Rule Adoption Notice

DEPARTMENT OF ECOLOGY State of Washington

Air Quality Program **September 2010**

Agricultural Burning, Chapter 173-430 WAC

The Washington State Department of Ecology has updated its Agricultural Burning rule (Chapter 173-430, Agricultural Burning).

What is Chapter 173-430 WAC?

Chapter 173-430 WAC is Ecology's rule for regulating agricultural burning. This chapter protects public health while keeping burning available as an important tool for farmers.

Agricultural burning is the burning of crop residue after harvest. Some examples of crop residue that farmers burn are cereal grain stubble and cut-down orchard trees. Growers must have permits to burn most types of agricultural residue.

Smoke from agricultural burning can harm the health of people who breathe in the smoke's harmful particles and toxics. If Ecology carefully manages this smoke, harmful effects to the public are limited.

Summary of the rule changes adopted on November 10, 2010

The amendments do the following:

- Change the agricultural burning fees as determined by the Agricultural Burning Practices and Research Task Force (Task Force).
- Adjust the 2011 field burning fee to cover the costs of administering and enforcing the permit programs
- Change the pile burning fee to a per ton fee rather than a per acre fee. RCW 70.94.6528 establishes this new fee structure.
- Adopt a process to adjust agricultural burning fees in the future.
- Address the finding in Ted Rasmussen Farms, LLC v State of Washington, Department of Ecology, Docket # 22989-1-III (Rasmussen v Ecology).
- Make minor changes for consistency.

WHY IT MATTERS

Smoke from outdoor and agricultural burning contains air pollutants that can harm health. Ecology manages agricultural burning to minimize the effects of smoke on Washington's citizens. Adjusting the burning fees helps pay for the cost of programs that manage smoke from agricultural burning.

MORE INFORMATION

Permit Fee Schedule

http://www.ecy.wa.gov/programs/air/rules/agburnrule.html

Code Reviser Filings

http://www.ecy.wa.gov/laws-rules/wac173430/1005.html

Agricultural Burning

http://www.ecy.wa.gov/programs/air/aginfo/agricultural_homepage.htm

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Response to Comments

Ecology accepted public comments on these rule amendments from August 4, 2010 through September 9, 2010. Ecology's response to comments received during the public comment period is now available. Download a copy at http://www.ecy.wa.gov/laws-rules/wac173430/1005.html.

Whom does this rule affect?

This rule will affect members of the agricultural community that have agricultural burning permits including:

- Cereal Grain Farms
- Seed Crop Farms
- Orchards
- Christmas Tree Farms
- Nursery Farms
- Vineyards

More information

- **Rule making Activity: http://www.ecy.wa.gov/programs/air/rules/agburnrule.html**
- **Information about Agricultural Burning: http://www.ecy.wa.gov/programs/air/aginfo/agricultural_homepage.htm**

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To get updates on Ecology's rule-making activities, sign-up for the **WAC Track** e-mail list. Go to: www.ecy.wa.gov/maillist.html.

Appeal procedures

This adoption can be appealed under procedures described in the Administrative Procedure Act (RCW 34.05.330). For additional information about appealing this adoption, please contact Bari Schreiner in the Rules Unit at (360) 407-6998 or by email: bari.schreiner@ecy.wa.gov.