

SECTION 502 - OUTDOOR BURNING

502.1 PURPOSE. This section establishes a program to implement the limited burning policy authorized by sections of the Washington Clean Air Act (chapter 70.94 RCW as referenced in NWCAA 104.1) pertaining to outdoor burning.

502.2 APPLICABILITY.

(A) This section specifically applies to:

- (1) Residential burning.
- (2) Land clearing burning.
- (3) Recreational fires.
- (4) Indian ceremonial fires.
- (5) Weed abatement fires.
- (6) Firefighting instruction fires.
- (7) Rare and endangered plant regeneration fires.
- (8) Storm or flood debris burning.
- (9) Tumbleweed burning.
- (10) Other outdoor burning.

(B) This section does not apply to:

- (1) Agricultural burning (which is governed by chapter 173-430 WAC as referenced in NWCAA 104.1);
- (2) Any outdoor burning on lands within the exterior boundaries of Indian reservations (unless provided for by intergovernmental agreements); and
- (3) Silvicultural burning (which is governed by chapter 332-24 WAC, the Washington state smoke management plan, and various laws including chapter 70.94 RCW as referenced in NWCAA 104.1).

502.3 DEFINITIONS. Unless a different meaning is clearly required by context, words and phrases used in this section shall have the following meanings:

AGRICULTURAL BURNING – Fires regulated under chapter 173-430 WAC as referenced in NWCAA 104.1, including, but not limited to, any incidental agricultural burning or agricultural burning for pest or disease control.

AIR POLLUTION EPISODE – A period when a forecast, alert, warning, or emergency air pollution stage is declared, as stated in chapter 173-435 WAC as referenced in NWCAA 104.1.

CONSTRUCTION/DEMOLITION DEBRIS – All material manufactured for or resulting from the construction, renovation, or demolition of buildings, roads, and other man-made structures.

FIREFIGHTING INSTRUCTION FIRES – Fires for instruction in methods of firefighting, including, but not limited to, training to fight structural fires, aircraft crash rescue fires, and forest fires.

FIREWOOD – Bare, untreated wood used as fuel in a solid fuel burning device, Indian ceremonial fire, or recreational fire.

IMPAIRED AIR QUALITY – A first or second stage impaired air quality condition declared by Ecology or the NWCAA in accordance with WAC 173-433-140 as referenced in NWCAA 104.1.

INDIAN CEREMONIAL FIRE – Fires necessary for Native American ceremonies (i.e., conducted by and for Native Americans) if part of a religious ritual.

LAND CLEARING BURNING – 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).

NATURAL VEGETATION – Unprocessed plant material from herbs, shrubbery, and trees, including grass, weeds, leaves, clippings, prunings, brush, branches, roots, stumps, and trunk wood.

NONATTAINMENT AREA – A clearly delineated geographic area designated by the Environmental Protection Agency at 40 CFR Part 81 as exceeding (or that contributes to ambient air quality in a nearby area that exceeds) a National Ambient Air Quality Standard (NAAQS) for a given criteria pollutant. An area is nonattainment only for the pollutants for which the area has been designated nonattainment.

NONURBAN AREAS – Unincorporated areas within a county that are not designated as an urban growth area.

NUISANCE – For purposes of outdoor burning, an emission of smoke or any other air contaminant from an outdoor fire that unreasonably interferes with the use and enjoyment of the property upon which it is deposited.

OTHER OUTDOOR BURNING – Outdoor burning other than residential burning, land clearing burning, storm or flood debris burning, tumbleweed burning, weed abatement fires, firefighting instruction fires, rare and endangered plant regeneration fire, Indian ceremonial fires, and recreational fires. It includes, but is not limited to, any outdoor burning necessary to protect public health and safety.

OUTDOOR BURNING – The combustion of any material in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion. Outdoor burning means all types of outdoor burning except agricultural burning, burning on lands within the exterior boundaries of Indian reservations (unless provided for by intergovernmental agreements), and silvicultural burning.

PERMITTING AGENCY – The agency responsible for issuing permits for a particular type of outdoor burning (including adopting a general permit) and/or enforcing all requirements of this section unless another agency agrees to be responsible for certain enforcement activities in accordance with WAC 173-425-060(1)(a) and (6) as referenced in NWCAA 104.1.

POLLUTANTS EMITTED BY OUTDOOR BURNING – Carbon monoxide, carbon dioxide, particulate matter, sulfur dioxide, nitrogen oxides, lead, and various volatile organic compounds and toxic substances.

RARE AND ENDANGERED PLANT REGENERATION FIRES – Fires necessary to promote the regeneration of rare and endangered plants found within natural area preserves as identified in chapter 79.70 RCW.

REASONABLE ALTERNATIVE - 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.

RECREATIONAL FIRE – Cooking fires, campfires, and bonfires using charcoal or firewood that occur in designated areas or on private property for cooking, pleasure, or ceremonial purposes. Fires used for debris disposal purposes are not considered recreational fires.

RESIDENTIAL BURNING – The outdoor burning of leaves, clippings, prunings and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by a responsible person.

RESPONSIBLE PERSON – Any of the following:

- (1) Any person who has applied for and received a permit for outdoor burning, or
- (2) Any person allowing, igniting or attending to an outdoor fire, or
- (3) Any person who owns or controls property on which an outdoor fire occurs.

SILVICULTURAL BURNING – Fires relating to the following activities for the protection of life or property and/or the public health, safety, and welfare:

- (1) Abating a forest fire hazard;
- (2) Prevention of a forest fire hazard;
- (3) Instruction of public officials in methods of forest firefighting;
- (4) Any silvicultural operation to improve the forest lands of the state; and
- (5) Silvicultural burning used to improve or maintain fire-dependent ecosystems for rare plants or animals within the state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas.

STORM OR FLOOD DEBRIS BURNING – Fires consisting of natural vegetation deposited on lands by storms or floods that have occurred in the previous two years and resulted in an emergency being declared or proclaimed in the area by the city, county, or state government and burned on such lands by a responsible person.

TUMBLEWEED BURNING – Outdoor burning to dispose of dry plants (typically Russian Thistle and Tumbleweed Mustard plants) that have been broken off and rolled about by the wind.

URBAN GROWTH AREA – Land, generally including and associated with an incorporated city, designated by a county for urban growth under RCW 36.70A.030.

WEED ABATEMENT FIRES – Outdoor burning to dispose of weeds that is not regulated under chapter 173-430 WAC as referenced in NWCAA 104.1, the Agricultural Burning rule.

502.4 PROHIBITIONS AND RESTRICTIONS APPLYING TO ALL OUTDOOR BURNING. The following general requirements apply to all outdoor burning regulated by this section, including any outdoor burning allowed without a permit, unless a specific exception is stated in this section. A fire protection agency, county, or conservation district may enforce its own controls that are stricter than those set forth in this section.

- (A) No person may cause or allow an outdoor fire in an area where the type of burning involved is prohibited under NWCAA 502.6, or where it requires a permit under NWCAA 502.5(B), unless a permit has been issued and is in effect.
- (B) PROHIBITED MATERIALS. It shall be unlawful for any person to cause or allow any outdoor fire containing garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction/demolition debris, metal or any substance (other than natural vegetation) that normally releases toxic emissions, dense smoke, or obnoxious odors when burned except as follows:

- (1) Aircraft crash rescue training fires approved and conducted in compliance with RCW 70.94.6528 as referenced in NWCAA 104.1 may contain uncontaminated petroleum products.
 - (2) Ecology or the NWCAA may allow the limited burning of prohibited materials for other firefighting instruction fires, including those that are exempt from permits under NWCAA 502.5(B)(6).
 - (3) Other outdoor burning necessary to protect public health and safety.
- (C) HAULED MATERIAL.
- (1) No outdoor fire may contain material (other than firewood) that has been hauled from an area where outdoor burning of the material is prohibited.
 - (2) Any outdoor burning of material hauled from areas where outdoor burning of the material is allowed requires an appropriate permit. Any property used for this purpose on an on-going basis must be:
 - (a) Limited to the types of burning listed in WAC 173-351-200(5)(b) as referenced in NWCAA 104.1 (criteria for municipal solid waste landfills), and
 - (b) Approved in accordance with other laws, including chapter 173-304 WAC as referenced in NWCAA 104.1 (minimum functional standards for solid waste handling) and chapter 173-400 WAC as referenced in NWCAA 104.1 (general regulations for air pollution sources).
- (D) CURTAILMENTS. During episodes or periods of impaired air quality, a responsible person for the fire must contact the permitting agency and/or any other designated source for information on the burning conditions for each day.
- (1) No outdoor fire shall be ignited in a geographical area where:
 - (a) Ecology has declared an air pollution episode;
 - (b) Ecology or the NWCAA has declared an impaired air quality condition for the county; or
 - (c) The appropriate fire protection authority has declared a fire danger burn ban, unless the NWCAA grants an exception.
 - (2) A responsible person for an outdoor fire shall extinguish the fire when an air pollution episode, an impaired air quality condition, or fire danger burn ban that applies to the burning is declared.

- (a) 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 ban is declared shall constitute prima facie evidence of unlawful outdoor burning.
 - (b) 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 shall constitute prima facie evidence of unlawful outdoor burning.
- (E) UNLAWFUL OUTDOOR BURNING/NUISANCE. 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, that causes damage to property or business, or that causes a nuisance.
- (F) BURNING IN OUTDOOR CONTAINERS. Outdoor containers (such as burn barrels and other wood waste incinerators not regulated under NWCAA Section 458, used for outdoor burning, 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 not larger than 0.5 inch, and they may only be used in compliance with this section.
- (G) OTHER GENERAL REQUIREMENTS.
 - (1) A person capable of extinguishing the fire must attend it at all times and the fire must be extinguished before leaving it.
 - (2) No fires are to be within 50 feet of structures.
 - (3) Permission from a landowner or owner's designated representative must be obtained before starting an outdoor fire.

502.5 OUTDOOR BURNING PERMIT PROGRAM/REQUIREMENTS

- (A) PERMIT PROGRAM.
 - (1) The NWCAA may consult with fire protection authorities, conservation districts, or counties to determine if any of these agencies are capable and willing to serve as the permitting agency and/or enforcing agency for particular types of burning.
 - (2) The NWCAA may enter into agreements with any capable agencies to identify the permitting agencies and enforcing

agencies for each type of burning and determine the type of permit appropriate for each where a permit is required.

- (3) Permitting agencies may use a verbal, electronic, written, or general permit established by rule for any type of outdoor burning that requires a permit.
 - (4) A written permit should be used, where feasible, for land clearing burning, storm or flood debris burning in areas where residential burning and land clearing burning are prohibited under NWCAA 502.6(A), (B), or (C), and other outdoor burning (except any other outdoor burning necessary to protect public health and safety).
 - (5) Any person having an outstanding penalty obligation to the NWCAA as a result of a violation of Section 502, except under appeal to the Pollution Control Hearings Board (PCHB) or other judicial body, shall be denied additional outdoor burning permits until the remaining balance is paid.
- (B) TYPES OF BURNING THAT REQUIRE A PERMIT. Except as otherwise stated, a permit is required for the following types of outdoor burning:
- (1) Residential burning (except in nonurban areas of any county with an unincorporated population of less than 50,000);
 - (2) Land clearing burning;
 - (3) Storm or flood debris burning;
 - (4) Tumbleweed burning (except in counties with a population of less than 250,000);
 - (5) Weed abatement fires;
 - (6) Firefighting instruction fires for training to fight structural fires in urban growth areas and cities with a population over 10,000, and all other firefighting instruction fires, except:
 - (a) Firefighting instruction fires for training to fight structural fires as provided in RCW 52.12.150;
 - (b) Aircraft crash rescue fires as provided in RCW 70.94.650(5) as referenced in NWCAA 104.1; and
 - (c) Forest fires;
 - (7) Rare and endangered plant regeneration fires;
 - (8) Indian ceremonial fires (except on lands within the exterior boundaries of Indian reservations unless provided for by intergovernmental agreement);

- (9) Recreational fires with a total fuel area greater than three feet in diameter and/or two feet in height (except in the nonurban areas of counties with an unincorporated population of less than 50,000); and
- (10) Other outdoor burning if specifically authorized by the NWCAA.

(C) FEES.

The fee for outdoor burning permits shall be as established in NWCAA 324.10. The amount of the fee will not exceed the level necessary to recover the costs of administering and enforcing a permit program.

(D) REQUIREMENTS FOR RESIDENTIAL BURNING.

The following conditions apply to all residential burning allowed without a permit under NWCAA 502.5(B)(1) or allowed under a general, verbal, written, or electronic permit. Persons unable to meet these requirements and the requirements in NWCAA 502.4 must apply for and receive a written permit before burning. Failure to comply with all applicable requirements voids any applicable permit.

- (1) A responsible person for the fire must contact the permitting agency and/or any other designated source for information on the burning conditions of each day.
- (2) A fire may not be ignited, and must be extinguished, if an air pollution episode, impaired air quality condition, or fire danger burn ban that applies to the burning, is declared for the area.
- (3) The fire must not include prohibited materials as listed in NWCAA 502.4(B).
- (4) The fire must not include materials hauled from another property.
- (5) If any emission from the fire is detrimental to the health, safety, or welfare of any person, if it causes damage to property or business, or if it causes a nuisance, the fire must be extinguished immediately.
- (6) A person capable of extinguishing the fire must attend it at all times and the fire must be extinguished before leaving it.
- (7) No fires are to be within 50 feet of structures.
- (8) Permission from a landowner, or owner's designated representative, must be obtained before starting an outdoor fire.
- (9) Any burn pile must not be larger than four feet in diameter and three feet high.

- (10) Only one pile at a time may be burned, and each pile must be extinguished before lighting another.
 - (11) 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 arrester constructed of iron, heavy wire mesh, or other noncombustible material with openings not larger than 0.5 inch.
 - (12) No fire is allowed within 500 feet of forest slash.
- (E) FIELD RESPONSE AND ENFORCEMENT
- (1) Any agency that issues permits, or adopts a general permit for any type of burning in an area, is responsible for field response to outdoor burning complaints and enforcement of all permit conditions and requirements unless another agency has agreed to be responsible.
 - (2) Except for enforcing Section 502.4(E)(1)(d), the NWCAA will be responsible for enforcing any requirements that apply to burning that are prohibited or exempt from permits in areas of its jurisdiction, unless another agency agrees to be responsible.
 - (3) Permitting agencies and enforcing agencies may require that corrective action be taken, and may assess penalties to the extent allowed if they discover noncompliance.

502.6 AREAS AND TYPES OF PROHIBITED OUTDOOR BURNING.

- (A) NONATTAINMENT AREAS. Residential burning and land clearing burning shall not occur in any areas that exceed federal or state ambient air quality standards for pollutants emitted by outdoor burning. These areas are limited to all nonattainment areas and former nonattainment areas for carbon monoxide, particulate matter (PM₁₀ and PM_{2.5}), sulfur dioxide, nitrogen dioxide, and lead.
- (B) URBAN GROWTH AREAS. No person shall cause or allow residential burning and land clearing burning in any urban growth areas.
- (C) CITIES OVER 10,000 POPULATION. Residential burning and land clearing burning shall not occur in any cities having a population greater than 10,000 people. Cities having this population must be identified by using the most current population estimates available for each city.
- (D) HIGH DENSITY AREAS. Land clearing burning shall not occur in any area having a general population density of 1,000 or more persons per square mile. All areas having this density must be identified by using

the most current population data available for each census block group and dividing by the land area of the block group in square miles.

- (E) AREAS WITH A REASONABLE ALTERNATIVE TO BURNING. Residential burning, land clearing burning, storm or flood debris burning, tumbleweed burning, weed abatement fires and other outdoor burning of organic refuse shall not occur in any area, including the areas identified in subsections 502.6(A) through 502.6(D), when a reasonable alternative for that type of burning is found to exist in the area for that type of burning. A reasonable alternative for a particular type of burning exists when the alternative is available and reasonably economical and less harmful to the environment as defined in WAC 173-425-040(5) as referenced in NWCAA 104.1.
- (F) No person shall cause or allow outdoor burning at permanently-located business establishments excluding land clearing operations.

PASSED: January 8, 1969 AMENDED: June 14, 2001, July 10, 2003, July 14, 2005, November 8, 2007, September 11, 2014

SECTION 504 – AGRICULTURAL BURNING

- 504.1 Purpose. This Section establishes fees and controls for agricultural burning in the NWCAA jurisdiction in order to minimize adverse health effects and environmental impacts, consistent with best management practices and the responsibilities of the NWCAA under chapter 173-430 WAC as referenced in NWCAA 104.1, RCW 70.94.6528 as referenced in NWCAA 104.1, 70.94.6532 as referenced in NWCAA 104.1, and 70.94.6524 as referenced in NWCAA 104.1. All agricultural burning as defined in chapter 173-430 WAC as referenced in NWCAA 104.1 shall be conducted in accordance with the provisions of that chapter.
- 504.2 Applicability. This Section applies to agricultural burning in all areas of the NWCAA jurisdiction unless specifically exempted. Nothing in Section 504 shall apply to silvicultural burning or other outdoor burning. Propane flaming for the purpose of vegetative debris removal is considered agricultural burning.
- 504.3 Conditions. All agricultural burning, except for agricultural burning that is incidental to commercial agricultural activities, requires a permit and payment of a fee issued by the NWCAA.
- 504.4 Fees. In accordance with RCW 70.94.6528 as referenced in NWCAA 104.1, the NWCAA shall assess a fee for all agricultural burning permits as specified in NWCAA 324.9.

PASSED: February 14, 1973 AMENDED: August 9, 1978, June 7, 1990, May 9, 1996, May 14, 1998, November 12, 1998, November 8, 2007, September 11, 2014

SECTION 506 - SOLID FUEL BURNING DEVICES

506.1 PURPOSE

This Section establishes emission standards, certification standards and procedures, burn ban rules, and fuel restrictions for solid fuel burning devices in order to maintain compliance with the National Ambient Air Quality Standards (NAAQS) for PM_{2.5} and to further the policy of the NWCAA as stated in Section 102 of this Regulation.

506.2 DEFINITIONS

All terms not defined herein shall have the meaning given them in WAC 173-433-030 as referenced in NWCAA 104.1 and NWCAA Section 200.

ADEQUATE SOURCE OF HEAT – A permanently installed furnace or heating system, connected or disconnected from its energy source, designed to maintain 70°F at a point 3 feet above the floor in all normally inhabited areas of a residence or commercial establishment. If any part of the heating system has been disconnected, damaged, or is otherwise nonfunctional, NWCAA will base the assessment of the adequacy of the design on the system's capability prior to the disconnection, damage, improper maintenance, malfunction, or occurrence that rendered the system nonfunctional.

CERTIFIED – Meeting at least one of the following:

- (1) Has been determined by Ecology to meet Washington emission performance standards pursuant to RCW 70.94.457 and WAC 173-433-100 as referenced in NWCAA 104.1;
- (2) Meets EPA emission performance standards when tested by an accredited independent laboratory and labeled according to procedures specified by EPA in 40 CFR 60 Subpart AAA as referenced in NWCAA 104.2; or
- (3) Was manufactured prior to 1989 and meets the "Oregon Department of Environmental Quality Phase 2" emissions standards contained in Subsections (2) and (3) of Section 340-21-115, and certified in accordance with "Oregon Administrative Rules, Chapter 340, Division 21 - Woodstove Certification" dated November 1984.

COAL STOVE - An enclosed, coal-burning appliance capable of and intended for residential space heating, domestic water heating, or indoor cooking, which has all the following characteristics:

- (1) An opening for loading coal which is located near the top or side of the appliance;
- (2) An opening for emptying ash which is located near the bottom or the side of the appliance;

- (3) A system which admits air primarily up and through the fuel bed;
- (4) A grate or other similar device for shaking or disturbing the fuel bed;
- (5) Listing by a nationally recognized safety testing laboratory for use of coal only, except for coal ignition purposes; and
- (6) Not configured or capable of burning cordwood.

COMMERCIAL ESTABLISHMENT - An establishment possessing a valid business license issued by a governmental entity.

COOKSTOVE - A wood-fired appliance designed with the primary function of cooking food, which has all of the following characteristics:

- (1) An integrally built-in oven with volume of 1 cubic foot or greater and an oven rack;
- (2) A cooking surface measured in square inches or square feet that is 1.5 times greater than the firebox measured in cubic inches or cubic feet (e.g., a firebox of 2 cubic feet would require a cooking surface of at least 3 square feet);
- (3) A device for measuring oven internal temperatures;
- (4) A flame path that is routed around the oven;
- (5) A shaker grate ash pan and an ash cleanout below the firebox;
- (6) A portion of at least four sides of the oven must be exposed to the flame path during the oven heating cycle, while a flue gas bypass will be permitted for temperature control.

Any device with a fan or heat channels used to dissipate heat into the room is not considered a cookstove. Devices designed or advertised as room heaters that also bake or cook do not qualify as cookstoves.

FIREPLACE - A permanently-installed masonry fireplace or a factory-built metal solid fuel burning device designed to be used with an air-to-fuel ratio equal to or greater than 35 to 1 and without features to control the inlet air-to-fuel ratio other than doors or windows such as may be incorporated into the fireplace design for reasons of safety, building code requirements, or aesthetics.

NON-AFFECTED PELLET STOVE - A pellet stove that has an air-to-fuel ratio equal to or greater than 35 to 1 when tested by an accredited laboratory in accordance with methods and procedures specified in EPA Method 28A in 40 CFR 60 Appendix A as referenced in NWCAA 104.2.

SEASONED WOOD – Untreated wood or untreated lumber of any species that has been sufficiently dried so as to contain 20 percent or less moisture by weight. It includes manufactured pressed wood products such as pellets and logs.

SOLID FUEL BURNING DEVICE – A device that burns wood, coal, or any other non-gaseous or non-liquid fuels, and includes any device burning any solid fuel except those prohibited by WAC 173-433-120 as referenced in NWCAA 104.1. This includes, but is not limited to, woodstoves, coal stoves, cookstoves, pellet stoves, fireplaces, and wood-burning hydronic heaters. This also includes devices used for aesthetic or space-heating purposes in a private residence or commercial establishment, which have a heat input of less than 1 million British thermal units per hour.

SUBSTANTIALLY REMODELED – Any alteration or restoration of a building the cost of which exceeds 60 percent of the appraised value of such building within a 12-month period.

TREATED WOOD – Wood of any species that has been chemically impregnated, painted, or similarly modified to improve resistance to insects, weathering or deterioration.

WOODSTOVE – A wood-fueled appliance, other than a cookstove, capable of and intended for residential space heating and domestic water heating that meets the criteria contained in 40 CFR 60 Subpart AAA as referenced in NWCAA 104.2 and has all of the following:

- (1) An air-to-fuel ratio in the combustion chamber averaging less than 35 to 1 as determined by EPA Method 28A in 40 CFR 60 Appendix A as referenced in NWCAA 104.2;
- (2) A useable firebox volume of less than 20 cubic feet;
- (3) A minimum burn rate less than 5 kg/hr as determined by EPA Method 28 in 40 CFR 60 Appendix A as referenced in NWCAA 104.2; and
- (4) A maximum weight of 800 kg, excluding fixtures and devices that are normally sold separately, such as flue pipe, chimney, and masonry components not integral to the appliance.

Any combination of parts, typically consisting of but not limited to, doors, legs, flue pipe collars, brackets, bolts and other hardware, when manufactured for the purpose of being assembled, with or without additional owner-supplied parts, into a woodstove, is considered a woodstove.

506.3 EMISSION PERFORMANCE STANDARDS

- (A) Solid Fuel Burning Devices. Except as provided in Sections 506.3(B) and (C), a person shall not advertise to sell, offer to sell, sell, bargain, exchange, or give away any solid fuel burning device unless it complies

with WAC 173-433-100 as referenced in NWCAA 104.1 which includes meeting the following particulate air contaminant emission standards:

- (1) 2.5 g/hr for catalytic woodstoves and
 - (2) 4.5 g/hr for all other solid fuel burning devices.
- (B) Fireplaces. Except as provided in NWCAA 506.3(C), a person shall not advertise to sell, offer to sell, sell, bargain, exchange, or give away a factory-built fireplace unless it meets 40 CFR 60 Subpart AAA as referenced in NWCAA 104.2 or equivalent standard that may be established by the state building code council by rule. Particulate emissions from factory-built fireplaces shall not exceed 7.3 g/kg.
- (C) Solid fuel burning devices which have been rendered permanently inoperable are exempt from NWCAA 506.3(A) and (B).

506.4 INSTALLATION OF SOLID FUEL BURNING DEVICES

- (A) No new or used solid fuel burning device shall be installed in new or existing buildings unless such device meets Washington state emission performance standards in WAC 173-433-100 as referenced in NWCAA 104.1. Any solid fuel burning device not meeting the applicable standards at the time of installation must be removed or rendered permanently inoperable.
- (B) An adequate source of heat other than a solid fuel burning device is required in all new and substantially remodeled residential and commercial construction. The rule shall apply to:
- (1) Areas designated by a county to be an urban growth area under chapter 36.70A RCW and
 - (2) Areas designated by the EPA as being in nonattainment for particulate matter.

506.5 OPACITY STANDARDS

- (A) Opacity level. Any person shall not cause or allow emission of a smoke plume from any solid fuel burning device to exceed an average of 20 percent opacity for 6 consecutive minutes in any 1-hour period. This limit does not apply during the starting of a new fire for a period not to exceed 20 minutes in any 4-hour period.
- (B) Test methods and procedures. EPA Method 9 or EPA Alternative Method 082 will be used to determine compliance with this Section.
- (C) Enforcement. Smoke visible from a chimney, flue or exhaust duct in excess of the opacity standard shall constitute prima facie evidence of unlawful operation of an applicable solid fuel burning device. This

presumption may be refuted by demonstration that the smoke was not caused by an applicable solid fuel burning device.

506.6 FUEL TYPES

- (A) A person shall cause or allow only the following materials to be burned in a solid fuel burning device:
 - (1) Seasoned wood,
 - (2) An amount of paper necessary for starting a fire, and
 - (3) Coal with sulfur content less than 1.0% by weight burned in a coal stove.
- (B) All other materials are prohibited from being burned in a solid fuel burning device, including, but not limited to: garbage, treated pallets, treated lumber, fencing, treated wood, plastic and plastic products, rubber products, animal carcasses, asphaltic products, waste petroleum products, paints and chemicals, paper (other than an amount necessary to start a fire), or any substance that emits dense smoke or obnoxious odors when burned.

506.7 AIR QUALITY BURN BANS

(A) Stage 1 Burn Ban

No person shall operate a solid fuel burning device located in a geographic area for which NWCAA has called a Stage 1 Burn Ban unless the solid fuel burning device is certified or a non-affected pellet stove except as provided in NWCAA 506.8.

- (1) A Stage 1 Burn Ban may be called when forecasted meteorological conditions are predicted to cause PM_{2.5} levels to reach or exceed 35 micrograms per cubic meter, measured on a 24-hour average, within 48 hours, except for areas of PM_{2.5} nonattainment or areas at risk for PM_{2.5} nonattainment.
- (2) For a county containing PM_{2.5} nonattainment areas or areas at risk for PM_{2.5} nonattainment, and, when feasible, only for the necessary portions of the county, a Stage 1 Burn Ban may be called when forecasted meteorological conditions are predicted to cause PM_{2.5} levels to reach or exceed 30 micrograms per cubic meter, measured on a 24-hour average, within 72 hours.

(B) Stage 2 Burn Ban

No person shall operate a solid fuel burning device located in a geographic area for which NWCAA has called a Stage 2 Burn Ban except as provided in NWCAA 506.8.

- (1) A Stage 2 Burn Ban may be called when:
 - (a) A Stage 1 Burn Ban is already in effect and has not reduced the trend of rising PM_{2.5} levels adequately;
 - (b) The 24-hour average of PM_{2.5} levels have already reached or exceeded 25 micrograms per cubic meter; and
 - (c) Forecasted meteorological conditions are not expected to allow levels of PM_{2.5} to decline below 25 micrograms per cubic meter for a period of 24 hours or more from the time that PM_{2.5} is measured at the trigger level.
- (2) A Stage 2 Burn Ban may be called without first calling a Stage 1 Burn Ban only when all of the following occur:
 - (a) PM_{2.5} levels have reached or exceeded 25 micrograms per cubic meter, measured on a 24-hour average;
 - (b) Meteorological conditions have caused PM_{2.5} levels to rise rapidly;
 - (c) Meteorological conditions are predicted to cause PM_{2.5} levels to exceed 35 micrograms per cubic meter, measured on a 24-hour average, within 24 hours; and
 - (d) Meteorological conditions are highly likely to prevent sufficient dispersion of PM_{2.5}.
- (3) For a county containing PM_{2.5} nonattainment areas or areas at risk for PM_{2.5} nonattainment and, when feasible, only the necessary portions of the county, a Stage 2 Burn Ban may be called without first calling a Stage 1 Burn Ban only when NWCAA 506.7(B)(2)(a), (b), and (d) have been met and meteorological conditions are predicted to cause PM_{2.5} levels to reach or exceed 30 micrograms per cubic meter, measured on a 24-hour average, within 24 hours.

(C) Air Pollution Episode Declared by Ecology

No person shall operate a solid fuel burning device located in a geographic area for which Ecology has declared an alert, warning, or emergency air pollution episode pursuant to WAC 173-433-150(3), chapter 173-435 WAC, and RCW 70.94.715 as referenced in NWCAA 104.1.

- (D) Upon declaration and for the duration of a Stage 1 or Stage 2 Burn Ban or an air pollution episode, new solid fuel shall be withheld from any solid fuel burning device that is restricted from operating under NWCAA 506.7(A), (B), and (C).

- (E) Smoke visible from a chimney, flue, or exhaust duct after 3 hours has elapsed from the time of declaration of a Stage 1 or Stage 2 Burn Ban or an air pollution episode shall constitute prima facie evidence of unlawful operation of a solid fuel burning device if that solid fuel burning device is restricted from operating under NWCAA 506.7(A), (B), and (C). This presumption may be refuted by demonstration that the smoke was not caused by a restricted solid fuel burning device.

506.8 EXEMPTIONS

- (A) The provisions of NWCAA 506.7 do not apply to any person who possesses a valid exemption approved by NWCAA. NWCAA may issue exemptions to any person who demonstrates any of the following to the satisfaction of NWCAA:

- (1) One-Time 10-Day Temporary Exemption

NWCAA may issue one-time 10-day temporary solid fuel burning device exemptions if persons making such requests indicate they qualify for an exemption under NWCAA 506.8(A)(2), (3), or (4) and provide all of the information below. Unless required otherwise by NWCAA, such exemption requests may be taken via telephone.

- (a) Full name,
- (b) Mailing address,
- (c) Telephone number,
- (d) The exemption under NWCAA 506.8(A)(2), (3), or (4) for which the applicant believes they qualify,
- (e) Physical address where the exemption applies,
- (f) Description of the habitable space for which the exemption is being requested,
- (g) A statement that the applicant has not previously requested such an exemption for the same physical address. Exceptions may be allowed for unrelated breakdowns of the primary heat source, and
- (h) A statement that all of the information provided is accurate.

- (2) Low Income

NWCAA may issue written low income exemptions. The applicant must demonstrate an economic need to burn solid fuel for residential space heating purposes by qualifying under the low

income energy assistance program (LIEAP) pursuant to economic guidelines established by the U.S. Office of Management and Budget.

(3) Temporary Breakdown of Primary Heat Source

NWCAA may issue written exemptions for a residence or commercial establishment if all of the following apply:

- (a) A person in a residence or commercial establishment does not have an adequate source of heat without using a solid fuel burning device.
- (b) The applicant demonstrates that the primary heating system, other than a solid fuel burning device, is temporarily inoperable for reasons other than the applicant's own actions. When applying for this exemption, the applicant must submit a compliance schedule for bringing the primary heating system, other than a solid fuel burning device, back into operation to be used as the primary heating source. Unless otherwise approved by NWCAA, exemptions will be limited to 30 calendar days.

A person's income level is not a determining factor in the approval or denial of an exemption under this provision. Exemptions based on income level are addressed in NWCAA 506.8(A)(2).

(4) No Adequate Source of Heat

NWCAA may issue written exemptions for a residence if both of the following apply:

- (a) The residence was constructed prior to July 1, 1992 and
- (b) A person in the residence does not have an adequate source of heat without using a solid fuel burning device.

A person's income level is not a determining factor in the approval or denial of an exemption under this provision. Exemptions based on income level are addressed in NWCAA 506.8(A)(2).

(B) Exemption Duration and Renewals

Unless otherwise specified, written exemptions will expire June 30th of each year. Exemptions in NWCAA 506.8(A)(2), (3), and (4) may be renewed by NWCAA, provided the applicant meets the applicable requirements at the time of exemption renewal. For renewals under NWCAA 506.8(A)(2), the applicant must demonstrate the low income

status is met each time application is made. Exemption requests may be denied by NWCAA, regardless of the applicant's exemption history.

(C) Residential and Commercial Exemption Limitations

Except for commercial establishments qualifying under NWCAA 506.8(A)(3), exemptions are limited to residences. Exemptions are limited to normally inhabited areas of a residence, which includes areas used for living, sleeping, cooking, and eating. Exemptions will not be issued for attached and detached garages, shops, and outbuildings. For commercial establishments, exemptions will be limited to areas identified in the exemption.

PASSED: July 14, 2005 AMENDED: November 8, 2007, October 8, 2015, August 11, 2016

SECTION 508 - SPRAY COATING OPERATIONS

508.1 PURPOSE

This section of the NWCAA Regulation establishes a program of work practice standards and controls for spray coating operations in order to reduce particulate emissions from coating overspray, lessen public exposure to toxic air pollutants, decrease emissions of precursors to the formation of tropospheric ozone, and encourage pollution prevention.

508.2 APPLICABILITY

- (A) This section applies to spray coating operations at a source and at portable spray coating operations except as provided in NWCAA 508.2(B).
- (B) This section does not apply to spray application of:
- (1) Architectural or maintenance coatings to stationary structures (e.g., bridges, water towers, buildings, stationary machinery, mobile homes, pavement/curbs, or similar structures).
 - (2) Maintenance coatings to farm equipment and mining equipment for which it is not practical or feasible to move to a dedicated spray coating facility.
 - (3) Asphaltic or plastic liners including undercoating, sound deadening coating, and spray-on truck bed liners.
 - (4) Fiberglass resin and gel coat.

508.3 DEFINITIONS

Unless a different meaning is clearly required by context, words and phrases used in this section shall have the following meaning:

AIRLESS or AIR-ASSISTED AIRLESS SPRAY EQUIPMENT - Any paint spray technology that relies solely on the fluid pressure of the paint to create an atomized paint spray pattern and does not apply any atomizing compressed air to the paint before it leaves the paint nozzle. Air-assisted airless spray uses compressed air to shape and distribute the fan of atomized paint, but still uses fluid pressure to create the atomized paint.

COATING - A material or formulation of materials that is applied to or impregnated into a surface in order to beautify, protect, enhance the function, or otherwise cover the surface.

CONTAINER - An individual receptacle that holds a coating or coating component for storage or distribution.

ELECTROSTATIC APPLICATION - Application of coatings where an electrostatic potential is created between the part to be coated and the paint particles.

ENCLOSED SPRAY AREA - An enclosed area used for spray coating including, but not limited to, spray booth, preparation station, or portable enclosure.

HIGH VOLUME, LOW PRESSURE (HVLP) SPRAY EQUIPMENT - Equipment used to apply coatings by means of a spray gun that is designed and operated between 0.1 and 10.0 pounds per square inch gauge air pressure measured at the nozzle.

MOBILE EQUIPMENT - Any device that may be drawn and/or driven on a roadway including, but not limited to, heavy-duty trucks, truck trailers, fleet delivery trucks, buses, mobile cranes, bulldozers, street cleaners, agriculture equipment, motor homes, and other recreational vehicles (including camping trailers and fifth wheels).

OTHER SPRAY COATING - Spray coating of items other than complete motor vehicles and complete mobile equipment.

SPRAY COATING OPERATION - Application of coatings using a hand-held device that creates an atomized mist of coating and deposits the coating on a substrate. For the purposes of this section, a spray coating operation does not include the following materials or activities:

- (A) Use of air-brush spray equipment with a maximum cup capacity of 3 fluid ounces.
- (B) Use of aerosol spray cans.
- (C) Surface coating application using powder coating or non-atomizing application technology, including, but not limited to, paint brushes,

rollers, hand wiping, flow coating, dip coating, electrodeposition coating, web coating, coil coating, touch-up markers, or marking pens.

- (D) Thermal spray operations (also known as metallizing, flame spray, plasma arc spray, and electric arc spray, among other names) in which solid metallic or non-metallic material is heated to a molten or semi-molten state and propelled to the work piece or substrate by compressed air or other gas, where a bond is produced upon impact.

508.4 GENERAL REQUIREMENTS FOR SPRAY COATING OPERATIONS

- (A) Except as in NWCAA 508.4(B), it shall be unlawful for any person subject to this section to cause or allow spray coating unless all of the following requirements are met as applicable:
 - (1) Enclosures. Except as in NWCAA 508.4(A)(1)(d) & (f), spray coating shall take place inside an enclosed spray area that is capable of capturing all visible paint overspray.
 - (a) Refinishing Complete Motor Vehicles and Complete Mobile Equipment. An enclosed spray area for refinishing complete motor vehicles and complete mobile equipment shall be one of the following:
 - (i) A negative pressure enclosure equipped with a full roof and four complete walls or complete side curtains and ventilated at a negative pressure so that air is drawn into any openings in the enclosed spray area, or
 - (ii) A positive pressure enclosure equipped with seals on all doors and other openings and an automatic pressure balancing system. The pressure balancing system shall be operated at a pressure not more than 0.05 inches water gauge positive pressure as measured by a functioning gauge that displays the pressure to the nearest 0.01 inches water column.
 - (b) Other Spray Coating. Except as in NWCAA 508.4(A)(1)(c) through (f), an enclosed spray area for other spray coating shall be equipped with a full roof, at least three complete walls or complete side curtains, and shall be ventilated at a negative pressure so that air is drawn into the enclosed spray area. The enclosed spray area may have openings, if needed, to allow for conveyors and parts to pass through the enclosed spray area during the spray coating process.
 - (c) Other Spray Coating in an Existing Enclosed Spray Area Located Outdoors. Enclosed spray areas used for other spray coating with complete three-walled/curtain and a full

roof located outdoors that are not equipped with a negative pressure ventilation system as of April 20, 2018 are not required to install such system provided the spray coating operation does not create a nuisance.

- (d) Other Spray Coating of Large Objects. Conducting other spray coating of large objects outside an enclosed spray area is allowed when it is impractical to totally enclose the large object, provided that reasonable precautions are employed to enclose the object to the extent practicable and to avoid creating a nuisance.
 - (e) Portable Other Spray Coating Operations. An enclosed spray area for a portable other spray coating operation shall be equipped with a frame-and-fabric shelter consisting of a fabric roof and three fabric sides or similar shelter.
 - (f) Inside Exhaust. An enclosed spray area is not required if the Department of Labor & Industries and fire protection agency with jurisdiction approve inside exhaust of spray coating operations.
- (2) Filtration. Except as in NWCAA 508.4(A)(1)(c) & (e), all enclosed spray areas shall employ either:
- (a) Water-wash curtains with a continuous water curtain to control the overspray or
 - (b) Properly-seated filter(s) that have a capture efficiency of at least 98 percent as described in NWCAA 508.4(A)(8)(c). A gauge shall be installed, operated, and maintained that displays the pressure drop across the filter(s). The acceptable pressure drop range shall be clearly marked on the gauge or posted next to the gauge. The enclosed spray area shall be operated such that the pressure drop across the filter(s) is within the acceptable range and the filter(s) are properly seated with no holes or tears.
- (3) Spray Application Methods. The spray application methods in NWCAA 508.4(A)(3)(a) shall be used for spray coating unless the exemption in NWCAA 508.4(A)(3)(b) applies.
- (a) Required Spray Application Methods.
 - (i) HVLP spray equipment;
 - (ii) Airless or air-assisted airless spray equipment;
 - (iii) Electrostatic application; or

- (iv) A method that has a transfer efficiency of 65% or higher using ASTM Standard D 5327-92 or a test method approved in writing by the NWCAA.
 - (b) If the required spray application methods under NWCAA 508.4(A)(3)(a) cannot be used in a certain situation, the situation is exempt from using a required spray application method provided that the facility maintains appropriate records (e.g., manufacturing specifications) to demonstrate that the required spray application methods cannot be used.
- (4) Vertical Unobstructed Exhaust Vent. Except as provided in NWCAA 508.4(A)(1)(c) & (e), emissions from an enclosed spray area shall be vented to the atmosphere through an unobstructed vertical exhaust vent. If the exhaust vent exits horizontally out of the side of the building, then the exhaust vent shall bend to vent vertically above the eave of the roof. There shall be no flow obstructions that will impede upward vertical flow of the exhaust.
- (5) Visible Emissions. Visible emissions from an enclosed spray area exhaust vent shall not exceed 0% opacity for more than an aggregate of 3 minutes in any consecutive 60-minute period as determined by Ecology Method 9A.
- (6) Equipment Cleanup. Spray guns shall be cleaned in an enclosed cleaning device or disassembled and cleaned in a container. Each gun cleaning device and container shall be kept closed when not in use. Guns and spray equipment must not atomize solvent into the air during cleanup.
- (7) Storage and Disposal. VOC-containing materials shall be kept in closed containers except when materials are actively being added or removed. Rags and paper towels contaminated with VOC-containing materials shall be collected immediately after use and kept in closed containers. Empty containers as defined in WAC 173-303-160 are exempt from this requirement.
- (8) Recordkeeping. All records required by this section shall be maintained onsite for at least 3 years from the date of generation and made available to NWCAA personnel upon request. Maintain the following records as applicable:
 - (a) Data Sheets. Environmental data sheets (EDS) or other data sheets that clearly indicate the contents of the spray coatings and solvents used.
 - (b) Usages. Records of total coating and solvent purchases or usages for the calendar year.

- (c) Filter Efficiency. For those facilities utilizing filter(s) pursuant to NWCAA 508.4(A)(2)(b), documentation that demonstrates the filter(s) being used have a capture efficiency of at least 98 percent. The procedure used to demonstrate filter efficiency must be consistent with the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Method 52.1, Method 52.2, or an alternate test method approved by the NWCAA in writing. Published filter efficiency data provided by filter vendors may be used to demonstrate compliance with this requirement.
 - (d) Filter Condition. For those facilities utilizing filter(s) pursuant to NWCAA 508.4(A)(2)(b), weekly observations of the filter(s) including: date, time, confirmation that filters are properly seated and in good condition, any corrective actions taken, and initials of person making the record. Weekly observations are not required for weeks that the enclosed spray area was not operated. Instead, the record must reflect the enclosed spray area was not in operation that week.
 - (e) Pressure Drop. For those facilities utilizing a pressure gauge pursuant to NWCAA 508.4(A)(1)(a)(ii) and/or NWCAA 508.4(A)(2)(b), weekly observations of pressure drop readings while operating including: date, time, pressure drop value, corrective action taken if the pressure drop is outside of the normal range (e.g., filter change), and initials of person making the record. Weekly observations are not required for weeks that the enclosed spray area was not operated. Instead, the record must reflect the enclosed spray area was not in operation that week.
 - (f) Disposal. Disposal records of waste materials, including volumes of waste solvents and coatings transferred to authorized waste haulers.
- (B) Compliance Date. Subject sources shall be in compliance with NWCAA 508.4(A)(1)(a) & (b), (A)(2), and (A)(4) by no later than October 12, 2020.

PASSED: September 13, 2018

SECTION 510 - INCINERATOR BURNING

510.1 It shall be unlawful for any person to burn any refuse in any incinerator within the jurisdiction of the NWCAA except in an approved multiple chamber

incinerator or an equivalent design as defined in Section 200 and provided with an emission control facility, or in equipment found by the Control Officer, in advance of such use, to be equally effective for the purpose of air pollution control.

AMENDED: April 14, 1993

SECTION 511 - REFUSE BURNING EQUIPMENT: TIME RESTRICTION

511.1 It shall be unlawful for any person to cause or permit the operation of refuse burning equipment at any time other than daylight hours of the same day, except with the approval of the Control Officer.

511.2 Approval of the Control Officer for the operation of such equipment may be granted upon the submission of a written request stating:

511.21 The full name and address of the applicant; and

511.22 The location of the refuse burning equipment; and

511.23 A brief description of the refuse burning equipment and its control apparatus; and

511.24 Good cause for the issuance of such approval; and

511.25 The hours, other than daylight hours, during which the applicant seeks to operate the equipment; and

511.26 The length of time for which the exception is sought.

PASSED: January 8, 1969 AMENDED: April 14, 1993

SECTION 512 – CRUSHING OPERATIONS

512.1 Purpose.

This section of the NWCAA Regulation establishes general standards to control particulate emissions from crushing operations.

512.2 Applicability.

The provisions of this section apply to crushing operations as defined in NWCAA Section 200.

512.3 Definitions.

All terms not defined herein shall have the meaning given in NWCAA Section 200 or 40 CFR 60 Subpart 000.

512.4 Visible Emissions.

Visible emissions from crushing operations, including but not limited to, any crusher, screening operation, belt conveyor, or transfer point, greater than 5% opacity for more than an aggregate of 3 minutes in any consecutive 60-minute period, as measured by Ecology Method 9A, are prohibited. Visible emissions observed at or beyond the property boundary are prohibited.

512.5 Dust Suppression Plan.

- (A) The facility shall develop and implement a written Dust Suppression Plan. The plan must be adequate to control visible emissions as limited in NWCAA 512.4. The Dust Suppression Plan shall be updated if found inadequate to maintain emissions at or below the limits in NWCAA 512.4 and maintained for the active life of the facility. The plan shall list equipment and measures taken to prevent or minimize dust from fugitive and process emission points including:
 - (1) Materials loading (e.g., front-end loader dumping, surface mining, loading primary (jaw) crusher, loading aggregate trucks, aggregate and/or waste added to/removed from stockpiles);
 - (2) Wind erosion;
 - (3) Paved and unpaved traveled surfaces;
 - (4) Conveyors;
 - (5) Crushers;
 - (6) Screens; and
 - (7) Other fugitive and process emission points, as applicable.
- (B) Upon initial startup and weekly thereafter, conduct qualitative inspections for visible emissions from the crushing operations including at or beyond the property boundary. At any time, if visible emissions are seen in excess of the limit in NWCAA 512.4, take corrective action and update Dust Suppression Plan as necessary.

512.6 Recordkeeping.

- (A) Records shall be kept of the total tons crushed: each day (recorded daily) and each calendar month.
- (B) Keep a log of the inspections under NWCAA 512.5(B) to demonstrate implementation of the Dust Suppression Plan. At a minimum, the log shall include the following:
 - (1) Date & time of inspections.
 - (2) Outcome of the observations of visible emissions.

- (3) What action(s) in the Dust Suppression Plan is/are being followed.
- (4) Description of corrective action taken if dust emissions were observed.
- (5) Name of person making the record.

PASSED: February 10, 2022

SECTION 514 – PORTABLE SOURCES

514.1 Applicability.

The provisions of this section apply to portable sources as defined in NWCAA Section 200.

514.2 Recordkeeping.

Keep records of location and dates of operation in NWCAA jurisdiction.

514.3 Relocation Notice Required.

The owner or operator shall notify the NWCAA in writing in a format provided or approved by NWCAA of the intent to relocate into, out of, or within the NWCAA jurisdiction at least 15 calendar days prior to commencing relocating to a different location (e.g., pit, quarry, operating site). Failure to file a relocation notice to relocate into NWCAA jurisdiction pursuant to this section with required registration fee may result in penalties up to 3 times the original registration fee owed under NWCAA 324.1.

Notification is not required for relocating within the same stationary source (e.g., Chapter 401 source or pit).

PASSED: February 10, 2022

SECTION 520 - SULFUR COMPOUNDS IN FUEL

520.1 It shall be unlawful for any person to burn, sell, or make available for sale for burning in fuel burning equipment, or refuse burning equipment, within the jurisdiction of the NWCAA, any fuel containing a weight of sulfur in excess of that allowed by Subsection 520.11, 520.12, 520.13, 520.14 and 520.15.

520.11 Distillate fuel oil classified as Grade No. 1 (ASTM designation: D396-69) shall contain three tenths percent (0.3%) or less sulfur by weight.

520.12 Distillate fuel oil classified as Grade No. 2 (ASTM Designation: D396-69) shall contain five-tenths percent (0.5%) or less sulfur by weight.

520.13 All other grades or kinds of fuel oil intended for use in fuel oil burning equipment including ASTM Designation: D396-69 Grades No. 4, 5, and 6 shall contain two percent (2.0%) or less sulfur by weight.

520.14 Gaseous fuel shall contain 50 grains (412 ppm @ standard conditions) or less sulfur per 100 standard cubic feet except that this subsection shall not apply to those sources subject to Section 460.

520.15 Solid fuel (such as, but not limited to, coal, coke, and refuse) shall contain two percent (2.0%) or less sulfur by weight.

520.2 This section does not apply to:

- a. Ocean going vessels;
- b. Used oil burned in space heaters that have a maximum heat input of less than 0.4 million BTU/hr; and
- c. Persons in the business of collecting used oil from residences authorized by a city, county, or the Utilities and Transportation Commission.

AMENDED: April 14, 1993, May 11, 1995, May 9, 1996

SECTION 530 - GENERAL NUISANCE

530.1 No person shall discharge from any source quantities of air contaminants, with the exception of odors as addressed in Section 535, in sufficient amounts and of such characteristics and duration as is likely to be injurious or cause damage to human health, plant or animal life, or property; or which unreasonably interferes with enjoyment of life and property.

PASSED: December 4, 1970 AMENDED: April 14, 1993, March 13, 1997, March 9, 2000

SECTION 535 - ODOR CONTROL MEASURES

535.1 Appropriate practices and control equipment shall be installed and operated to reduce odor-bearing gasses emitted into the atmosphere to a reasonable minimum.

535.2 The Board or Control Officer may establish requirements that the building or equipment be enclosed and ventilated in such a way that odor-bearing gasses are effectively treated for removal or destruction of odorous matter or other air contaminants before emission to the atmosphere.

535.3 Any person who shall cause or allow the generation of any odor from any source which may unreasonably interfere with any other property owner's

use and enjoyment of his or her property must use recognized best practices and control equipment to reduce these odors to a reasonable minimum.

- 535.4 Odor emissions detrimental to persons or property. No person shall cause or permit the emission of any odorous air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.

PASSED: January 8, 1969 AMENDED: April 14, 1993, March 13, 1997, March 9, 2000

SECTION 540 - EMISSION OF AIR CONTAMINANT: CONCEALMENT AND MASKING

- 540.1 It shall be unlawful for any person to willfully cause or permit the installation or use of any device or use of any means which, without resulting in a reduction in the total amount of air contaminant emitted, conceals an emission of air contaminant which would otherwise violate the emission standards of this Regulation.

- 540.2 It shall be unlawful for any person to cause or permit the installation or use of any device or use of any means designed to mask the emission of an air contaminant which causes detriment to health, safety, or welfare of any person.

PASSED: January 8, 1969