

WAC 173-430-042 Adjusting 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.

(3) **Process for adjusting the fee schedule for agricultural burning.** The process for adjusting the fee schedule requires the following two steps:

- The task force must determine the fee schedule using the process established in subsection (4) of this section;
- If the task force decides to adjust the fee schedule, ecology will finalize the new fee schedule through the process established in subsection (6) of this section.

(4) **Task force process to determine agricultural burning fees.** The task force may examine the agricultural burning fee schedule once a year using the process outlined in this section. However, the task force must examine the agricultural burning fee schedule at least every two years. The task force process for examining the agricultural burning fee schedule must include the following:

(a) Ecology will submit, to the task force, a summary of the costs of the permit and smoke management programs before the first task force meeting of the year.

(b) The agenda for the first task force meeting of the year must include examining the current fee schedule.

(c) Ecology will notify stakeholders and permit holders of time, date, location, and agenda for the task force meeting.

(d) Based on the information provided by ecology, under (a) of this subsection, the task force will decide if they need to adjust the agricultural burning fee schedule.

(e) If the task force decides to adjust the agricultural burning fee schedule, they must determine the new fee schedule at a regularly scheduled meeting.

(5) **Examining the fee schedule more frequently.** The task force may examine the agricultural burning fee schedule more frequently than every two years, if all of the following occurs:

(a) The task force determines the fee schedule during one of their regularly scheduled meetings.

(b) Ecology finalizes the fee schedule using the process in subsection (6) of this section.

(6) **Ecology process to finalize fees set by the task force.** After the task force determines a new fee schedule, ecology will:

(a) Post the proposed fee schedule on the agency web site for public review and comment.

(b) Publish a notice of a public hearing.

(i) The notice will include all of the following:

- Time;
- Date;
- Location;
- Last day ecology will accept written comments.

(ii) At a minimum, ecology will publish the notice in the following locations:

(A) *Washington State Register.*

(B) Ecology web site.

(c) Hold a public hearing at least twenty days after completing the actions in (a) and (b) of this subsection.

(d) Accept written comments on the proposed fee schedule. Ecology must receive comments by the time and date specified in the hearing notice, or a later time and date established at the hearing.

(e) Consider comments received and provide a written response to comments to the task force and anyone who commented.

(f) Ecology will finalize the fee schedule by December 1st of the calendar year before it becomes effective.

(g) Ecology will publish the fee schedule by:

(i) Notifying stakeholders and permit holders of the new fees.

(ii) Posting a response to comments on the ecology web site.

(7) **Effective date of the new fee schedule.** The new fee schedule becomes effective January 1st of the calendar year after it is finalized.

[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), § 173-430-042, filed 11/10/10, effective 12/11/10.]