

ARTICLE VI

EMISSIONS PROHIBITED

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SECTION 6.01 OUTDOOR BURNING

A. Purpose. (WAC 173-425-010(1-3))

This Section establishes controls for outdoor burning in Spokane County in order to:

1. Minimize or prohibit outdoor burning to the greatest extent practicable.
2. Minimize or eliminate the impact of emissions from outdoor burning by defining conditions under which outdoor burning may be conducted.
3. Encourage the development and specify the use of reasonable alternatives to outdoor burning. Reasonable alternatives are methods for disposing of organic refuse (such as natural vegetation) that are available, reasonably economical, and less harmful to the environment than burning.
4. Geographically limit outdoor burning in order to assure continued attainment of the National Ambient Air Quality Standards for carbon monoxide (CO) and fine particulate matter (PM_{2.5}) as specified in 40 CFR Part 50.

B. Applicability. (WAC 173-425-020)

1. This Section applies to all outdoor burning in Spokane County except:
 - a. Silvicultural burning. (RCW 70.94.6534(1) & Chapter 332-24 WAC)

Silvicultural burning is related to the following activities for the protection of life or property and / or the public health, safety, and welfare:
 - i. Abating a forest fire hazard;

- ii. Prevention of a forest fire hazard;
- iii. Instruction of public officials in methods of forest firefighting;
- iv. Any silvicultural operation to improve the forest lands of the state; and
- v. Silvicultural burning used to improve or maintain fire dependant ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas.

b. Agricultural Burning. (Section 6.11 of this Regulation)

Agricultural burning is 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 70.94.6528 or other authoritative source on agricultural practices.

c. Any outdoor burning on lands within the exterior boundaries of Indian reservations (unless provided for by intergovernmental agreement).

2. This Section specifically applies to:

a. Firefighting Instruction Fires.

- i. Aircraft Crash Rescue Fire Training. (Section 6.01.D.1.a)
- ii. Extinguisher Training. (Section 6.01.D.1.b)
- iii. Forest Fire Training. (Section 6.01.D.1.c)
- iv. Structural Fire Training. (Section 6.01.D.1.d)
- v. Types of Other Firefighting Instruction Fires. (Section 6.01.D.1.e)

b. Fire Hazard Abatement Fires. (Section 6.01.D.2)

c. Flag Retirement Ceremony Fires. (Section 6.01.D.3)

- d. Indian Ceremonial Fires. (Section 6.01.D.4)
 - e. Land Clearing Fires. (Section 6.01.D.5)
 - f. Rare and Endangered Plant Regeneration Fires. (Section 6.01.D.6)
 - g. Recreational Fires. (Section 6.01.D.7)
 - h. Residential Fires. (Section 6.01.D.8)
 - i. Social Event Fires. (Section 6.01.D.9)
 - j. Storm or Flood Debris Fires. (Section 6.01.D.10)
 - k. Tumbleweed Fires. (Section 6.01.D.11)
 - l. Weed Abatement Fires. (Section 6.01.D.12)
 - m. Other Outdoor Fires. (Section 6.01.D.13)
3. The provisions of Chapter 173-425 WAC (Outdoor Burning) are herein incorporated by reference.
 4. 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.

C. Definitions. (WAC 173-425-030)

Words and phrases used in this Section shall have the meaning defined in Chapter 173-425 WAC, unless a different meaning is clearly required by context or is otherwise defined in this Section.

1. Natural Vegetation means unprocessed plant material from herbs, shrubbery, and trees, including grass, weeds, leaves, clippings, prunings, brush, branches, roots, stumps, and trunk wood. It does not include dimensional lumber, mills ends, etc.
2. Outdoor Burning means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion. For the purpose of this rule, "outdoor burning" means all types of outdoor burning except agricultural burning and silvicultural burning. (RCW 70.94.6511)

3. Permitting Agency means the Spokane Regional Clean Air Agency (SRCAA), or one or more of the following entities, whenever SRCAA and an entity have signed an agreement regarding a permitting program or SRCAA has delegated administration of the permitting program to one or more of the following entities, provided such delegation of authority has not been withdrawn: Spokane County, any fire protection agency within Spokane County, Washington State Department of Natural Resources (DNR), or the Spokane County Conservation District. (RCW 70.94.6530)
4. Person means any individual(s), firm, public corporation, private corporation, association, partnership, political subdivision, municipality, or government agency. It includes any person who has applied for and received a permit for outdoor burning; any person allowing, igniting, or attending a fire; or any person who owns or controls property on which outdoor burning occurs.
5. Responsible Person means any person who has applied for and received a permit for outdoor burning, or any person allowing, igniting, or attending to a fire, or any person who owns or controls property on which outdoor burning occurs.

D. Outdoor Burning Permitted.

1. Firefighting Instruction Fires. (WAC 173-425-020(2)(f), WAC 173-425-030(5), WAC 173-425-050, WAC 173-425-060(1), (2)(f) & (3-4))

Firefighting instruction fires are fires for the purpose of firefighter training, including, but not limited to aircraft crash rescue fire training, extinguisher training, forest fire training, and structural fire training. Unless specified otherwise, this subsection serves as a general permit by SRCAA.

- a. Aircraft Crash Rescue Fire Training. (RCW 70.94.6546(1-2), WAC 173-425-020(2)(f), WAC 173-425-030(5), WAC 173-425-050, WAC 173-425-060(1), (2)(f) & (3-4))
 - i. Aircraft crash rescue training fires conducted pursuant to all of the following do not require a permit:
 - (a) Firefighters participating in the training fires are limited to those who provide firefighting support to an airport that is either certified by the federal aviation administration or operated in support of military or governmental activities.
 - (b) The fire training may not be conducted during an air pollution episode or any stage of impaired air quality

declared under RCW 70.94.715 for the area where training is to be conducted.

- (c) The number of training fires allowed each year without a written permit shall be the minimum number necessary to meet federal aviation administration or other federal safety requirements.
- (d) The facility shall use current technology and be operated in a manner that will minimize, to the extent possible, the air contaminants generated during the training fire.
- (e) The organization conducting the training shall notify the local fire district or fire department prior to commencement of the training. The organization conducting the training shall also notify SRCAA prior to commencement of the training.

ii. Unless specifically authorized in writing by SRCAA, the prohibitions / requirements in Section 6.01.F of this Regulation apply to all aircraft crash rescue fire training fires as listed below:

- (a) Aircraft crash rescue fire training fires are exempt from the following:

- F.2. Hauled Materials
- F.6. Containers
- F.8. Distances
- F.10. Burn Hours
- F.11. Number of Piles
- F.12. Fuel Area
- F.13. Written Permits
- F.15. Areas Prohibited

- (b) Aircraft crash rescue fire training fires are not exempt from the following:

- F.1. Prohibited Materials (except petroleum products)
- F.3. Curtailments
- F.4. Nuisance
- F.5. Burning Detrimental to Others
- F.7. Extinguishing a Fire
- F.9. Landowner Permission
- F.14. Property Access

F.16. Other Requirements

iii. Persons conducting aircraft crash rescue fire training are responsible for responding to citizen inquiries and resolving citizen complaints caused by the training activity.

b. Extinguisher Training. (WAC 173-425-020(2)(f), WAC 173-425-030(5), WAC 173-425-050, WAC 173-425-060(1), (2)(f) & (3-4))

Extinguisher training fires of short-duration for instruction on the proper use of hand-held fire extinguishers may be conducted without a written permit provided all of the following requirements are met:

i. Unless specifically authorized in writing by SRCAA, the prohibitions / requirements in Section 6.01.F of this Regulation apply to extinguisher training fires as listed below:

(a) Extinguisher training fires are exempt from the following:

- F.2. Hauled Materials
- F.6. Containers
- F.8. Distances
- F.10. Burn Hours
- F.11. Number of Piles
- F.12. Fuel Area
- F.13. Written Permits
- F.15. Areas Prohibited

(b) Extinguisher training fires are not exempt from the following:

- F.1. Prohibited Materials (except as provided for in Section 6.01.D.1.b.ii of this Regulation, below)
- F.3. Curtailments
- F.4. Nuisance
- F.5. Burning Detrimental to Others
- F.7. Extinguishing a Fire
- F.9. Landowner Permission
- F.14. Property Access
- F.16. Other Requirements

ii. Flammable or combustible materials used during the fire extinguisher training shall be limited to:

- (1) 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;
 - (2) As much gaseous fuel (propane or natural gas) as required for the training exercise; or
 - (3) Less than 0.5 cubic yards of clean, solid combustible materials per training exercise. Examples of solid combustible materials are seasoned wood, untreated scrap lumber, and unused paper.
- iii. All training must be conducted by fire training officials or an instructor qualified to perform fire training. A copy of the written training plan, and when applicable, instructor qualifications, must be provided to SRCAA upon request.
 - iv. Prior to the training, the responsible person(s) conducting the exercise must notify the local fire department, fire marshal, or fire district and meet all applicable local ordinances and permitting requirements.
 - v. Persons conducting extinguisher training fires are responsible for responding to citizen inquiries and resolving citizen complaints caused by the training activity.
- c. Forest Fire Training. ((RCW 70.94.6546(4), WAC 173-425-020(2)(f), WAC 173-425-030(5), WAC 173-425-050, WAC 173-425-060(1), (2)(f) & (3-4))

A fire protection agency may conduct forest fire training fires consisting of only natural vegetation without a written permit.

- i. Unless specifically authorized in writing by SRCAA, the prohibitions / requirements in Section 6.01.F of this Regulation apply to forest fire training fires as listed below:
 - (a) Forest fire training fires are exempt from the following:
 - F.2. Hauled Materials
 - F.6. Containers
 - F.8. Distances
 - F.10. Burn Hours

- F.11. Number of Piles
- F.12. Fuel Area
- F.13. Written Permits
- F.15. Areas Prohibited

(b) Forest fire training fires are not exempt from the following:

- F.1. Prohibited Materials
- F.3. Curtailments
- F.4. Nuisance
- F.5. Burning Detrimental to Others
- F.7. Extinguishing a Fire
- F.9. Landowner Permission
- F.14. Property Access
- F.16. Other Requirements

- ii. Grassland or wildland fires used for the purpose of forest fire training fires qualify as forest firefighting instruction fires. Grassland or wildland fires not used for the purpose of forest fire instruction fires shall be performed pursuant to Section 6.01.D.1.e of this Regulation. Section 6.01.D.1.e is Types of Firefighting Instruction Fires Not Listed Above.
- iii. Persons conducting forest fire training are responsible for responding to citizen inquiries and resolving citizen complaints caused by the training activity.

d. Structural Fire Training. ((RCW 52.12.150(4), (RCW 70.94.6546(3), WAC 173-425-020(2)(f), WAC 173-425-030(5), WAC 173-425-050, WAC 173-425-060(1), (2)(f) & (3-4))

A fire protection agency may conduct structural fire training without a written permit provided all of the following requirements are met:

i. Unless specifically authorized in writing by SRCAA, the prohibitions / requirements in Section 6.01.F of this Regulation apply to structural fire training fires as listed below:

(a) Structural fire training fires are exempt from the following:

- F.1. Prohibited Materials (except as provided for in Section 6.01.D.1.d.iv of this Regulation, below)
- F.2. Hauled Materials

- F.6. Containers
- F.8. Distances
- F.10. Burn Hours
- F.11. Number of Piles
- F.12. Fuel Area
- F.13. Written Permits
- F.15. Areas Prohibited

(b) Structural fire training fires are not exempt from the following:

- F.3. Curtailments
- F.4. Nuisance
- F.5. Burning Detrimental to Others
- F.7. Extinguishing a Fire
- F.9. Landowner Permission
- F.14. Property Access
- F.16. Other Requirements

- ii. The owner and fire protection agency(ies) must meet the requirements in SRCAA Regulation I, Article IX – Asbestos Control Standards and SRCAA Regulation I, Article X, Section 10.09 – Asbestos Project And Demolition Notification Waiting Period And Fees, prior to conducting the training. This includes clearly identifying structures on the Notice of Intent that will be used for structural fire training.
- iii. The fire protection agency(ies) conducting the fire training must have a fire training plan available to SRCAA upon request, and the purpose of the structural fire must be to train firefighters.
- iv. Composition roofing, asphalt roofing shingles, asphalt siding materials, miscellaneous debris from inside the structure, carpet, linoleum, and floor tile shall not be burned unless such materials are 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.
- v. Structural fire training shall not be conducted if, in consideration of prevailing air patterns, the fire is likely to cause a nuisance.
- vi. The fire protection agency(ies) conducting the training must provide notice to the owners of property adjoining the

property on which the fire training will occur, to other persons who potentially will be impacted by the fire, and to additional persons in a broader manner if specifically requested by SRCAA.

- vii. Structural fire training shall be performed in accordance with RCW 52.12.150.
- viii. Persons conducting structural fire training are responsible for responding to citizen inquiries and resolving citizen complaints caused by the training activity.

- e. Types of Firefighting Instruction Fires Not Listed Above. (WAC 173-425-020(2)(f), WAC 173-425-030(5), WAC 173-425-050, WAC 173-425-060(1), (2)(f) & (3-4))

A fire protection agency may conduct firefighting instruction fires not provided for in Section 6.01.D.1.a-d of this Regulation (e.g., car rescue training fires, simulated fires at permanent fire training facilities, simulated fires via mobile fire training units, etc.) if all of the following are met:

- i. Unless specifically authorized in writing by SRCAA, the prohibitions / requirements in Section 6.01.F of this Regulation apply to other firefighting instruction fires as listed below:
 - (a) Other firefighting training fires are exempt from the following:
 - F.2. Hauled Materials
 - F.6. Containers
 - F.8. Distances
 - F.10. Burn Hours
 - F.11. Number of Piles
 - F.12. Fuel Area
 - F.13. Written Permits
 - F.15. Areas Prohibited
 - (b) Other firefighting training fires are not exempt from the following:
 - F.1. Prohibited Materials (except as provided for in Section 6.01.D.1.e.iii of this Regulation)
 - F.3. Curtailments
 - F.4. Nuisance

- F.5. Burning Detrimental to Others
- F.7. Extinguishing a Fire
- F.9. Landowner Permission
- F.14. Property Access
- F.16. Other Requirements

- ii. The fire protection agency(ies) conducting the fire training must have a fire-training plan available to SRCAA upon request, and the purpose of the structural fire must be to train firefighters.
- iii. The prohibited materials described in Section 6.01.F.2 of this Regulation may not be burned in any fire unless such materials are an essential part of the fire training exercise and are described as such in the fire training plan.
- iv. Persons conducting other firefighting training are responsible for responding to citizen inquiries and resolving citizen complaints caused by the training activity.

2. Fire Hazard Abatement Fires.

- a. A permit from a permitting agency other than SRCAA is required pursuant to Section 6.01.E of this Regulation for fire hazard abatement fires. All fire hazard abatement fires require a written permit unless an alternate permitting method is specified in a written agreement (e.g. Memorandum of Understanding) between SRCAA and the permitting agency.
- b. Unless specifically authorized in writing by the permitting agency and pursuant to a written agreement between SRCAA and the permitting agency, the prohibitions / requirements in Section 6.01.F of this Regulation apply as listed below:
 - i. Fire hazard abatement fires may be exempt from the following at the permitting agency's discretion:
 - F.8. Distances
 - F.11. Number of Piles
 - F.12. Fuel Area
 - ii. Fire hazard abatement fires are not exempt from the following:
 - F.1. Prohibited Materials
 - F.2. Hauled Materials

- F.3. Curtailments
- F.4. Nuisance
- F.5. Burning Detrimental to Others
- F.6. Containers
- F.7. Extinguishing a Fire
- F.9. Landowner Permission
- F.10. Burn Hours
- F.13. Written Permits
- F.14. Property Access
- F.15. Areas Prohibited
- F.16. Other Requirements

- 3. Flag Retirement Ceremony Fires. (RCW 70.94.6522, WAC 173-425-020(2)(j), WAC 173-425-030(15), WAC 173-425-040(5), WAC 173-425-060(1)(b), and WAC 173-425-060(1), (2)(j) & (3-4))

A flag retirement ceremony fire is a ceremonial fire for the purpose of disposing of cotton or wool flags of the United States of America, by fire, pursuant to 36 United States Code 176(k). A flag retirement ceremony fire is a type of other outdoor fire as provided for in WAC 173-425-030(15). The ceremony generally involves placing the flags one at a time in a small fire during the ceremony until the last flag is burned.

- a. This subsection serves as a general permit by SRCAA.
- b. The prohibitions / requirements in Section 6.01.F of this Regulation apply to flag retirement ceremony fires as listed below:
 - i. Unless specifically authorized in writing by SRCAA, flag retirement ceremony fires are exempt from the following:
 - F.2. Hauled Materials
 - F.6. Containers
 - F.8. Distances
 - F.10. Burn Hours
 - F.11. Number of Piles
 - F.12. Fuel Area
 - F.13. Written Permits
 - F.15. Areas Prohibited
 - ii. Flag retirement ceremony fires are not exempt from the following:
 - F.1. Prohibited Materials (except for cotton or wool flags and minimal accelerant necessary to burn the flags)
 - F.3. Curtailments

- F.4. Nuisance
- F.5. Burning Detrimental to Others
- F.7. Extinguishing a Fire
- F.9. Landowner Permission
- F.14. Property Access
- F.16. Other Requirements

- c. A ceremony for disposal of unserviceable cotton or wool flags using methods other than burning (e.g. burying or recycling) or burning a small number of representative cotton or wool flags for the flag retirement ceremony is recommended, but not required.
 - d. Burning flags made of synthetic materials (e.g. nylon) is prohibited.
4. Indian Ceremonial Fires. (RCW 70.94.6550, WAC 173-425-020(2)(h), WAC 173-425-030(8)), WAC 173-425-050, WAC 173-425-060(1), (2)(h) & (3-4))

Indian ceremonial fires are fires using charcoal or clean, dry, bare, untreated wood (for the purpose of this definition, it includes commercially manufactured fire logs) necessary for Native American Ceremonies (i.e. conducted by and for Native Americans) if part of a religious ritual.

- a. This subsection serves as a general permit by SRCAA.
- b. Unless specifically authorized in writing by SRCAA, the prohibitions / requirements in Section 6.01.F of this Regulation apply to Indian ceremonial fires as listed below:
 - i. Indian ceremonial fires are exempt from the following:
 - F.2. Hauled Materials
 - F.6.b. Containers
 - F.10. Burn Hours
 - F.13. Written Permits
 - F.15. Areas Prohibited
 - ii. Indian ceremonial fires are not exempt from the following:
 - F.1. Prohibited Materials
 - F.3. Curtailments
 - F.4. Nuisance
 - F.5. Burning Detrimental to Others
 - F.6.a. Containers (burn barrels)
 - F.7. Extinguishing a Fire
 - F.8. Distances

F.9. Landowner Permission

F.11. Number of Piles

F.12. Fuel Area

F.14. Property Access

F.16. Other Requirements

5. Land Clearing Fires. (WAC 173-425-020(2)(b), WAC 173-425-030(9), WAC 173-425-040(1-5), WAC 173-425-050, WAC 173-425-060(1)(b) and WAC 173-425-060(1), (2)(b) & (3-4))
 - a. All land clearing burning, except for silvicultural-to-agricultural and residential land clearing burning, is prohibited effective January 13, 2002.
 - b. Silvicultural-to-agricultural burning is prohibited after April 30, 2009.
 - c. Residential land clearing burning is prohibited after December 31, 2010. Residential land clearing fires are limited to fires consisting of trees, 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) where the natural vegetation is cleared from less than one acre of forested land on a five acre or larger parcel of land in non-commercial ownership. (RCW 70.94.6526(2)). Residential land clearing fires may also have the effect of abating or prevention of a forest fire hazard and thereby fit the definition of silvicultural burning. In those situations where residential land clearing burning consists of materials cleared from less than 1 acre of forested land on a 5 acre or larger parcel of land in non-commercial ownership is determined by DNR to meet the criteria to be defined as silvicultural burning, SRCAA may defer the decision to DNR to approve the fire and issue a permit pursuant to a Memorandum of Understanding between SRCAA and DNR. In so doing, DNR acknowledges that the fire is silvicultural burning and subject to Chapter 332-24 WAC.
6. Rare and Endangered Plant Regeneration Fires. (RCW 70.94.6524, RCW 70.94.6534(2), WAC 173-425-020(2)(g), WAC 173-425-030(19), WAC 173-425-050, WAC 173-425-060(1), (2)(g), (3-4) & (6).

Rare and endangered plant regeneration fires are fires necessary to promote the regeneration of rare and endangered plants found within natural area preserves as identified in Chapter 79.70 RCW.

- a. Pursuant to RCW 70.94.6534(2), the appropriate fire protection agency permits and regulates rare and endangered plant

regeneration fires on lands where the department of natural resources does not have fire protection responsibility.

b. Unless otherwise allowed or required by the fire protection agency, the prohibitions / requirements in Section 6.01.F of this Regulation apply to rare and endangered plant regeneration fires as listed below:

i. Rare and endangered plant regeneration fires are exempt from the following:

- F.8. Distances
- F.10. Burn Hours
- F.11. Number of Piles
- F.12. Fuel Area
- F.13. Written Permits
- F.15. Areas Prohibited

ii. Rare and endangered plant regeneration fires are not exempt from the following:

- F.1. Prohibited Materials
- F.2. Hauled Materials
- F.3. Curtailments
- F.4. Nuisance
- F.5. Burning Detrimental to Others
- F.6. Containers
- F.7. Extinguishing a Fire
- F.9. Landowner Permission
- F.14. Property Access
- F.16. Other Requirements

c. Pursuant to WAC 173-425-060(6), any agency that issues permits, or adopts a general permit for rare and endangered plant regeneration fires is responsible for field response to outdoor burning complaints and enforcement of all permit conditions and requirements of Chapter 173-425 WAC unless another agency has agreed under WAC 173-425-060(1)(a) to be responsible for certain field response or enforcement activities. Except for enforcing fire danger burn bans as referenced in WAC 173-425-050(3)(a)(iii), SRCAA may also perform complaint response and enforcement activities.

7. Recreational Fires. WAC 173-425-020(2)(i), WAC 173-425-030(21), WAC 173-425-050, WAC 173-425-060(1), (2)(i) & (3-4))

A recreational fire is a small fire with a fuel area no larger than 3 feet in diameter and 2 feet in height and is limited to cooking fires, campfires, and fires for pleasure using charcoal or firewood in designated areas on public lands (e.g. campgrounds) or on private property. Firewood refers to clean, dry (e.g., tree trunk wood that is split and seasoned and has less than 20 percent moisture content), bare, wood from trees. Commercially manufactured fire logs are acceptable fuels unless determined otherwise by SRCAA. Fires fueled by liquid or gaseous fuels (e.g. propane or natural gas barbecues) are not considered recreational fires. Fires used for debris disposal are not considered recreational fires.

- a. This subsection serves as a general permit by SRCAA.
 - b. The prohibitions / requirements in Section 6.01.F of this Regulation apply to recreational fires as listed below:
 - i. Recreational fires are exempt from the following:
 - F.2. Hauled Materials
 - F.6.b. Containers
 - F.10. Burn Hours
 - F.13. Written Permits
 - F.15. Areas Prohibited
 - ii. Recreational fires are not exempt from the following:
 - F.1. Prohibited Materials
 - F.3. Curtailments
 - F.4. Nuisance
 - F.5. Burning Detrimental to Others
 - F.6.a. Containers (burn barrels)
 - F.7. Extinguishing a Fire
 - F.8. Distances
 - F.9. Landowner Permission
 - F.11. Number of Piles
 - F.12. Fuel Area
 - F.14. Property Access
 - F.16. Other Requirements
8. Residential Fires (also referred to as Residential Burning or Residential Yard and Garden Debris Burning). (WAC 173-425-020(2)(a), WAC 173-425-030(22), WAC 173-425-040(1-3) & (5), WAC 173-425-050, WAC 173-425-060(1), (2)(a) & (3-6))

A residential fire is an outdoor fire consisting of natural yard and garden debris (i.e., dry garden trimmings, dry tree clippings, dry leaves, etc.)

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.

- a. A permit from a permitting agency other than SRCAA is required pursuant to Section 6.01.E of this Regulation. All residential fires require a written permit unless an alternate permitting method (e.g. general permit adopted by rule) is specified in a written agreement (e.g. Memorandum of Understanding) between SRCAA and the permitting agency.
- b. The prohibitions / requirements in Section 6.01.F of this Regulation apply to residential fires as listed below:
 - i. No exemptions apply to residential fires.
 - ii. Residential fires are not exempt from the following:
 - F.1. Prohibited Materials
 - F.2. Hauled Materials
 - F.3. Curtailments
 - F.4. Nuisance
 - F.5. Burning Detrimental to Others
 - F.6. Containers
 - F.7. Extinguishing a Fire
 - F.8. Distances
 - F.9. Landowner Permission
 - F.10. Burn Hours
 - F.11. Number of Piles
 - F.12. Fuel Area (except as provided in Section 6.01.D.8.c of this Regulation, below)
 - F.13. Written Permits
 - F.14. Property Access
 - F.15. Areas Prohibited
 - F.16. Other Requirements
- c. The fuel area is limited to 4 feet in diameter and 3 feet in height unless the written permit issued by the permitting agency specifically states otherwise. Under no circumstance shall the fuel area be greater than 10 feet in diameter and 6 feet in height.
- d. No vegetation shall exceed 4 inches in diameter unless the permitting agency provides a site-specific exemption in a written permit. If larger diameter vegetation is allowed, the fire shall be constructed using heavy equipment such as a track hoe or

excavator with an operator on site at all times. Fans must be employed to improve combustion.

- e. Residential fires must be at least 500 feet away from forest slash.
 - f. Residential fires must be at least 50 feet away from any adjacent land under different ownership unless the permitting agency provides a site-specific exception in the written permit and the respective neighboring landowner or landowner's designated representative gives the person responsible for burning approval to burn within 50 feet of his/her land.
 - g. In addition to the prohibitions in Section 6.01.F.15, residential burning is prohibited within any area where a permitting agency does not administer a residential burning program.
9. Social Event Fires. (WAC 173-425-020(2)(i), WAC 173-425-030(21), WAC 173-425-050, WAC 173-425-060(1), (2)(i) & (4))

A social event fire is a fire that may be greater than 3 feet in diameter and 2 feet in height and unless otherwise approved by SRCAA, is limited to events or celebrations open to the general public. A social event fire is limited to using charcoal or firewood which occurs in designated areas on public lands or on private property. Firewood refers to clean, dry (e.g., tree trunk wood that is split and seasoned with less than 20 percent moisture content), bare, wood from trees. Commercially manufactured fire logs are acceptable fuels. Fires used for debris disposal are not considered social event fires.

- a. A written permit from SRCAA is required pursuant to Section 6.01.E of this Regulation and, unless otherwise approved by SRCAA, must be submitted at least 10 working days prior to the first proposed burn date.
- b. Unless specifically authorized in writing by SRCAA, the prohibitions / requirements in Section 6.01.F of this Regulation apply as listed below:
 - i. Social event fires may be exempt from the following at SRCAA's discretion:
 - F.2. Hauled Materials
 - F.6.b. Containers
 - F.8. Distances
 - F.10. Burn Hours
 - F.11. Number of Piles

- F.12. Fuel Area
- F.15. Areas Prohibited

ii. Social event fires are not exempt from the following:

- F.1. Prohibited Materials
- F.3. Curtailments
- F.4. Nuisance
- F.5. Burning Detrimental to Others
- F.6.a. Containers (burn barrels)
- F.7. Extinguishing a Fire
- F.9. Landowner Permission
- F.13. Written Permits
- F.14. Property Access
- F.16. Other Requirements

10. Storm or Flood Debris Fires. (RCW 70.94.743 (1)(c), WAC 173-425-020(2)(c), WAC 173-425-030(24), WAC 173-425-040(5), WAC 173-425-050, WAC 173-425-060(1), (2)(c) & (3-4))

Storm and flood debris fires are fires consisting of natural vegetation deposited on lands by storms or floods that occurred within the previous 24 months, and resulted in an emergency being declared or proclaimed in the area by city, county, or state government, and burned by the property owner or other responsible person on lands where the natural vegetation was deposited by the storm or flood.

a. A written permit from SRCAA is required pursuant to Section 6.01.E of this Regulation and, unless otherwise approved by SRCAA, must be submitted at least 10 working days prior to the first proposed burn date.

b. Unless specifically authorized in writing by SRCAA, the prohibitions / requirements in Section 6.01.F of this Regulation apply as listed below:

i. Storm or flood debris fires may be exempt from the following at SRCAA's discretion:

- F.12. Fuel Area

ii. Storm or flood debris fires are not exempt from the following:

- F.1. Prohibited Materials
- F.2. Hauled Materials
- F.3. Curtailments

- F.4. Nuisance
- F.5. Burning Detrimental to Others
- F.6. Containers
- F.7. Extinguishing a Fire
- F.8. Distances
- F.9. Landowner Permission
- F.10. Burn Hours
- F.11. Number of Piles
- F.13. Written Permits
- F.14. Property Access
- F.15. Areas Prohibited
- F.16. Other Requirements

11. Tumbleweed Fires. (RCW 70.94.6554)

Tumbleweed fires are fires to dispose of dry plants (e.g., Russian Thistle and Tumbleweed Mustard Plants) that have been broken off, and rolled about, by the wind. Outdoor burning of tumbleweeds is prohibited. However, agricultural operations may burn tumbleweeds pursuant to Section 6.11 of this Regulation and Chapter 173-430 WAC.

12. Weed Abatement Fires. (RCW 70.94.6552, Chapter 16-750 WAC, WAC 173-425-020(2)(e), WAC 173-425-030(27)), WAC 173-425-040(5), WAC 173-425-050, WAC 173-425-060(1), (2)(e) & (3-4))

A weed abatement fire is any outdoor fire undertaken for the sole purpose of disposing of noxious weeds identified in the state noxious weed list.

- a. A written permit from a permitting agency other than SRCAA is required pursuant to Section 6.01.E of this Regulation.
- b. The prohibitions / requirements in Section 6.01.F of this Regulation apply to weed abatement fires as listed below:
 - i. Weed abatement fires may be exempt from the following at the permitting agency's discretion:
 - F.11. Number of Piles (refer to Section 6.01.D.11.c of this Regulation, below)
 - F.12. Fuel Area (refer to Section 6.01.D.11.c of this Regulation, below)
 - ii. Weed abatement fires are not exempt from the following:
 - F.1. Prohibited Materials
 - F.2. Hauled Materials

- F.3. Curtailments
- F.4. Nuisance
- F.5. Burning Detrimental to Others
- F.6. Containers
- F.7. Extinguishing a Fire
- F.8. Distances
- F.9. Landowner Permission
- F.10. Burn Hours
- F.13. Written Permits
- F.14. Property Access
- F.15. Areas Prohibited
- F.16. Other Requirements

- c. If burn piles are required by the permitting agency, the fuel area for each burn pile is limited to 10 feet in diameter and 6 feet in height unless the written permit issued by the permitting agency specifically states otherwise.
- d. Burning shall be limited to Monday through Friday and shall not be conducted on federally observed holidays.

13. Other Outdoor Fires. (RCW 70.94.6522, WAC 173-425-020(2)(j), WAC 173-425-030(15), WAC 173-425-040(5), WAC 173-425-060(1)(b), and WAC 173-425-060(1), (2)(j) & (3-4))

Other outdoor fires are any type of outdoor fires not specified in WAC 173-425-020(2)(a-i).

- a. Other outdoor burning will generally be limited by SRCAA to outdoor fires necessary to protect public health and safety.
- b. Other outdoor burning will generally not be allowed unless SRCAA determines that extenuating circumstances exist that necessitate burning be allowed.
- c. A permit application must be submitted at least 10 working days prior to the first proposed burn date unless SRCAA waives the advance application period. A written permit from SRCAA is required pursuant to Section 6.01.E of this Regulation unless SRCAA approves a verbal or electronic permit in lieu of a written permit. The applicant is responsible for payment of a permit application fee in the amount specified in Section 10.13 of this Regulation.

- E. Application For and Permitting of Written Outdoor Burning Permits.

Outdoor burning requiring a written permit pursuant to Section 6.01.D of this Regulation is subject to all of the following requirements:

1. Permit Application.
 - a. It shall be unlawful for any person to cause or allow outdoor burning unless an application for a written permit, including the required fee specified by the permitting agency (SRCAA's outdoor burning permit fees are specified in SRCAA's Fee Schedule pursuant to Section 10.13 of this Regulation) and any additional information requested by the permitting agency, has been submitted to the permitting agency on approved forms, in accordance with the advance application period as specified by the permitting agency.
 - b. Incomplete or inaccurate applications may be returned to the applicant as incomplete. The advance application period begins when a complete and accurate application, including the required fee, has been received by the permitting authority.
 - c. Unless otherwise approved by the permitting agency or unless specified otherwise in Section 6.01, applications will be accepted no more than 90 days prior to the first proposed burn date.
 - d. A separate application must be completed and submitted to the appropriate permitting agency for each outdoor burn permit requested.
 - e. A permit for outdoor burning shall not be granted on the basis of a previous permit history.
2. Denial or Revocation of a Permit.
 - a. The permitting agency may deny a permit if it is determined by the permitting agency that the application is incomplete or inaccurate. The advance application period in Section 10.13 of this Regulation does not begin until a complete and accurate application, including any additional information requested by the permitting agency, is received by the permitting agency.
 - b. The permitting agency may deny a permit or revoke a previously issued permit if it is determined by the permitting agency that the application contained inaccurate information, or failed to contain pertinent information, and the information is deemed by the permitting agency to be significant enough to have a bearing on the permitting agency's decision to grant a permit.

- c. An application for a permit shall be denied if the permitting agency determines that the proposed burning will cause or is likely to cause a nuisance (refer to Section 6.01.F.4 of this Regulation). In making this determination, the permitting agency may consider if the permit can be conditioned in such a way that burning is not likely to cause a nuisance (e.g., limit burning to specific wind directions, restrict burn hours, restrict pile size, etc.).
- d. The permitting agency may deny a permit for other reasons and shall provide the reason(s) in the applicant's permit denial.

3. Permit Conditions

Permits may include requirements and restrictions beyond those specified in SRCAA Regulation I.

4. Permit Expiration.

Written permits shall be valid for no more than 30 consecutive calendar days unless specified otherwise in Section 6.01.D or in the permit. In no circumstance will a permit be valid for more than one calendar year.

F. Prohibitions / Requirements. (WAC 173-425-050 & WAC 173-425-060(4))

All of the following apply to all outdoor burning unless specified otherwise in Section 6.01 of this Regulation or pursuant to a written permit:

1. Prohibited Materials. (WAC 173-425-050(1))

It is unlawful to burn prohibited materials. Prohibited materials include all of the following: garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated or processed wood (other than commercially manufactured fire logs), construction and demolition debris (any material resulting from the construction, renovation, or demolition of buildings, roads, or other man made structures), metal, or any substance (other than natural vegetation or firewood) that releases dense smoke or obnoxious odors when burned, or normally releases toxic emissions when burned. (RCW 70.94.6512(1) and Attorney General Opinion 1993 #17).

2. Hauled Materials. (WAC 173-425-050(2))

It is unlawful for a fire to contain material that has been hauled from an area where outdoor burning of that material is prohibited.

3. Curtailments. (RCW 70.94.6512, RCW 70.94.6516, WAC 173-425-030(2), WAC 173-425-030(7), WAC 173-425-050(3), WAC 173-425-060(4) & WAC 173-433-140)
 - a. The person responsible for the fire must contact the permitting agency and / or any other designated source for information on the burning conditions for each day prior to igniting a fire.
 - b. Outdoor burning is prohibited in specified geographical areas when one or more of the following occur:
 - i. The Washington State Department of Ecology (Ecology) has declared an air pollution episode.
 - ii. Ecology or SRCAA has declared impaired air quality.
 - iii. A fire protection authority of jurisdiction has declared a fire danger burn ban, unless that authority grants an exception.
 - c. The person responsible for outdoor burning must extinguish the fire when an air pollution episode, impaired air quality condition, or fire danger burn ban that applies to the burning is declared. In this regard:
 - i. Smoke visible from all types of outdoor burning, except residential land clearing burning, after a time period of 3 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.
 - ii. Smoke visible from residential land clearing burning after a time period of 8 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.
4. Nuisance. (RCW 70.94.030(2) & WAC 173-425-050(4))

A nuisance refers to an emission of smoke or any other air contaminant that unreasonably interferes with the enjoyment of life and property. In addition to applicable odor nuisance regulations in Section 6.04 of this Regulation, it shall be unlawful for any person to conduct outdoor burning which causes a smoke or particulate nuisance. With respect to smoke or particulate from outdoor burning, SRCAA may take enforcement action

under this Section if the Control Officer or authorized representative has documented all of the following:

- a. Visible smoke observed with natural or artificial light (e.g. flashlight) crossing the property line of the person making a complaint or particulate deposition on the property of the person making a complaint;
 - b. An affidavit from a person making a complaint that demonstrates that they have experienced air contaminant emissions in sufficient quantities, and of such characteristics and duration, so as to unreasonably interfere with their enjoyment of life and property; and
 - c. The source of the smoke or particulate.
5. Burning Detrimental to Others. (RCW 70.94.040, RCW 70.94.650(1), RCW 70.94.6516, and WAC 173-425-050(4))

It is unlawful for any person to cause or allow outdoor burning that causes an emission of smoke or any other air contaminant that is detrimental to the health, safety, or welfare of any person, or that causes damage to property or business.

6. Containers. (WAC 173-425-050(5))
- a. Burn barrels are prohibited.
 - b. Containers must be constructed of concrete or masonry with a completely enclosed combustion chamber and equipped with a permanently attached spark arrester constructed of iron, heavy wire mesh, or other noncombustible material with openings no larger than one-half inch.
7. Extinguishing a Fire. (WAC 173-425-050(6)(a) & WAC 173-425-060(4))
- a. A person(s) capable of completely extinguishing the fire must attend it at all times.
 - b. Fire extinguishing equipment must be at the fire and ready to use (e.g., charged garden hose, dirt, sand, water bucket, shovel, fire extinguisher, etc.).
 - c. All fires must be completely extinguished when the fire will be left unattended or when the activity for which the fire was intended is done, whichever occurs first.

- d. Any person(s) responsible for unlawful outdoor burning must immediately and completely extinguish the fire. If the person(s) responsible for unlawful outdoor burning are unable or unwilling to extinguish an unlawful fire, they may be charged for fire suppression costs incurred by a fire protection agency.
8. Distances. (WAC 173-425-050(6)(b) & WAC 173-425-060(4))
- a. All fires subject to Section 6.01 of this Regulation must be at least 50 feet away from any structure.
 - b. When material is burned on the ground, it must be placed on bare soil, green grass, or other similar area free of flammable materials for a distance adequate to prevent escape of the fire.

9. Landowner Permission. (WAC 173-425-050(6)(c))

Permission from a landowner, or owner's designated representative, must be obtained before outdoor burning on landowner's property.

10. Burn Hours. (WAC 173-425-060(4))

All burning must take place during daylight hours only. Burning shall not commence prior to sunrise, and all debris burning must be completely extinguished at least one hour prior to sunset. Smoke visible from burning within one hour of sunset will constitute prima facie evidence of unlawful outdoor burning.

11. Number of Piles. (WAC 173-425-060(5)(c)(x))

Only one pile at a time may be burned per contiguous property under same ownership and each pile must be extinguished before lighting another.

12. Fuel Area. (WAC 173-425-060(4))

The fuel area shall be no larger than 3 feet in diameter by 2 feet in height.

13. Written Permits.

- a. A copy of the written permit must be kept at the permitted burn site during the permitted burn, and must be made available for review upon request of the permitting agency.
- b. All conditions of a written permit issued by the permitting agency must be complied with.

14. Property Access. (RCW 70.94.200 & SRCAA Regulation I, Article II)

The Control Officer, or duly authorized representative, shall be allowed to access property at reasonable times to inspect fires specific to the control, recovery, or release of contaminants into the atmosphere in accordance with SRCAA Regulation I, Article II and RCW 70.94.200. For the purposes of outdoor burning, reasonable times include, but are not limited to, any of the following: when outdoor burning appears to be occurring, when the Control Officer or authorized representative is investigating air quality complaints filed with SRCAA, and / or there is reason to believe that air quality violations have occurred or may be occurring. No person shall obstruct, hamper, or interfere with any such inspection.

15. Areas Prohibited. (WAC 173-425-040)

Outdoor burning is prohibited in all of the following areas:

- a. Within the Restricted Burn Area (also referred to as the No Burn Area), as defined by Resolution of the Board of Directors of SRCAA.
- b. Within any Urban Growth Area (land, generally including and associated with an incorporated city, designated by a county for urban growth under RCW 36.70A.030), and with the exception of Fairchild Air Force Base, any area completely surrounded by any Urban Growth Area (e.g. "islands" of land within an Urban Growth Area).
- c. Within any nonattainment area or former nonattainment area.
- d. In any area where a reasonable alternative to burning exists for the area where burning is requested. For burning organic refuse, a reasonable alternative is considered one where there is a method for disposing of the organic refuse at a cost that is less than or equivalent to the median of all county tipping fees in the state for disposal of municipal solid waste. SRCAA shall determine the median of all county tipping fees in the state for disposal of municipal solid waste by obtaining the most recent solid waste tipping fees data available from Ecology (e.g. state profile map of Washington solid waste tipping fees available at <https://fortress.wa.gov/ecy/swicpublic>) or other relevant sources. Reasonable alternatives may include, but are not limited to, solid waste curbside pick-up, on-site residential composting or commercial composting operations, public or private chipping/grinding operations, public or private chipper rental

service, public or private hauling services, energy recovery or incineration facility, public or private solid waste drop box, transfer station, or landfill.

16. Other Requirements.

All outdoor burning must comply with all other applicable local, state, and federal requirements.

G. Unlawful Outdoor Burning.

- a. Failure of any person to comply with Chapter 70.94 RCW, Chapter 173-425 WAC, this Section, or permit conditions, shall be unlawful and may result in criminal or civil enforcement action taken, including penalties.
- b. Unlawful burning may result in any outdoor burning permit being permanently rescinded. This applies to written permits, general permits (permits by rule), and electronic and verbal permits. Once rescinded, approval from SRCAA must be obtained to burn again. Applicable fees for a new permit must be paid pursuant to Section 10.13.

SECTION 6.02 VISIBLE EMISSIONS

A. It shall be unlawful for any person to cause or allow the emission of air contaminant from any emission point which equals or exceeds twenty percent opacity for an aggregate of more than three (3) minutes in any one-hour period except:

1. When the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not equal or exceed twenty percent opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of boiler facilities. As such, this practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and the Authority shall be advised of the schedule.
2. When the presence of uncombined water is the only reason for the failure of an emission to meet the requirements of this section. The burden of proof to establish the quantity of uncombined water in the emission shall lie with the owner or operator who is seeking to bring the emission from his equipment or process within the requirements of Section 6.02A.
3. When otherwise specifically permitted by Article VIII, Section 8.05 of this Regulation (i.e. solid fuel burning devices).