

WAC 173-430-041 Agricultural burning fees. (1) RCW 70.94.6528 provides the following maximum fees for agricultural burning:

Field burning	\$3.75 per acre
Pile burning	\$1.00 per ton

(2) RCW 70.94.6528(5) authorizes the agricultural burning practices and research task force (task force) to determine the level of the fee.

(a) **2011 fee schedule.** Fees starting in the calendar year 2011 are found in subsection (5) of this section.

(b) **Establishing new fee schedules.** Ecology and the task force will examine the fee schedule using the process in WAC 173-430-042.

(3) **Calculating the fee.** The fee consists of a minimum fee plus any applicable variable fee.

(a) **Minimum fee.** The minimum fee includes burning of the base number of acres or tons published in the fee schedule.

(b) **Variable fee.** Field burning and pile burning permits allowing the farmer to burn more acres or tons than the base included in the minimum fee require an additional per acre or per ton fee.

(c) The following table shows which types of burning have a variable fee.

Type of Burning	Variable Fee
Field Burning	Fee applied for each additional acre.
Spot Burning	None - Spot burn permits must not exceed the base amount of acres published in the fee schedule.
Pile Burning	Fee applied for each additional ton.

(4) **Fee components.** The permit fee helps off-set the cost of administering and enforcing the agricultural burning permit program. The fee consists of three components:

- Permitting program administration;
- Smoke management administration; and
- Research.

(a) **Permitting program administration.** The permitting authority may set the fee as an amount no more than the amount published in the fee schedule.

(i) The local air authority or delegated permitting authority must establish this portion of the fee by an appropriate, public process such as a local rule, ordinance, or resolution.

(ii) In areas of the state where ecology has permitting authority and has not delegated that authority, ecology will charge the following for local permitting program administration:

(A) Starting in 2011, the amount listed in subsection (6) of this section.

(B) For subsequent fee changes, the amount published in the fee schedule. Ecology will publish the fee schedule using the process in WAC 173-430-042.

(b) **Smoke management administration.** This portion of the fee will:

(i) Help off-set the statewide or regionwide costs of the agricultural burning program.

(ii) Help fund the education and smoke management activities of ecology or the local air authority.

(c) **Research fund.** The task force will determine the research portion of the fee based on applied research needs, regional needs, and the research fund budget.

(5) **Permit fee schedule.** Table 1 shows the permit fee schedule. This fee schedule will remain in place until ecology and the task force adjust it using the process in WAC 173-430-042. Please see <http://www.ecology.wa.gov>, contact ecology, or contact your local air authority for the most current fee schedule or fee distribution.

Table 1
Agricultural Burning Fee Schedule

Fee	Minimum Fee	Variable Fee
Field Burning	\$37.50 for the first 10 acres	\$3.75 for each additional acre
Spot Burning	\$37.50 for 10 acres or less	None
Pile Burning	\$80 for piles up to 80 tons	\$1.00 for each additional ton

Note: These numbers reflect the most recent revision of the agricultural fee schedule, which occurred on July 1, 2012, per WAC 173-430-042.

(6) **Permit fee distribution.** Table 2 shows the permit fee distribution. This distribution will remain in place until ecology and the task force adjust it using the process in WAC 173-430-042. Please see <http://www.ecology.wa.gov>, contact ecology, or contact your local air authority for the most current fee schedule or fee distribution.

Table 2
Agricultural Burning Fee Distribution

Fee	Permitting Authority Administration	Research	Smoke Management
Field Burning Minimum Fee	\$15.00	\$0	\$22.50
Field Burning Variable Fee	\$1.25 per acre	\$0.50 per acre	\$2.00 per acre
Spot Burning Fee	\$15.00	\$0	\$22.50
Pile Burning Minimum Fee	\$16.00	\$16.00	\$48.00
Pile Burning Variable Fee	\$0.10 per ton	\$0.10 per ton	\$0.80 per ton

Note: These numbers reflect the most recent revision of the agricultural burning fee distribution schedule, which occurred on July 1, 2012, per WAC 173-430-042.

(7) **Refunds.** The farmer may receive a refund. The farmer may only receive a refund for the portion of the variable fee paid for the acres or tons not burned.

(a) The permitting authority may keep the minimum fee as reimbursement for the costs of processing the permit application.

(b) The permitting authority will not issue refunds of less than twenty-five dollars due to the cost of processing refunds.

[Statutory Authority: Chapter 70.94 RCW. WSR 19-09-045 (Order 18-08), § 173-430-041, filed 4/12/19, effective 5/13/19. Statutory Authority: 2010 c 70, RCW 70.94.6528 and *Ted Rasmussen Farms, LLC v. State of Washington, Department of Ecology*, Docket # 22989-1-III. WSR 10-23-049 (Order 10-05), § 173-430-041, filed 11/10/10, effective 12/11/10.]