



Agricultural Burning Rule Update
Chapter 173-430 WAC
Public Hearing: September 2, 2010



Agenda

- Overview of Agricultural Burning
- Goals of the Rule Update
- Statutory Basis for the Rule
- Rule Development Process
- Summary of Changes
- Proposed Fee Schedule

Overview of Agricultural Burning



Agricultural burning is setting fire to crop lands.

Some examples include:

- Fruit trees
- Cereal grains (i.e. Wheat, Corn)
- Non-cereal grains (i.e. Alfalfa)
- Christmas trees
- Conservation Reserve Program land

All agricultural burning requires a permit with few exemptions (listed in the rule).

Goals of Rule Update

- Establish fees that cover more of the costs of the permit programs,
 - Proposed fee schedule increases costs recovery from ~25% to ~67%
- Address the finding of a court case,
- Change the pile burning fee to a per ton fee rather than a per acre fee,
- Make minor (housekeeping) changes.





Rule Development Process

- Agricultural Burning Practices and Research Task Force Committee meetings
 - March 30 – Discussion of Rulemaking Process
 - April 15 – Subcommittee Meeting
 - May 4 – Determined Fees
 - June 17 – Reviewed Draft Rule Text

- Public Hearings
 - August 26 – Dayton
 - September 2 – Wenatchee

- Tentative Adoption Date: November 10, 2010

Statutory Basis for Rule Update



Chapter 70 Laws 2010 (Substitute Senate Bill 6556) :

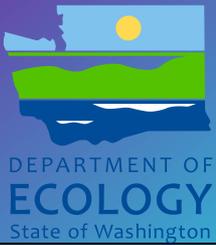
- establishes a per ton fee for pile burning
- provides new fee caps
 - Old cap \$2.50/ acre
 - New caps: \$3.75/acre, \$1.00/ton
- allows ongoing fee adjustments within the new caps.

Chapter 70.94.6528 RCW

- directs the Agricultural Burning Practices and Research Task Force to set fees at a level that covers program costs.

Summary of Changes

- Added three sections:
 - Description of the fees
 - Process to adjust fees
 - Field or Turf Grass(format change only)
- Minor changes for consistency
 - Clarified refund language
 - Added definitions for field, pile, and spot burn
- Removed language about length of crop rotation cycle
 - Language was outside of Ecology’s authority
 - *Ted Rasmussen Farms, LLC v. State of Washington, Department of Ecology, Docket # 22989-1-III (Rasmussen v. Ecology)*



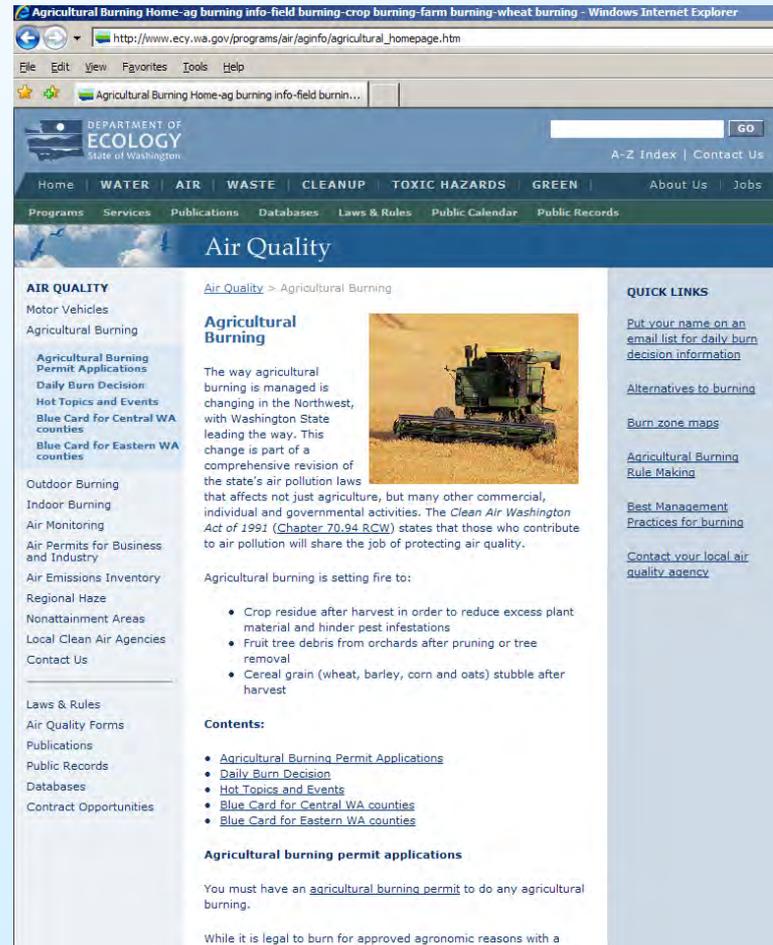
Proposed Fee Schedule (begins January 1, 2011)

Fee	Minimum Fee	Variable Fee
Field Burning	\$30 for the first 10 acres	\$3.00 for each additional acre
Spot Burning	\$30 for 10 acres or less	None
Pile Burning	\$80 for the first 100 tons	\$0.50 for each additional ton

More Information

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

- Air Quality Rule Making:
http://www.ecy.wa.gov/programs/air/rules/rules_laws.html



The screenshot shows a web browser window displaying the Department of Ecology's website. The page is titled "Agricultural Burning" and is part of the "Air Quality" section. The navigation menu includes Home, WATER, AIR, WASTE, CLEANUP, TOXIC HAZARDS, GREEN, About Us, and Jobs. The main content area features a sidebar with links to Motor Vehicles, Agricultural Burning, Outdoor Burning, Indoor Burning, Air Monitoring, Air Permits for Business and Industry, Air Emissions Inventory, Regional Haze, Nonattainment Areas, Local Clean Air Agencies, and Contact Us. The main text discusses the management of agricultural burning, noting that it is changing in the Northwest with Washington State leading the way. It mentions a comprehensive revision of the state's air pollution laws that affects not just agriculture, but many other commercial, individual, and governmental activities. The Clean Air Washington Act of 1991 (Chapter 70.94 RCW) states that those who contribute to air pollution will share the job of protecting air quality. The page also lists agricultural burning activities: Crop residue after harvest, Fruit tree debris from orchards, and Cereal grain stubble. A "QUICK LINKS" section on the right provides links for daily burn decision information, alternatives to burning, burn zone maps, agricultural burning rule making, best management practices for burning, and contacting local air quality agencies. The "Contents" section lists links for Agricultural Burning Permit Applications, Daily Burn Decision, Hot Topics and Events, Blue Card for Central WA counties, and Blue Card for Eastern WA counties. The "Agricultural burning permit applications" section states that users must have an agricultural burning permit to do any agricultural burning.



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Written comments due by: September 9, 2010

Questions?

