



# RULE-MAKING ORDER

**CR-103 (June 2004)**  
**(Implements RCW 34.05.360)**

**Agency:** Benton Clean Air Authority

**Permanent Rule**  
 **Emergency Rule**

**Effective date of rule:**

**Permanent Rules**

31 days after filing.  
 Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Effective date of rule:**

**Emergency Rules**

Immediately upon filing.  
 Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes  No If Yes, explain:

**Purpose:** The changes are proposed revisions to the fee schedule adopted in CY2000. The current fee schedules have not been updated since adoption in 2000. The BCAA is seeking program cost recovery.

**Citation of existing rules affected by this order:**

Repealed:  
Amended:  
Suspended:

**Statutory authority for adoption:** RCW 70.94

**Other authority :**

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR **08.20.061** on September 24, 2008 (date).  
Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
e-mail \_\_\_\_\_

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

**Date adopted:** November 20, 2008

**NAME (TYPE OR PRINT)**

David A. Lauer

**SIGNATURE**

**TITLE**

Control Officer

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
2600  
TIME 11:40 AM  
WSR 08-24-058 PM

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

|   |     |       |         |       |          |       |
|---|-----|-------|---------|-------|----------|-------|
| <b>Federal statute:</b>                 | New | _____ | Amended | _____ | Repealed | _____ |
| <b>Federal rules or standards:</b>      | New | _____ | Amended | _____ | Repealed | _____ |
| <b>Recently enacted state statutes:</b> | New | _____ | Amended | _____ | Repealed | _____ |

**The number of sections adopted at the request of a nongovernmental entity:**

|     |       |         |       |          |       |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

**The number of sections adopted in the agency's own initiative:**

|     |       |         |       |          |       |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

|     |       |         |       |          |       |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

**The number of sections adopted using:**

|                                       |     |       |         |       |          |       |
|---------------------------------------|-----|-------|---------|-------|----------|-------|
| <b>Negotiated rule making:</b>        | New | _____ | Amended | _____ | Repealed | _____ |
| <b>Pilot rule making:</b>             | New | _____ | Amended | _____ | Repealed | _____ |
| <b>Other alternative rule making:</b> | New | _____ | Amended | _____ | Repealed | _____ |

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## ARTICLE 10

### Fees and Charges

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**ADOPTED:** 17-Feb-2005

**EFFECTIVE:** 9-Apr-2005

#### **Section 1.01 Fees and Charges Required**

- A. Unless otherwise provided, any fee assessed by the BCAA shall be paid within thirty (30) days of assessment. Failure to pay a fee may result in the commencement of a formal enforcement action.
- B. Upon approval by the Board as part of the annual budget process, fees may be increased annually by at least the fiscal growth factor as determined by the Washington State Office of Financial Management.

#### **Section 1.02 Fees Otherwise Provided**

All fees and charges provided for in this Article shall be in addition to fees otherwise provided for or required to be paid by Regulation 1, provided the Control Officer shall waive payment of any fee or service charge hereby required if such fee duplicates a fee charged or required to be paid by another Article of Regulation 1.

#### **Section 1.03 Fee Waiver, Indigence**

Except for fees required under Section 10.09, the Control Officer shall waive payment of all or a portion of any fee or service charge required by this Article to be paid upon a showing deemed sufficient by the Control Officer that the permit or service requested is necessary and payment of the fee would cause hardship upon the applicant. An applicant may apply for a fee waiver by filing a Fee Waiver due to Indigence Request Form supplied by the BCAA.

#### **Section 1.04 General Administrative Fees**

- A. Administrative fees shall be due and payable at the time service is rendered, unless otherwise specified by BCAA.
  1. A fee of fifteen cents (\$0.15) per page shall be charged for photocopies.
  2. A fee of twenty dollars (\$20.00) per hour shall be charged for research time for requests covering more than one-hour of staff time.
  3. A fee of ten dollars (\$10.00) shall be charged per copy of audio or video materials.
  4. The actual cost of postage or shipping shall be charged for all material requested to be mailed.
- B. For other administrative services requested and performed by BCAA staff persons that are not provided to the public generally, the Control Officer shall determine such charge as reasonably reimburses the BCAA for time and materials expended in providing the service.

C. A fifty dollar (\$50.00) fee will be assessed for any check written to the BCAA returned due to non-sufficient funds.

### **Section 1.05 Registered Source Fees**

- A. The BCAA shall charge an annual registration fee pursuant to RCW 70.94.151 for services provided in administering the registration program. Fees received under the registration program shall not exceed the cost of administering the registration program. The Board shall review the registration program on an annual basis.
- B. All air contaminant sources required by Section 9.04 or 9.05 to be registered are subject to the following fees:
1. Class 1 and Class 1 Toxic sources shall pay an annual registration fee of:
    - a. A base fee of ~~three~~two hundred ~~fifty~~ dollars (~~\$325~~00.00);
    - b. ~~Fifty~~Ten dollars (~~\$5~~10.00) per ton of criteria pollutant emitted;
    - c. One hundred fifty dollars (\$150.00) per ton or prorated on fraction of a ton of toxic air pollutant emitted; and
    - d. ~~Fifty~~een (~~\$50~~15.00) dollars per emission process unit or emission point.
  2. Class 2 and; Class 2 Toxic , ~~and~~ Synthetic Minor sources shall pay an annual registration fee of:
    - a. A base fee of ~~seven~~six hundred ~~fifty~~ dollars (~~\$756~~00.00);
    - b. Fifty dollars (\$50.00) per ton of criteria pollutant emitted;
    - c. One hundred fifty dollars (\$150.00) per ton or prorated on fraction of a ton of toxic air pollutant emitted; and
    - b. ~~Ten~~ dollars (~~\$10~~.00) per ton of criteria pollutant emitted;
    - c. ~~One hundred~~ dollars (~~\$100~~.00) per ton of toxic air pollutant emitted; and
    - d. ~~Fifteen~~ (~~\$15~~.00) dollars per emission point. Fifty (\$50.00) dollars per emission process unit or emission point
  3. Synthetic Minor sources shall pay an annual registration fee of:
    - a. A base fee of fifteen hundred dollars (\$1500.00);
    - b. Fifty dollars (\$50.00) per ton of criteria pollutant emitted;
    - c. One hundred fifty dollars (\$150.00) per ton or prorated on fraction of a ton of toxic air pollutant emitted; and
    - d. Fifty (\$50.00) dollars per emission process unit or emission point
  - 3.4. Gasoline facilities shall pay an annual registration fee of:
    - a. Gasoline Loading Terminals: ~~two~~two thousand dollars (~~\$2~~1,000.00) plus fifty ~~ten~~ dollars (\$50.00) per ton of pollutant emitted;
    - b. Bulk Gasoline Plants: ~~eight~~four hundred dollars (~~\$8~~400.00) plus fifty ~~ten~~ dollars (\$50.00) per ton of pollutant emitted; and
    - c. Gasoline Dispensing Facilities:
      - i. Fee is determined by multiplying current annual gasoline throughput (greater than 400,000) in gallons times \$0.0005 per gallon.
      - ii. Fee for stations with annual throughput less than 400,000 gallons shall be two hundred dollars (\$200.00).

- i. Throughput of less than five hundred thousand (500,000) gallons/yr, the fee shall be one hundred fifty dollars (\$150.00);
  - ii. Throughput of five hundred thousand (500,000) gallons/yr, but less than 1.5 million gallons/yr, the fee shall be four hundred fifty dollars (\$450.00); and
  - iii. Throughput greater than 1.5 million gallons/yr, the fee shall be \$900.00.
- d. Once classified, a gasoline dispensing facility shall remain in a higher throughput classification for a period of two (2) consecutive years before reassignment to a lower classification.

### C. Fee Payment

1. Fee Payment. The annual registration fee shall be due and payable on February 28 of each year, unless otherwise specified in writing to the source by the BCAA.
2. Late Payment of Fees. A late fee shall be charged to a source for late payment of all or part of its annual registration fee at the following rates:
  - a. Ten percent (10%) of the annual registration fee for payment received up to the thirtieth (30<sup>th</sup>) day past the due date;
  - b. Fifteen percent (15%) of the annual registration fee for payment received between the thirty-first (31<sup>st</sup>) day and the sixtieth (60<sup>th</sup>) day past the due date; and
  - c. Twenty-five percent (25%) of the annual registration fee for payment received between the sixty-first (61<sup>st</sup>) day and the ninetieth (90<sup>th</sup>) day past the due date.
  - d. Failure to pay all or part of an annual registration fee after the ninety-first (91<sup>st</sup>) day past the due date may result in the commencement of a formal enforcement action.
3. Transfer in Ownership. Transfer in ownership of a source shall not affect that source's obligation to pay registration fees. Any liability for fee payment, including payment of late payment and other penalties shall survive any transfer in ownership of a source.

### **Section 1.06 Fees for Application for Notice of Construction (NOC) and Application for Notice of Intent to Install and Operate a Temporary Source (NIO)**

- A. NOC or NIO Application Filing Fee. An application filing fee shall be due and payable at the time of filing the NOC or NIO application. The filing fee is non-refundable.
  1. Permanent stationary source. The filing fee shall be ~~four~~one hundred fifty dollars (\$~~410~~50.00)
  2. Temporary or portable source. The filing fee shall be ~~five~~our hundred dollars (\$~~54~~00.00).
  3. Relocation of a temporary or portable or source. The filing fee shall be two hundred fifty dollars (\$2500.00) and shall be charged each time the source relocates within the boundaries of Benton County.
- B. NOC or NIO Engineering Examination and Inspection Fee.
  1. An examination and inspection fee shall be charged according to Table 10-1. The engineering and inspection fee shall be due and payable at the time of filing the NOC or NIO, unless otherwise specified to the applicant by the BCAA.
  2. Emergency application or expedited review fee shall be two (2) times the normal application and review fee.

### C. Additional Fees



~~C.~~ Additional fees may be charged according to Table 10-2. Table 10-2 fees are cumulative. The additional fees shall be due and payable at the time of filing the NOC or NIO, unless otherwise specified to the applicant by the BCAA.

1. Fee amounts in Table 10-1 and 10-2 listed as "Actual" are based upon the BCAA's actual cost to complete a review or task and shall be determined using the actual or direct hours expended completing the specific review or task,

~~and the corresponding hourly rate of each BCAA staff person directly involved. If the staff time required to review a permit application exceeds the listed amounts associated with the applicable review fee specified in Table 10-1 and 10-2, the applicant will be invoiced for each additional work hour at the current engineering charge rate in dollars per hour.~~

~~The following provisions shall apply:~~

- ~~1. Actual hours used in determining the amount of a fee shall be recorded on a daily basis by each BCAA staff person directly involved in completing the specific task;~~
- ~~2. Time accrued shall be accounted to the nearest fifteen (15) minutes;~~
- ~~3. Current BCAA staff person salary and overhead rates shall be used when calculating fees; and;~~
- ~~4. The bill issued for any fee based on the BCAA's actual cost shall indicate the total hours expended and the hourly cost rates that were used to determine the fee.~~

~~E.2.~~ If an NOC or NIO applicability determination fee is received by the BCAA and an NOC or NIO is determined not to be required, the Engineering Examination and Inspection Fee shall be the actual time expended at the current engineering charge rate in dollars per hour waived.

~~F.D.~~ Any NOC or NIO application received by the BCAA without the accompanying fee shall be rejected and returned to sender. Such action shall not constitute a determination of completeness or incompleteness as per WAC 173-400-110.

### **Section 1.07 State Environmental Policy Act (SEPA) Fees**

- A. Where review of an Environmental Impact Statement (EIS), Environmental Checklist, or an addendum to, or adoption of, an existing environmental document pursuant to WAC 197-11 is required, in association with an NOC or a NIO, the applicant shall pay a review fee of the greater of:
1. One-hundred fifty dollars (\$1500.00), due and payable at the time of submittal; or
  2. Actual costs to complete the review or task and shall be determined using the actual or direct hours expended completing the specific review and the corresponding hourly rate of each BCAA staff person directly involved. Actual costs shall be billed by the BCAA to the owner, operator, or applicant after a threshold determination has been made and/or a preliminary determination has been issued
- B. Additional fees may be charged according to Table 10-2. Table 10-2 fees are cumulative. The additional fees shall be due and payable at the time of filing, unless otherwise specified to the applicant by the BCAA.

### **Section 1.08 Asbestos Fees**

- A. Any fee required under Table 10-3 for asbestos projects shall be due and payable at the time of filing, unless otherwise specified to the applicant by the BCAA.
- B. Failure to pay all or part of the fee may result in the commencement of a formal enforcement action.

Table 10-1: NOC or NIO Engineering Examination and Inspection Fees

| CATEGORY   | FEE                    | CATEGORY   | FEE                          |
|--|------------------------|--|------------------------------|
| <b>Fuel Burning Equipment with or without Air Pollution Equipment (million BTU/hr)</b>                             |                        | <b>Gasoline Dispensing Facilities</b>  |                              |
| 5 or less.....   | \$500200               | Stage I.....   | \$300                        |
| Greater than 5 to 10.....  | \$600250               | Stage II.....  | \$300                        |
| Greater than 10 to 30.....   | \$7350                 | Stage I and II Combined.....   | \$500                        |
| Greater than 30 to 50.....   | \$900450               | Toxics review for gasoline facility.....   | \$1,500                      |
| Greater than 50 to 100.....  | \$1,200650             | <b>Spray Painting (per booth).....</b>   | <b>\$300</b>                 |
| Greater than 100 to 250.....   | \$2,5001,400           | <b>Dry Cleaner (per machine).....</b>  | <b>\$300</b>                 |
| Greater than 250 to 500.....   | \$4,0002,500           | <b>Coffee Roaster.....</b>   | <b>\$500</b>                 |
| Greater than 500.....  | \$6,0003,500           |  |                              |
| Fuel change or new fuel.....   | ½ new installation fee | <b>Asphalt Plant, Cement Plant, or Rock Crushing Plant (Non-Temporary).....</b>  | <b>\$21,000</b>              |
| <b>Process Equipment, Air Pollution Control Device, and/or Uncontrolled Process Discharge (ft<sup>3</sup>/min)</b> |                        | <b>Particulate matter and fugitive emissions from rock crushing, material transfer and ship loading (Emissions - tons per year):</b> |                              |
| 50 or less.....  | \$6300                 | Less than or equal to 10.....  | \$ 600.00                    |
| Greater than 50 to 5,000.....  | \$7400                 | Greater than 10 to 50.....   | \$1,000.00                   |
| Greater than 5,000 to 20,000.....  | \$8500                 | Greater than 50 to 100.....  | \$1,500.00                   |
| Greater than 20,000 to 50,000.....   | \$9600                 | Greater than 100 to 250.....   | \$2,500.00                   |
| Greater than 50,000 to 100,000.....  | \$95700                | Greater than 250.....  | \$6,000.00                   |
| Greater than 100,000 to 250,000.....   | \$1,000                |  |                              |
| Greater than 250,000 to 500,000.....   | \$2,000                | <b>Diesel engine generators/pumps (Aggregate horsepower rating):</b>   |                              |
| Greater than 500,000.....  | \$4,000                | Less than or equal to 100.....   | \$ 600.00                    |
| <b>Refuse Burning Equip (tons/day)</b>   |                        | Greater than 100 to 500.....   | \$700.00                     |
| 0.5 or less.....   | \$7001,000             | Greater than 500 to 2,000.....   | \$1,000.00                   |
| Greater than 0.5 to 5.....   | \$800                  | Greater than 2,000 to 5,000.....   | \$1,500.00                   |
| Greater than 5 to 12.....  | \$12,000               | Greater than 5,000 to 10,000.....  | \$3,000.00                   |
| Greater than 12 to 250.....  | \$36,000               | Greater than 10,000.....   | \$6,000.00                   |
| Greater than 50 to 250.....  | \$6,000                |  |                              |
| Greater than 250.....  | \$12,000               | <b>Soil Thermal Desorption Unit</b>  |                              |
| <b>Other Incinerators (pounds/hr)</b>  |                        | Initial.....   | \$32,000                     |
| 100 or less.....   | \$300150               | Relocation of Unit.....  | \$1,0700                     |
| Greater than 100 to 200.....   | \$6300                 | <b>Odor Source.....</b>  | <b>\$500350</b>              |
| Greater than 200 to 500.....   | \$1,2600               | <b>Composting Facility.....</b>  | <b>Actual</b>                |
| Greater than 500 to 1000.....  | \$24,4200              | <b>Landfill Gas System.....</b>  | <b>Actual</b>                |
| Greater than 1000.....   | \$3,04,500             | <b>Soil and Groundwater Remediation.....</b>   | <b>Actual</b>                |
| <b>Storage Tanks (gal)</b>   |                        | Review of projects under RCW 70.105D.090..   | Actual                       |
| 10,000 or less.....  | \$6300                 | Review of Ecology "Agreed Orders" and "Consent Orders" pursuant to RCW 70.105D.090(1).....   | Actual                       |
| Greater than 10,000 to 40,000.....   | \$10500                |  |                              |
| Greater than 40,000 to 100,000.....  | \$1,5000               | <b>All other sources not listed</b>  |                              |
| Greater than 100,000.....  | \$2000                 | .....  | greater of \$10500 or Actual |
| <b>Gasoline Dispensing Facilities</b>  |                        |  |                              |
| Stage I.....   | \$500                  |  |                              |
| Stage II.....  | \$600                  |  |                              |
| Stage I and II Combined.....   | \$700                  |  |                              |
| Toxics review for gasoline facility.....   | \$1,500                |  |                              |
| Removal of Stage II.....   | \$600                  |  |                              |
| <b>Spray Painting (per booth).....</b>   | <b>\$500</b>           |  |                              |
| <b>Dry Cleaner (per machine).....</b>  | <b>\$600</b>           |  |                              |
| <b>Coffee Roaster.....</b>   | <b>\$700</b>           |  |                              |

Table 10-2: Additional Fees

| CATEGORY  | FEE    | CATEGORY   | FEE                         |
|---|--------|--|-----------------------------|
| Public Noticing .....   | Actual | Variance Request.....  | Actual                      |
| Publishing of Public Notices .....  | Actual | Alternative Opacity Limits Review .....  | Actual                      |
| Public Hearings .....   | Actual | Inspection of Source that began<br>Construction/Operation without<br>Approval/Permit<br>.....greater of \$10500 or Actual  |                             |
| <b>Air Toxics Screening as per WAC 173-460</b>  |        | Synthetic Minor Determination.....   | Actual                      |
| Review of source supplied ASIL .....  | \$300  | Major Source, Major Modification, or PSD<br>Thresholds .....   | Actual                      |
| Review of source supplied risk analysis.....  | \$1000 | Emission Units <u>S</u> subject to NSPS or   |                             |
| ECAA conducted screening analysis .....   | Actual | <u>NESHAP (E</u> except residential<br>woodstoves, heaters, <u>woodstoves,</u><br><u>heaters, asbestos renovation, or</u><br><u>demolition and PCE dry cleaning)</u> ..... | greater of \$1000 or Actual |
| NOC/NIO Application Assistance .....  | Actual | Construction or Reconstruction of a<br>Major Source of Hazardous Air Pollutants .....  | Actual                      |
| NOC/NIO Applicability Determination .....   | Actual | Each CEM or Alternate Monitoring<br>Device .....   | Actual                      |
| NOC-CEM or Alternate Monitoring Device<br>Installed.....  | Actual | Each Source Test Required in NOC .....   | Actual                      |
| SEPA Threshold Determination (lead<br>agency).....  | Actual | Opacity/Gain Loading Correlation .....   | Actual                      |
| Environmental Impact Statement Review .....   | Actual | Bubble Application .....   | Actual                      |
| NOC Order of Approval<br>Modification ... lesser of ½ NOC/NIO fee or \$greater of<br>\$400 or Actual350 |        | Netting Analysis.....  | Actual                      |
| <b>RACT/BACT/MACT/BART/LAER<br/>Determination</b> .....   | Actual |  |                             |
| Emission Offset Analysis .....  | Actual |  |                             |
| Emission Reduction Credit (ERC)<br>Application.....   | Actual |  |                             |
| Review of Ambient Impact Analysis .....   | Actual |  |                             |



Table 10-3: Asbestos Fees

| <b>Asbestos Projects at Residential Units</b>        |                              |
|--|------------------------------|
| <b>Activity</b>                                      | <b>Fee</b>                   |
| Demolition   | \$ <u>25</u> 40.00           |
| Renovation: Any amount in lin. ft or ft <sup>2</sup> | \$ <u>25</u> 40.00           |
| Demolition or Renovation Amendment                   | \$ <u>30</u> 25.00           |
| Emergency Renovation Operation                       | \$ <u>6</u> 50.00            |
| Alternate Removal Methods                            | Two (2) times renovation fee |

| <b>Asbestos Projects at Facilities</b>                     |                              |
|--|------------------------------|
| <b>Activity</b>  | <b>Fee</b>                   |
| Demolition   | \$ <u>25</u> 40.00           |
| Renovation: 10 to 259 lin. ft or 48 to 159 ft <sup>2</sup> | \$ <u>150</u> 25.00          |
| 260 to 999 lin. ft or 160 to 4,999 ft <sup>2</sup>         | \$ <u>300</u> 25.00          |
| 1,000 to 9,999 lin. ft or 5,000 to 49,999 ft <sup>2</sup>  | \$ <u>6</u> 500.00           |
| Over 10,000 lin. ft or Over 50,000 ft <sup>2</sup>         | \$ <u>1,8</u> 500.00         |
| Annual Renovation  | \$ <u>1,8</u> 500.00         |
| Demolition or Renovation Amendment                         | \$ <u>6</u> 50.00            |
| Emergency Renovation Operation                             | Two (2) times renovation fee |
| Alternate Removal Methods                                  | Two (2) times renovation fee |

- a. Ecology will provide to the BCAA a statement of the share of Ecology's development and oversight costs for which it is responsible for collecting from sources under its jurisdiction on or before December 31 of each year.
- b. The BCAA shall remit to Ecology one-half of the share of Ecology's development and oversight costs for which it is responsible for collecting from sources under its jurisdiction on or before March 31 of each year and shall remit to Ecology the balance of its share of Ecology's development and oversight costs on or before June 30 of each year.

#### **Section 1.10 Special Burning Permit Fees**

- A. An application fee of fifty dollars (\$~~75~~50.00) is due and payable at the time of submittal of a request for special burning permit. The application fee is non-refundable.
- B. An additional fee for inspection and oversight costs shall be charged for each submittal of a request for special burning permit. The additional fee shall be calculated based upon the volume of the material to be burned. The additional fee shall not exceed eight dollars and fifty cents (\$8.50) per cubic yard or the adjusted amount according to WAC 173-425.
- C. The additional fee shall be due and payable within thirty (30) days of issuance of the special burning permit. Special burning permit fees shall be due within thirty (30) days of issuance of the special burning permit.
- D. A late fee of twenty-five dollars (\$25.00) may be charged for special burning permit fees that have not been paid within thirty (30) days of issuance of the special burning permit. Failure to pay said fee within sixty (60) days of the issuance of the special burning permit may result in the commencement of a formal enforcement action.

#### **Section 1.11 Agricultural Burning Permit Fees**

- A. An application fee for an agricultural burning permit shall be due and payable at the time of submittal of the application. Refunds may be issued by the BCAA for acres not burned under each permit provided the adjusted fee after subtracting refunds is no less than twenty-five dollars.
- B. Upon approval of any agricultural burning permit application, the BCAA shall charge a ~~fee not to exceed two dollars and fifty cents (\$2.50) per acre for each acre permitted to be burned.~~ at a maximum fee level as set by statute at two dollars and fifty cents per acre (RCW 70.94.650(2)) and as established by the agricultural burning practices and research task force (RCW 70.94.650(4)).

A portion of this fee shall go directly to Ecology to be divided among administration, oversight costs, and the research fund. The remainder of the fee shall go to the BCAA for local administration and implementation of the program. The permitting authority may set the fee as an amount per agricultural operation per calendar year, a set amount per fire, or a set rate no greater than one dollar and twenty-five cents per acre burned. The Ecology administration portion of the fee shall be used to off-set the statewide administrative, education, and oversight costs of the department for the agricultural burning program.

The agricultural burning applied research portion of the fee shall be no greater than one dollar per acre burned. The amount assessed may be less than one dollar per acre burned as periodically determined by the agricultural burning practices and research task force based on applied research needs, regional needs and the research fund budget. The agricultural burning practices and research task force may also establish

discounted assessment rates based on the use of best management practices.

C. The local portion of the agricultural burning permit fee shall be seventy-five cents (\$0.75) one dollar and twenty-five cents (\$1.25) per acre.

D. The minimum permit fee shall be no less than twenty-five dollars (\$25.00).

D. Minimum and variable fee levels are as follows:

1. Twenty-five dollars (\$25.00) per calendar year per agricultural operation based on burning up to ten acres or equivalent;
2. Fifty dollars (\$50.00) for orchard tear-out burning per calendar year per agricultural operation based on burning debris from up to twenty acres or equivalent.
3. The variable fee is two dollars and twenty-five cents per acre (\$2.25).
4. The chart below shows the permit fee break-out per category:

| <u>Fee Level</u>                         | <u>Section</u>                    | <u>Local Administration</u>  | <u>Research</u>          | <u>Ecology Administration</u> |
|--|-----------------------------------|------------------------------|--------------------------|-------------------------------|
| <u>\$25.00</u>                           | <u>WAC 173-430-040 (4)(a)(i)</u>  | <u>\$12.50</u>               | <u>\$12.50</u>           | <u>-0-</u>                    |
| <u>\$50.00</u>                           | <u>WAC 173-430-040 (4)(a)(ii)</u> | <u>\$12.50</u>               | <u>\$12.50</u>           | <u>\$25.00</u>                |
| <u>2008 and beyond - \$2.25 per acre</u> | <u>WAC 173-430-040 (4)(b)(ii)</u> | <u>Up to \$1.25 per acre</u> | <u>50 cents per acre</u> | <u>50 cents per acre</u>      |

E. The agricultural burning practices and research task force may set acreage equivalents for non-field style agricultural burning practices, based on the amount of emissions relative to typical field burning emissions. Any acreage equivalents, established by rule, shall be used in determining fees. For agricultural burning conducted by irrigation or drainage districts, each mile of ditch (including banks) burned is calculated on an equivalent acreage basis.