

Southwest Clean Air Agency

The draft rule language for WAC 173-430-040 adds a sentence that reads: "The use of a flame cap kiln as defined in WAC 173-430-030 is acceptable as long as permitting processes and fee requirements are followed." It might be clearer to instead add the following sentence (or similar) from RCW 70A.15.5090 to the definition of "agricultural burning": "For the purposes of this section, agricultural burning includes the combustion of natural vegetation from agricultural activities in portable flame cap kilns, provided that the biomass does not contain any prohibited materials as defined in..." This eliminates the possibility that WAC 173-430-040 is misinterpreted to allow the use of a flame cap kiln when burning is not necessary, and is consistent with the way RCW 70A.15 and SB 6121 are structured.