

SECTION 6.01 OUTDOOR BURNING

- A. Purpose. This Section establishes controls for outdoor burning in Spokane County in order to:
1. Reduce outdoor burning to the greatest extent practical, consistent with the laws and regulations of the State of Washington.
 2. Minimize the impact of emissions from outdoor burning by burning only when weather and ventilation conditions are favorable.
 3. Define conditions under which outdoor burning may be conducted.
 4. Encourage the development and specify the use of reasonable alternatives to outdoor burning.
 5. Geographically limit outdoor burning in order to assure continued attainment of the National Ambient Air Quality Standards for carbon monoxide and fine particulate matter (PM₁₀).
- B. Applicability. This Section applies to outdoor burning in all areas of Spokane County unless exempted in Section 6.01.E. This Section does not apply to Silvicultural Burning (see Chapter 332-24 WAC) or to Agricultural Burning (see Chapter 173-430 WAC).
- C. Definitions. Unless a different meaning is clearly required by context, words and phrases used in this Section shall have the following meaning:
1. Agricultural Burning means burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, necessary to destroy weeds or crop residue along farm fence rows, irrigation ditches, or farm drainage ditches, or where identified as a best management practice by the agricultural burning practices and research task force established in RCW 70.94.650 or other authoritative source on agricultural practices.
 2. Authority means the Spokane Regional Clean Air Agency.
 3. Construction/Demolition Debris means any material manufactured for or resulting from the construction, renovation, or demolition of buildings, roads, and/or other man-made structures or objects/materials.
 4. Episode means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as provided in Chapter 173-435 WAC.
 5. Flag Retirement Ceremony means a ceremony for the purpose of disposing of the flag of the United States of America, by fire, pursuant to 36 U.S.C. 176(k).
 6. Fire Fighting Instruction Fire means a fire for instruction in methods of fire fighting, including, but not limited to, training to fight structural fires, aircraft crash rescue fires, and forest fires.
 7. Impaired Air Quality, for purposes of outdoor burning, means a condition declared by the Authority when meteorological conditions are conducive to an accumulation of air contaminants, concurrent with at least one of the following criteria:
 - a. Particulates that are ten microns or smaller in diameter (PM₁₀) are measured at any location inside Spokane County at or above an ambient level of sixty micrograms per cubic meter of air, measured on a 24-hour average, by a method

which has been determined, by Washington State Department of Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix J, or equivalent.

- b. Carbon monoxide is measured at any location inside Spokane County at or above an ambient level of eight parts of contaminant per million parts of air by volume (ppm), measured on an eight-hour average by a method which has been determined, by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix C, or equivalent.
 - c. Air contaminant levels reach or exceed other limits, established by Ecology pursuant to RCW 70.94.331.
8. Indian Ceremonial Fire means a fire necessary for Native American ceremonies (i.e., conducted by and for Native Americans) if part of a religious ritual.
 9. Land Clearing Fire means outdoor burning of trees, stumps, shrubbery, or other natural vegetation from land clearing projects (i.e., projects that clear the land surface so it can be developed, used for a different purpose, or left unused).
 10. Natural Vegetation means unprocessed plant material from herbs, shrubbery, and trees, including grass, weeds, leaves, clippings, prunings, brush, branches, roots, stumps, and trunk wood.
 11. Nonattainment Area means the Spokane County PM₁₀ Nonattainment Area and the Spokane Urban Carbon Monoxide Nonattainment Area as defined in CFR Title 40, Part 81.
 12. Noxious Weed Abatement Fire means any outdoor burning for the sole purpose of disposing of noxious weeds identified in the State Noxious Weed List, Chapter 16-750 WAC.
 13. Nuisance means an emission of smoke or other emissions from any outdoor fire that unreasonably interferes with the use and enjoyment of property or public areas.
 14. Other Outdoor Burning means outdoor burning other than agricultural burning, silvicultural burning, residential burning, land clearing burning, storm or flood debris burning, tumbleweed burning, weed abatement fires, fire fighting instruction fires, rare and endangered plant regeneration fires, Indian ceremonial fires, and recreational fires. It includes, but is not limited to, any outdoor burning necessary to protect public health and safety.
 15. Outdoor Burning or Open Burning-See definition in Article I, Section 1.04 of this Regulation.
 16. Permitting Authority means the Spokane Regional Clean Air Agency (Authority), or one or more of the following entities, whenever the Authority and an entity have signed an agreement regarding a permitting program or the Authority has delegated administration of the permitting program, pursuant to RCW 70.94.654, to one or more of the referenced entities, provided such delegation of authority has not been withdrawn: Spokane County, any fire protection agency within Spokane County, Department of Natural Resources, or the Spokane County Conservation District.
 17. Premises of a Residence means the real property immediately adjacent to the residence which is owned by the same person who owns the residence, and which is not devoted to

agricultural or silvicultural use, other than yard and gardening activities connected with the residence.

18. Prohibited Materials means garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction debris, demolition debris, metal or any substance (other than natural vegetation) that releases toxic emissions, dense smoke or obnoxious odors, when burned.
 19. Reasonable Alternative means a method for disposing of organic refuse (such as natural vegetation) that is available, reasonably economical, and less harmful to the environment than burning, including but not limited to, waste reduction, recycling, energy recovery or incineration, and landfill disposal.
 20. Recreational Fire means a small fire, limited to cooking fires and campfires, using charcoal, natural gas, propane, or clean, dry, natural firewood (e.g., tree trunk wood), and which occurs in designated areas on public lands or on private property. Fires used for debris disposal are not considered recreational fires.
 21. Residential Burning means the outdoor burning of natural yard and garden debris (i.e., dry garden trimmings, tree clippings, lawn rakings, dry leaves and needles) originating on the maintained / improved area of residential property (i.e., lands immediately adjacent and in close proximity to a human dwelling) and burned on such lands by the property owner and/or any other responsible person.
 22. Responsible Person means any person who has applied for and received a permit for outdoor burning, or any person allowing, igniting or attending to an outdoor fire, or any person who owns or controls property on which an outdoor fire occurs.
 23. Silvicultural Burning means burning on unimproved land the Department of Natural Resources protects pursuant to RCW 70.94.030(20), 70.94.660, and 70.94.690, and pursuant to Chapter 76.04 RCW.
 24. Small Fire means a fire generated by a pile of combustible material with dimensions no greater than three feet in diameter by two feet in height.
 25. Social Event means a public event or celebration officially sponsored by Spokane County or an incorporated city or town.
 26. Urban Growth Area means an area defined by RCW 36.70A.030.
- D. Areas Where Outdoor Burning is Prohibited. Except as provided in Section 6.01.G., no person shall practice or permit the practice of outdoor burning in any of the following locations:
1. Within a No-Burn Area, as defined by resolution of the Board of Directors of the Authority.
 2. After December 31, 2000, within any urban growth area having a population of 5,000 or more people, or within any incorporated city or town having a population of 10,000 or more people, or within any urban growth area contiguous with a nonattainment area or former nonattainment area.
 3. After December 31, 2006, within any urban growth area.
 4. Where the Authority, Ecology, or permitting authority has determined that reasonable alternatives are available.

E. General Conditions. Considering population density and local conditions affecting air quality, the Authority or permitting authority shall establish conditions for all permits to minimize air pollution as much as practical. Such conditions may be general (applying to all permits) or specific (applying to individual permits). Conditions may address permissible hours of burning, maximum size or volume of material to be burned, requirements for good combustion practice, burning under specified weather conditions, pre-burn and post-burn reporting, and other criteria, determined by the permitting authority, as necessary to minimize air pollution. Unless exempt per Section 6.01.G, any person who practices or permits the practice of outdoor burning shall, in addition to any specific permit conditions established imposed, comply with the following general conditions:

1. Curtailments.
 - a. No outdoor fire may be ignited in a geographical area where:
 - 1) Ecology has declared an episode;
 - 2) Authority has declared impaired air quality; or
 - 3) The appropriate fire protection agency or other agency of jurisdiction has declared a fire danger burn ban, unless that agency grants an exception.
 - b. The responsible person shall contact the Authority or permitting authority each day, prior to igniting an outdoor fire, to determine outdoor burning conditions.
 - c. The responsible person for an outdoor fire must extinguish the fire when an episode, impaired air quality, or fire danger burn ban that applies to the burning is declared. All small fires shall be immediately extinguished by smothering the fire with water or soil. All other fires shall be extinguished by methods including, but not limited to, withholding new fuel and allowing the fire to burn down. In this regard:
 - 1) Smoke visible from all types of outdoor burning, except land clearing burning, after a time period of three hours has elapsed from the time an air pollution episode, impaired air quality condition, or fire danger burn is declared, will constitute prima facie evidence of unlawful outdoor burning.
 - 2) Smoke visible from land clearing burning after a time period of eight hours has elapsed from the time an air pollution episode, impaired air quality condition, or fire danger burn ban is declared, will constitute prima facie evidence of unlawful outdoor burning.
2. The fire must not include any prohibited materials.
3. Only one pile may be burned at a time (i.e. each fire must be extinguished before lighting another).
4. The fire must not be larger than a small fire.
5. Burning for commercial purposes is not allowed (i.e., when burning is not for residential purposes), other than silvicultural burning or agricultural burning.
6. The fire must not include materials hauled from another property, other than charcoal, natural gas, propane, or clean, dry, natural firewood.

7. Burning may occur only during daylight hours, or a more restrictive period as determined by the Authority or permitting authority.
 8. Until extinguished, the fire shall be attended by a person who is responsible and capable of extinguishing the fire.
 9. Any person responsible for unlawful outdoor burning must immediately extinguish the fire, except as provided for in Section 6.01.E.1.c.
 10. Permission from the landowner, or the landowner's designated representative, must be obtained before starting the fire.
 11. No fires are to be within 50 feet of structures.
 12. No fires are to be in or within 500 feet of forest slash.
 13. If an outdoor container is used for burning, it must be constructed of concrete or masonry with a completely enclosed combustion chamber and equipped with a permanently attached spark arrestor constructed of iron, heavy wire mesh, or other non-combustible material with openings not larger than one-half inch.
 14. Any person responsible for outdoor burning must immediately extinguish the fire if it causes a nuisance or if the permitting authority determines that the creation of a nuisance would likely result from burning.
 15. Structural fire training, provided for in Sections 6.01.G.1.g and 6.01.G.2.e, may be performed by a fire protection agency provided the following requirements are met:
 - a. The owner and fire protection agency must have met the requirements in SRCAA Regulation I, Article IX and Section 10.09 prior to training;
 - b. The fire protection agency conducting the fire training must have a fire-training plan, which will be made available to the Authority upon request, and the purpose of the structural fire must be to train fire fighters; and
 - c. Composition roofing, asphalt roofing shingles, asphalt siding materials, miscellaneous debris from inside the structure, carpet, linoleum, and floor tile, must not be burned unless such materials are identified by the fire protection agency as being an essential part of the fire training exercise and are described as such in the fire-training plan. Materials removed from the structure(s) must be disposed of in a lawful manner prior to the training exercise.
- F. Outdoor Burning of Residential Yard and Garden Debris. In addition to the requirements in Section 6.01.D and E, any person who burns yard and garden debris shall comply with the following:
1. Only Residential Burning is allowed, per Section 6.01.C.21.
 2. Burning shall be conducted no more than 8 days per year, which shall be restricted to a season specified by the Board of Directors or Control Officer of the Authority, as allowed in WAC 173-425-060(5), unless a written permit has been issued by a permitting authority operating under a delegation agreement with the Authority.
 3. Burning shall be conducted between the hours of 9:00 am and 5:00 pm or a more restrictive period, as determined by the Authority or permitting authority.

G. Exceptions. Exceptions to Sections 6.01.D and E. shall be made as follows:

1. Exceptions that do not Require an Outdoor Burning Permit. The prohibitions in Section 6.01.D and the general conditions in Section 6.01.E are waived as indicated for the following types of fires:
 - a. Indian ceremonial fires are exempt from the prohibitions in Section 6.01.D and Section 6.01.E.4, 6, 7 and 11.
 - b. Recreational fires are exempt from the prohibitions in Section 6.01.D and Section 6.01.E. 7 and 13, provided the fire is not started an unreasonable length of time before, nor continues an unreasonable length of time beyond, its recreational purpose.
 - c. Fires fueled exclusively by flares or torches are exempt from the prohibitions in Section 6.01.D and Section 6.01.E. 2-3, 5, 7, and 11-12 provided the flares or torches are not started an unreasonable length of time before nor continue an unreasonable length of time beyond the event for which they are being used.
 - d. Aircraft crash rescue training fires authorized by a fire protection agency do not require a permit if performed in accordance with RCW 70.94.650(5) and are exempt from the prohibitions in Section 6.01.D and Section 6.01.E. 2-7 and 11-12.
 - e. Forest fire instruction fires authorized by a fire protection agency are exempt from the prohibitions in Section 6.01.D and Section 6.01.E. 2-5, 7 and 12.
 - f. Structural fire training fires authorized by a fire protection agency that are located within unincorporated areas and outside urban growth areas do not require a burning permit if performed in accordance with RCW 52.12.150 and are exempt from the prohibitions in Section 6.01.D.1, and Section 6.01.E. 2-5, 7 and 11-12.
 - g. Flag Retirement Ceremony Fires for disposing of the flag of the United States of America, pursuant to 36 U.S.C. 176(k), are exempt from Section 6.01.D and Section 6.01.E. 2, 5-7, 11, and 13.
2. Exceptions that Require an Outdoor Burning Permit. The following types of fires may be exempted from one or more of the prohibitions in Section 6.01.D and/or the general conditions in Section 6.01.E when authorized by the Authority and a written permit has been issued by the permitting authority:
 - a. Fires ordered by a duly authorized health officer to dispose of, diseased animals and other infested material, as required, to keep the infestation from spreading.
 - b. Fires ordered by a fire protection agency of jurisdiction, to dispose of materials presenting a danger to life, property, or public welfare.
 - c. Fires authorized by a fire protection agency of jurisdiction, necessary for training, including military training.
 - d. Fire extinguisher training fires of short-duration for instruction on the proper use of hand-held fire extinguishers, provided the requirements below are met:
 - 1) Flammable or combustible materials used during the fire extinguisher training shall be limited to:

- (a) Less than 2 gallons of clean kerosene or diesel fuel oil per training exercise, provided that gasoline or gasoline mixed with diesel or kerosene may be used only by local fire departments, fire protection agencies, fire marshals, or fire districts;
 - (b) As much gaseous fuel (propane or natural gas) as required for the training exercise; and/or
 - (c) Less than 0.5 cubic yards of clean, solid combustible materials per training exercise. Examples of solid combustible materials are natural firewood, untreated scrap lumber, and unused paper.
- 2) All training must be conducted by local fire officials or a qualified instructor. Instructor qualifications and a training plan must be available to the Authority upon request; and
- 3) Prior to the training, the person(s) conducting the exercise must notify the local fire department, fire marshal, or fire district and must meet all applicable local ordinances and permitting requirements.
- e. Structural fire training fires authorized by a fire protection agency that are located within urban growth areas.
- f. Fires set as part of a defined research project.
- g. Social event fires (i.e., a fire that is larger than a small fire that is part of a social event), provided the fire is not started an unreasonable length of time before nor continues an unreasonable length of time beyond the event.
- h. Residential land clearing fires consisting of materials cleared from less than 1 acre of forested land on a 5 acre or larger parcel of land in non-commercial ownership.
- i. Silvicultural-to-agricultural land conversion fires.
- j. Storm or flood debris fires and rare and endangered plant regeneration fires, as defined in WAC 173-425-030.
- k. Fires set for improving and maintaining fire dependent ecosystems, as provided in RCW 70.94.660.
- l. Noxious Weed Abatement fires, as provided for in WAC 173-425-060(2)(e) and RCW 70.94.650(1)(a).
- 3. Nothing in Section 6.01 shall apply to burning of combustible material in a multiple-chambered unit, such as in a multiple-chambered incinerator, as long as the unit is registered with the Authority pursuant to Article IV or the operator possesses a valid Notice of Construction approval issued pursuant to Article V and the unit complies with all applicable regulations.
- H. Permit Requirements. Written permits, as required in Section 6.01.G.2, are subject to the following requirements:
 - 1. All applicants for outdoor burning permits must submit their requests to burn, on forms or in a format provided by the permitting authority.

2. The permitting authority may require additional information from the applicant, as necessary to determine if outdoor burning is reasonably necessary, to determine how best to minimize air pollution, and to determine if any special conditions are applicable.
3. The permitting authority shall not issue a permit if it determines that the proposed burning will cause or is likely to cause a nuisance.
4. The permitting authority may deny an application or revoke a previously issued permit if it is determined by the permitting authority that the application contained inaccurate information, or failed to contain pertinent information, which information is deemed by the permitting authority to be significant enough to have a bearing on the permitting authority's decision to grant a permit.
5. All applicants for outdoor burning permits shall pay a fee at the time of application, according to a schedule of fees, established by resolution or other official action of the permitting authority. When the permitting authority is the Spokane Regional Clean Air Agency, the fee shall be according to the schedule in Regulation I, Article X, Section 10.13.
6. No permit for outdoor burning shall be granted on the basis of a previous permit history.
7. The responsible person attending the permitted fire shall maintain the permit or a copy of the permit in his or her immediate possession, and make the permit available for review upon request of the permitting authority.
8. Permit timelines. For fires in Section 6.01.G.2.a, b and f-l, all applicants shall submit an application in accordance with Section 6.01.H.8.a. For fires in Section 6.01.G.2.c-e, all applicants shall submit an application in accordance with Section 6.01.H.8.a and/or b.
 - a. 30-day permit (for fires in Section 6.01.G.2).
 - 1) Unless otherwise approved by the permitting authority, all applicants shall submit a completed permit application no less than 10 days prior to the first proposed burn date. Unless otherwise approved by the permitting authority, applications will be accepted no more than 180 days prior to the first proposed burn date.
 - 2) One application may be submitted for each type of outdoor fire provided for in Section 6.01.G.2 when the request is for burning at one real property, within a specified 30-day period.
 - 3) The permit shall expire 29 consecutive days after the first proposed burn date.
 - b. Annual permit (limited to fires in Section 6.01.G.2.c-e).
 - 1) Unless otherwise approved by the Authority, all applicants shall submit a completed permit application no less than 30 days prior to the first proposed burn date.
 - 2) One application is required for outdoor burning provided for in Section 6.01.G.2.c-e when the request is for burning at one or more real properties during a 12-month period.
 - 3) A responsible person must notify the Authority prior to each burn. Notification shall be written (e.g., facsimile or electronic mail) or verbal (e.g., voice-mail message) and must include the name of fire protection

agency, name of responsible person, date that training will occur, permit number allowing such training, telephone number at which the responsible person may be contacted during the fire training exercise, and address at which fire training exercises will be conducted.

- 4) The permit shall expire 364 consecutive days after the first proposed burn date.

I. Agreements with Permitting Authorities

1. The Authority may enter into agreements with permitting authorities, as defined in Section 6.01.C.14.
2. Agreements must define the roles, responsibilities and duties of the Authority and the permitting authority. Such agreements may include, but are not limited to, the following program elements:
 - a. The types of burning to be addressed under the agreement;
 - b. The exceptions (Section 6.01.G) applicable;
 - c. The scope of discretion of the permitting authority;
 - d. Permit tracking;
 - e. Reporting; and
 - f. Enforcement.
3. Agreements will remain in effect until cancelled. An agreement may be cancelled for any reason, by any entity or representative thereof, that signed the agreement, provided notice has been given at least 30 days prior to cancellation to all entities that signed the agreement.

J. Violations.

1. The Authority may issue a Notice of Violation to a responsible person when:
 - a. Any specific prohibition, requirement, permit condition, or any general condition specified in Section 6.01 is violated.
2. A fire protection agency called to respond to, control, or extinguish an illegal or out-of-control fire may charge and recover from the responsible person(s), the costs of its response and control action.
3. Permitting authorities may refer field notices and other documentation to the Authority for appropriate enforcement action. The Authority shall remit one-half of any civil penalty collected, to the referring agency, if the referring agency makes such a request in writing at the time of referral.

K. The provisions of this Section are severable. If any phrase, sentence, paragraph, or provision is held invalid, the application of such phrase, sentence, paragraph, or provision to other circumstances and the remainder of this Section shall not be affected.

L. Compliance. The responsible person is expected to comply with all applicable laws and regulations. Compliance with Section 6.01 or qualifying for an exception in Section 6.01.G. does

not insure that outdoor burning complies with other applicable laws and regulations implemented by any other permitting authority or entity.