
ARTICLE 6

Agricultural Burning

ADOPTED: 17-Feb-2005

AMENDED: 1-Nov-2021

[Statutory Authority: chapter 70A.15.5070 RCW, RCW 70A.15.5090]

PURPOSE: This Article establishes controls on agricultural burning in Benton County in order to reduce particulate emissions and public exposure to Toxic Air Pollutants as listed in Chapter 173-460 WAC, in Benton County.

Section 6.01 Definitions

Definitions of all terms in this article, unless otherwise defined below, are as defined in WAC 173-430-030.

- A. "Agricultural burn day" means a day, as determined by the Agency, during which permitted agricultural burning may take place in areas where agricultural burning is allowed. The length of the burn day is defined as the period from 9:00 AM until one hour before sunset.
- B. "Incidental agricultural burning" means agricultural burning that is incidental to commercial agricultural activities and meets one of the following conditions:
 - 1. Orchard prunings: An orchard pruning is a routine and periodic operation to remove overly vigorous or nonfruiting tree limbs or branches to improve fruit quality, assist with tree canopy training and improve the management of plant and disease, and pest infestations.
 - 2. Organic debris along fencelines: A fenceline or fencerow is the area bordering a commercial agricultural field that is or would be unworkable by equipment used to cultivate the adjacent field.
 - 3. Organic debris along or in irrigation or drainage ditches: An irrigation or drainage ditch is a waterway which predictably carries water (not necessarily continuously) and is unworkable by equipment used to cultivate the adjacent field.
 - 4. Organic debris blown by the wind: The primary example is tumbleweeds.
- C. "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

Section 6.02 Agricultural Burning Permit

- A. Agricultural Burning Permit Required.
 - 1. All agricultural burning, except for incidental agricultural burning, requires a written agricultural burning permit from the Agency. Agricultural burning permits are subject to a fee as described in the Benton Clean Air Agency fee schedule, Table 6: Burning Fees, and payable at the time of application.
 - 2. Permitted agricultural burning is allowed only on designated agricultural burn days.

3. It is the responsibility of the person conducting agricultural burning to be informed of additional fire safety rules established by the Benton County Fire Marshall.
 4. Permit holders must comply with all conditions listed in the permit.
- B. Agricultural Burning Permit Not Required.
1. Incidental agricultural burning, as defined in Section 6.01.B of this Regulation, is allowed without obtaining an agricultural burning permit from the Agency and on days that are not agricultural burn days, except when restricted by the Agency under the following conditions:
 - a. The Benton County Fire Marshall declared a ban on burning due to fire safety; or
 - b. During any stage of impaired air quality conditions, or during a forecast, alert, warning, or emergency air pollution episode; or
 - c. The National Weather Service (NWS) in Pendleton, Oregon forecasts surface wind speeds 20 mph or greater.
 2. The operator must notify the local fire department within the area and the Agency.
 3. The burning does not occur during an air pollution episode or any stage of impaired air quality.