prior to carrying out the same, obtain a permit from an air pollution control authority or the department of ecology, as appropriate. Each such authority and the department of ecology shall, by rule or ordinance, establish a permit system to carry out the provisions of this section except as provided in section 2 of this act. General criteria of state-wide applicability for ruling on such permits shall be established by the department, by rule or regulation, after consultation with the various air pollution control authorities. Permits shall be issued under this section based on seasonal operations or by individual operations, or both: PROVIDED, That all permits so issued shall be conditioned to insure that the public interest in air, water, and land pollution and safety to life and property is fully considered. In addition to any other requirements established by the department to protect air quality pursuant to other laws, applicants for permits must show that the setting of fires as requested is the most reasonable procedure to follow in safeguarding life or property under all circumstances or is otherwise reasonably necessary to successfully carry out the enterprise the applicant is engaged in. All burning permits will be designed to minimize air pollution insofar as practical. Nothing in

this section shall relieve the applicant from obtaining permits, licenses or other approvals required by any other law: PROVIDED FURTHER, That an application for a permit to set fires in the course of agricultural burning for controlling diseases, insects, and development of physiological conditions conducive to increased crop yield, shall be granted within fourteen days from the date such application is filed: PROVIDED, That nothing herein shall prevent a householder from setting fire in the course of burning leaves, clippings or trash when otherwise permitted locally. Nothing contained herein shall prohibit Indian campfires or the sending of smoke signals if part of a religious ritual.

NEW SECTION. Sec. 2. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

The department of natural resources shall have the responsibility for issuing and regulating burning permits required by it relating to the following activities declared to be for the protection of life or property and/or in the public welfare:

- (1) Abating a forest fire hazard;
- (2) Prevention of a fire hazard;
- (3) Instruction of public officials in methods of forest fire fighting; and
- (4) Any silvicultural operation to improve the forest lands of the state.

NEW SECTION. Sec. 3. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

The department of natural resources in granting burning permits for fires for the purposes set forth in section 2 of this act shall condition the issuance and use of such permits to comply with air quality standards established by the department of ecology after full consultation with the department of natural resources. Such burning shall not cause the state air quality standards for suspended particulate matter to be exceeded in the ambient air up to two thousand feet above ground level over critical areas designated by the department of ecology, otherwise subject to air pollution from other sources. Air quality standards for suspended particulate matter shall be established and published by the department of ecology which shall also establish a procedure for advising the department of natural resources when the air exceeds or threatens to exceed the standards over such critical areas. The suspended particulate matter shall be quantitatively measured by the department of ecology or the appropriate local air pollution control authority at established primary air mass stations or primary ground level monitoring stations over such designated areas. The department of natural resources shall set forth smoke dispersal objectives designed to minimize any air pollution from smoke from such burning and the

procedures necessary to meet those objectives.

The department of natural resources shall encourage more intense utilization in logging to reduce forest fire hazards and shall encourage development and use of procedures and equipment to burn forest debris in a manner that will produce less smoke. The department of natural resources shall, whenever practical, encourage development and use of alternative acceptable disposal methods. Such alternative methods shall be evaluated as to the relative impact on air, water and land pollution, and their financial feasibility.

NEW SECTION. Sec. 4. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

The department of natural resources may extend burning permit requirements to cover the types of burning set forth in this act during the period from October 15 through March 15 in order to protect the air quality, and shall extend such requirements if the department of ecology deems such action necessary to avoid an air pollution emergency where there is a high danger that normal operations at air contaminant sources in the area will be detrimental to the public health or safety.

NEW SECTION. Sec. 5. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

In the regulation of outdoor burning not included in section 2 thereof this act requiring permits from the department of natural resources, said department and the state, local, or regional air pollution control authorities will cooperate in regulating such burning so as to minimize insofar as possible duplicate inspections and separate permits while still accomplishing the objectives and responsibilities of the respective agencies.

Permits shall be withheld by the department of natural resources when so requested by the department of ecology if a forecast, alert, warning or emergency condition exists as defined in the episode criteria of the department of ecology.

NEW SECTION. Sec. 6. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

The department of natural resources and the department of ecology may adopt rules and regulations necessary to implement their respective responsibilities under the provisions of this act.

NEW SECTION. Sec. 7. Section 25, chapter 232, Laws of 1957 as amended by section 42, chapter 238, Laws of 1967 and RCW 70.94.250 are each repealed.

Passed the House May 8, 1971.

Passed the Senate May 6, 1971.

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