

Washington Dept of Ecology Response to comments on the proposal to:

Raise the fees on agricultural burning as of July 1, 2012:

from \$3.00 per acre with a minimum fee of \$30.00 to \$3.75 per acre with a minimum fee of \$37.50 (for field burning)

and

from \$0.50 per ton with a minimum fee of \$80.00 to \$1.00 per ton with a minimum fee of \$80.00 (for pile burning).

as determined by the Agricultural Burning Practices and Research Task Force at their regularly scheduled meeting on November 8, 2011.

Comment #1)

Dear Mr. Rossow,

The Franklin Conservation District is opposed to any increase in the agricultural burn permit fees. Ecology already received a \$0.75 increase in 2011 to pay for their smoke management program. Furthermore, neither the past increase or the proposed increase is shared with the local permitting authorities or increases agricultural burning research funds.

Mark Nielson
District Manager
Franklin Conservation District
1533 E. Spokane St., Suite C
Pasco, WA 99301
(509) 545-8546 ext. 4

Response:

Mr. Nielson,

Thank you for your comments. "The permit fee helps off-set the cost of administering and enforcing the agricultural burning permit program." (WAC 173-430-041-(4) To make sure this is happening, Ecology is required to submit to the Agricultural Burning Practices and Research Task Force (Task Force) the costs of running the Agricultural Burning Program. The Task Force determines the fee (Revised Code of Washington 70.94.6528(5), Washington Administrative Code (WAC)173-430-042.) The costs to run the smoke management part of the program have always exceeded the permit fees to pay for such management . The fees Franklin Conservation District (or any other designated permitting authority) retain are designed to cover the costs of the permitting program. Permitting authorities (including Franklin Conservation District) have been invited and will continue to be invited to share their costs with the Task Force should they feel their costs exceed the income from their permit allocation, and to request a different share of the fee if necessary to cover costs.

Ecology's costs to continue the smoke management part of the Agricultural Burn Program have historically exceeded the revenue from permitting. The proposed fee increase and allocation of an additional 75 cents per acre towards smoke management will allow Ecology to continue the smoke

management program including burn decisions 365 days of the year without drawing on the general fund to do so. With the latest budget problems for the State of Washington, the governor directed all programs reliant on general fund dollars to work towards self-funding, or be cut. If the program were to be reduced, one of the first parts to go would be the weekend burn decision. This would impact growers negatively by reducing the number of available burn days by over 28%. This is an issue that was understood by the Task Force to be very important to wheat farmers in Washington, whose acres comprise the vast majority of the agricultural burning in the State of Washington every year.

Comment #2)

Hello,

My name is Samantha Taylor and I am writing on behalf of my employer Stacy Puterbaugh, from Puterbaugh Farms in Mabton, Wa.

We would like to request that the costs of burning not increase. Burning is an important tool in our industry, it allows us to clean up our fields without the use of chemicals, which is better for the environment. Also crab grass responds best to burn back, chemicals are not very effective. Costs have gone up across the board, fuel, fees, freight, water, energy, and adding an increase cost to burn will be a real hardship on everyone in the agriculture industry. We have all had to tighten our belts, and we don't think that it is fair to pass along all the extra costs to the growers. Furthermore the increase is very significant, 25% increase in the fee for field burning and spot burning for the first 10 acres, as well as 25% increase for each additional acre. For burning piles, every ton after 80 tons is now double the current cost. These increases are just too much. There has to be other ways to balance your budget without doubling the cost to the growers! Thank you for your time and consideration.

Samantha Taylor

Stacy Puterbaugh
380 Green Valley Rd.
Mabton, WA 98935

Response:

Ms. Taylor, Ms. Puterbaugh,

Thank you for your comments. No part of the increase in fees for your farming operations in Yakima County will come to the Washington Department of Ecology or the State of Washington. As the fees are allocated by the Agricultural Burning Practices and Research Task Force, the increase in fees will go towards smoke management, which in Yakima county is managed solely by the Yakima Regional Clean Air Agency. Ecology suggests that you work closely with the Yakima Regional Clean Air Agency to continue looking for options other than burning, and where appropriate and necessary, to obtain the proper permit which allows you to continue to burn what you need to while managing your smoke so as not to impact the public.

Comment #3)

I strongly oppose this minimum increase of 20% for farm vegetation burning. I believe the fee should be decreased by 20% instead, or the permitting process abolished. I am not a farmer, but I do pay for the foods they produce. Each and every new or expanded government program cuts into my fixed retirement income. -- Warner Litchfield

Litch [litch@wavecable.com]

Response:

Mr. Litchfield,

Thank you for your comments. The Agricultural Burn Program has been designed and run with two goals in mind.

- 1) To protect the people who breathe the air.
- 2) To allow farmers the continued use of burning where necessary.

Operating the program to manage agricultural burning while protecting the air people breathe costs money. Although the costs of the program have been flat or slightly decreasing for several years, the costs continue to exceed the money brought in by permit fees since the program's inception. No new or expanded government programs are authorized or planned on the basis of the proposed fee change; on the contrary, the fee change will allow the Department of Ecology to continue the program as it is conducted presently, allowing farmers to continue to burn where necessary, a practice which helps to keep productivity high and costs low.

Comment #4)

My name is Rick Turner, I live at 540 Turner Road, Dayton. I farm in Columbia County. I support the fee increase so we can keep burn program intact as it has been for the last several years.

Response:

Mr. Turner,

Thank you for your comments. The Department of Ecology and the State of Washington have, since the inception of the Agricultural Burn Program, subsidized the costs of the program through the use of money from the General Fund. In 2010, over half the cost of the smoke management portion of the program was paid for with general fund expenditures, and at the current fee level of \$3.00 per acre for field burning and \$0.50 per ton for pile burning, about a third of the costs of the program are borne through the use of the general fund. With the latest budget problems for the State of Washington, the governor directed all programs reliant on general fund dollars to work towards self-funding, or be cut. Part of what makes the agricultural burning program work in Washington is that the burn decision is made every day of the year. If the program were to be reduced, one of the first parts to go would be the weekend burn decision. This would impact growers negatively by reducing the number of available burn days by over 28%. This reduction in service could also impact the ability of Ecology through its daily burn call to protect public health while allowing agricultural burning to take place. The proposed fee increase, to set the fee at \$3.75 per acre for field burning and \$1.00 per ton for pile burning, as

determined by the Agricultural Burning Practices and Research Task Force at its regularly scheduled meeting on November 8, 2011 should, if instituted, allow the program to continue with burn decisions issued every day for the foreseeable future.

Comment #5)

My name is Jay Penner and I live at 421 Fields Gulch Road, Waitsburg, Washington. I farm in Columbia County and I use burning as a residue management tool on my farm.

Washington State Department of Ecology makes a burn or no burn call daily 365 days a year. With Washington State's budget problems, Department of Ecology was going to have to reduce staff, which would mean growers would lose the Saturday and Sunday burn call. The loss of these two days, each week, would have a significant negative impact on our burn program.

With this fee increase, the burn program should be self-sustaining and there should be no loss of weekend burn calls. Therefore, I support the fee increase. Thank you. Here is a copy of my testimony.

Response: The Department of Ecology and the State of Washington have, since the inception of the Agricultural Burn Program, subsidized the costs of the program through the use of money from the General Fund. In 2010, over half the cost of the program was paid for with general fund expenditures, and at the current fee level of \$3.00 per acre for field burning and \$0.50 per ton for pile burning, about a third of the costs of the program were borne through the use of the general fund. With the latest budget problems for the State of Washington, the governor directed all programs reliant on general fund dollars to work towards self-funding, or be cut. As you have stated in your comment, Mr. Penner, part of what makes the agricultural burning program work in Washington is that the burn decision is made every day of the year. If the program were to be reduced, one of the first parts to go would be the weekend burn decision. This would impact growers negatively by reducing the number of available burn days by over 28%.

Comment #6)

My name is Hasan Tahat, I work for Yakima Regional Clean Air Agency. Basically, I know most of the issues regarding the agricultural permits in particular. We have basically testified that we support the ag. fee for field burning, and then we supported Ecology's position, but for the burn pile in particular, that we feel that it is too early to raise fees so we did not support that.

But most of our permits are basically really at minimum fee which is about \$80

Should not affect much of our community and even if it becomes effective July 1, basically we are not going to implement it until January of 2013, because most of our permits have been issued really for this year.

And that's my testimony, basically.

Thank you.

Response:

Thank you for your comments, and for the opportunity to help clarify what the Agricultural Burning Rule (Washington Administrative Code 173-430) allows. Washington Administrative Code 173-430-4(a) states "The permitting authority may set the fee as an amount no more than the amount published in the fee

schedule.” Yakima Regional Clean Air Agency (YRCAA) is able to charge fees as their board approves so long as all the fees charged don’t exceed the amount in the fee schedule.