

Agricultural Burning Practices & Research Task Force #78 Meeting Summary

DATE: March 30, 2010

LOCATION: Department of Ecology Eastern Regional Office, Spokane WA.

<u>Members Present</u>		<u>Representing</u>
Karen Wood- Chair	Air Quality Program	Department of Ecology
Jeff Canaan	WA. Dept. of Agricultural	WA. Dept. of Agriculture
Jay Penner	Washington Association of Wheat Growers	Agricultural Community
Dan McCarthy	Okanogan Horticultural Association	Agricultural Community
Dave Lauer	Benton County Clean Air Authority	Eastern Washington Local Air Authorities
Michael Bush	WSU Extension	Academia, (Tree Fruit)
Larry Cochran	WA. Assn. of Conservation Districts	Conservation Districts
Michael Ingham	Alfalfa Seed Industry	Agricultural Community
Bill Johnston	Washington State University	Academia, (Crop & Soil)
<u>Alternates Present</u>		
Gary Pruitt	Yakima Regional Clean Air Agency	Eastern Washington Local Air Authorities
<u>Members Absent</u>		
John Cornwall	Grass Seed Industry	Grass Seed Industry
Sverre Vedal	University Of Washington	Public Health

Introductions, Announcements

The 78th Agricultural Burning Practices and Research Task Force (Task Force) meeting was held on March 30th, 2010, at the Department of Ecology's Eastern Regional Office in Spokane, Washington. The Task Force meeting began with the introduction of Task Force members and guests.

The regularly scheduled February meeting was delayed until March this year to allow for action in the Legislative session to be resolved. This meeting is reserved for hearing research project reports, scoping future funding needs and discussing research direction. Per the Task Force Governance Document it is also scheduled for scoping changes and discussion about Best Management Practices, (BMP's). In addition, this meeting will serve as the first meeting in a process to revise the Washington Administrative Code on Agricultural Burning as required by the passage of Substitute Senate Bill 6556 on March 15, 2010.

Research Update Presentations

The four research projects the Task Force recommended funding during the 2009-2011 biennium have now begun and the researchers were invited to share progress at this meeting. Each of the presenters discussed what they had accomplished over the past 6 months, how their research was progressing, problems they had encountered, and solutions they were trying.

All presentations are in PDF format and are located below,

[Eastern Washington Straw Residue as a Viable Fiber Source:](#)

[Straw Management and Crop Rotation: Alternatives to Field Burning:](#)

[Alternatives to Alfalfa Burning:](#)

[Development of 'High Yielding Kentucky Bluegrass for Non-thermal Seed Production:](#)

BMP's

Ecology and the task force members saw no need for changes to the Best Management Practices.

General Questions and Comments

Summary of Discussion regarding Burning fees from 3/30/10 Agricultural Burn Task Force Meeting

Karen Wood stated that a rule making is a 6-9 month process. She said she will work to finish the rulemaking by January 1, 2011, so Ecology can start collecting fees for the 2011 burn season.

Marsh Taylor (Ecology HQ) presented three possible options for changing the fee.

- A single change in the fee outlined in the rule,
- An outline of a graduated fee structure in the rule,
- A description of a process for the Ag Burn Task Force to set fees annual, bi-annually, etc. The rule may need to set a fee for the first year and then follow the process in following years, in order to have revised fee levels in place by January 1 ,2010.

Paul Rossow (Ecology Eastern Regional Office) presented some fee scenarios relating to cost recovery. A fee level of \$3.75 per acre (the cap) takes the program roughly to full cost recovery, assuming.

- Acres permitted stay at levels similar to what have been permitted in the recent past (~180,000 acres yearly)
- Ecology gets the entire increased portion of the fee.

The scenario included different levels of cost recover and different minimum fees. An increase in the minimum fee is based on the cap/acre with the same relationship as the current minimum fee.

Jay Penner asked “What happens if burned acres go down?” Karen Wood replied that Ecology re-distributes its resources (either temporarily or permanently depending on the trend). A permanent re-distribution may include a lay-off.

Marsh Taylor discussed why there is a need for the program to achieve full cost recovery, namely that relying on General Fund money presents the risk of program cuts in future years. The Department has been given direction to achieve cost recovery for programs, where possible; the subsidizing general funds may not be at risk this year, but they likely will be in future years.

Mike Ingram asked why there has been a change in the program's costs. Karen Wood replied that they have filled some vacancies, put money towards GIS, and the costs of rule making among other things.

Paul Rossow mentioned that pile burning may include vineyards burning vines, Christmas tree farms burning trees, and orchards doing tear-out burns. For Ecology, however, the largest portion of permit revenue is generated from the fees on field burn acres.

Gary Pruitt said that the income for local areas is different. Yakima Local Air Authority receives about 90% of their fees from pile burning.

Jay Penner felt that the task force could work out the fee structure in one meeting, possibly in April.

Michael Ingham said he would like to consult his constituency before they voted on fees.

The task force liked the idea of creating a sub-committee to discuss the fees for pile burns and the distribution between Research, Local Air Authorities, and Ecology.

Gary Pruitt discussed how several local areas, especially Yakima, have not been able to recover the cost of their burn program with current fees. He proposed, that for the pile burning fees in particular, that the local air be able to keep all fees in this situation. He felt that the intent of the law is that the permitting authority should be able to cover the costs of the program from fees. He also believes that the intent of the RCW is to cover the costs of the burn programs at the local level first. He felt that their current system may lend itself to legal challenge. Gary mentioned that hopefully, there will be a day when they can reduce permit fees and will have "worked ourselves out of a job."

Dan McCarthy proposed a sub-committee meeting for the pile burning fee in Wenatchee. He felt that the pile burning fee would not be a really contentious issue because orchard rehabilitation is not a yearly activity (more like a 20 year cycle). However, he feels that a tax/fee increase of more than 100% is a bad move politically and increases should be implemented incrementally.

Karen Wood asked the task force if they would be amenable to following the recommendations of a sub-committee. The task force felt that they probably follow the recommendations because the members of the full task force are more familiar with field burning and are not experts in orchards and pile burning. However, the task force remains the decision making body.

Paul Rossow mentioned that the sole relevant example in the region of a pile burning fee structure based on tonnage is Washington DNR's rule for silvicultural burning. They charge burn fees per ton. The estimate tons of a pile based on pile size (using geometry).

Larry Cochran asked how the local air gets their funding (for their whole budget, not just agricultural burning). Gary Pruitt said through grants, fees, penalties, county and city supplements but they do not have a general fund.

Karen Wood said that in the past the minimum fees were based on the cap. She asked the group how they feel about a similar structure for the new fee. She asked the task force to keep in mind that this also affects spot burns.

Karen asked what information the task force would like before they could make a decision on fees. The task force asked for:

- Draft rule language for the housekeeping changes,
- Number of acres burned and revenue during the last 5 years (preferably broken out by acres of ag, pile, orchard burning, etc),
- The settlement agreement with the Yakima Local Air Authority,
- DNR fee schedule,
- Information about the stakeholder's whose permit fee would change.

Paul Rossow introduced an alternative fee allocation for pile burning. He suggested that the fee need not be divided up (research, ecology, local) but whoever administers the permit (Ecology or Local Air Authority) keeps the fee. Gary Pruitt stated that this is essentially how the current agreement with the Yakima Local Air Authority works.

The next meeting will be held May 4, 2010.