

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, curtailment rules, and fuel restrictions for solid fuel burning devices in order to maintain compliance with the National Ambient Air Quality Standards (NAAQS) for fine particulates and to further the policy of the NWCAA as stated in Section 102 of this Regulation.

506.2 DEFINITIONS.

Unless a different meaning is clearly required by context, words and phrases used in this Section shall have the following meaning as defined in WAC 173-433-030:

ADEQUATE SOURCE OF HEAT – a permanently installed furnace or heating system, connected or disconnected from its energy source, designed to maintain 70 degrees Fahrenheit at a point three feet above the floor in all normally inhabited areas of a residence or commercial establishment.

ANTIQUUE WOOD STOVE – a stove manufactured before 1940 which has a current market value substantially greater than a common wood stove manufactured during the same time period.

CERTIFIED – a solid fuel-burning device that meets emission performance standards when tested by an accredited independent laboratory and labeled according to procedures specified by EPA in 40 CFR 60 Subpart AAA – Standards of Performance for Residential Wood Heaters as amended through July 1, 1990; or a solid fuel-burning device that has been determined by Ecology to meet emission performance standards, pursuant to RCW 70.94.457.

COOKSTOVE – a wood-fired appliance designed primarily for cooking food and containing an integrally built in oven, with an internal temperature indicator and oven rack, around which the fire is vented, as well as a shaker grate, ash pan and an ash clean-out below the firebox. Any device with a fan or heat channels used to dissipate heat into the room shall not be considered a cookstove.

ECOLOGY – the Washington State Department of Ecology.

EPA – the United States Environmental Protection Agency.

SEASONED WOOD – wood of any species that has been sufficiently dried so as to contain 20 percent or less moisture by weight.

SOLID FUEL BURNING DEVICE – a device that burns wood, coal, or any other non-gaseous or non-liquid fuels, and includes wood stoves or any device burning any solid fuel except those prohibited by WAC 173-433-120. 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 one million British thermal units per hour.

SUBSTANTIALLY REMODELED – any alteration or restoration of a building exceeding 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.

WOOD STOVE – 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 – Standards of Performance for Residential Wood Heaters. 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 wood stove, is considered a wood stove.

506.3 EMISSION PERFORMANCE STANDARDS.

- (A) Solid Fuel Burning Devices - A person shall not advertise to sell, offer to sell, sell, bargain, exchange, or give away any solid fuel burning device in Washington unless it has been certified and labeled in accordance with procedures and criteria specified in 40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters, complies with WAC 173-433-100, and meets the following particulate air contaminant emission standards:
 - (1) Two and one-half grams per hour for catalytic wood stoves; and
 - (2) Four and one-half grams per hour for all other solid fuel burning devices.
- (B) Fireplaces. A person shall not advertise to sell, offer to sell, sell, bargain, exchange, or give away a factory built fireplace unless it meets the 1990 EPA standards for woodstoves or equivalent standard that may be established by the state building code council by rule. Particulate emission factors for factory-built fireplaces shall not exceed 7.3 g/kg.

506.4 INSTALLATION OF SOLID FUEL HEATING DEVICES.

- (A) No new solid fuel burning device shall be installed in new or existing buildings unless such device is either Oregon Department of Environmental Quality Phase II or EPA certified to meet current Washington State standards or a pellet stove either certified or exempt from certification in accordance with 40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters.

- (B) No used solid fuel burning device shall be installed in new or existing buildings unless such device has been certified and labeled in accordance with either Oregon Department of Environmental Quality Phase II or US EPA certification standard or is a pellet stove either certified or exempt from certification by the US EPA in accordance with 40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters.
- (C) 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.
- (D) After January 1, 1997, no fireplace, except masonry fireplaces, shall be offered for sale unless such fireplace meets the 1990 EPA standards for wood stoves or equivalent standard established by the state building code council by rule in accordance with RCW 70.94.457.

506.5 OPACITY STANDARDS.

- (A) Opacity level. A 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 six consecutive minutes in any one-hour period. This restriction does not apply during the starting of a new fire for a period not to exceed 20 minutes in any four-hour period.
- (B) Test methods and procedures. EPA reference method 9 - Visual Determination of Opacity of Emissions from Stationary Sources shall 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 PROHIBITED FUEL TYPES

- (A) A person shall not burn any substance, other than properly seasoned fuel-wood, in a solid fuel burning device.
- (B) A person shall not burn paper in a solid fuel burning device other than the amount of colorless paper necessary to start a fire.

506.7 LIMITATIONS ON BURNING WOOD FOR HEAT

- (A) Any person in a residence or commercial establishment which has an adequate source of heat without burning wood shall:
- (1) Not burn wood in any solid fuel burning device whenever the Ecology or NWCAA has determined under RCW 70.94.715 that any air pollution episode exists in that area;
 - (2) Not burn wood in any solid fuel burning device except those which are either Oregon Department of Environmental Quality Phase II or US EPA certified or certified by Ecology under RCW 70.94.457(1) or a pellet stove either certified or issued an exemption by the US EPA in accordance with 40 CFR Part 60, in the geographical area and for the period of time that a first stage of impaired air quality has been determined, by NWCAA or Ecology, for that area.
 - (a) A first stage of impaired air quality is reached when forecasted meteorological conditions are predicted to cause fine particulate levels to exceed 35 micrograms per cubic meter, measured on a 24 hour average, within 48 hours, except for areas of fine particulate nonattainment or areas at risk for fine particulate nonattainment and
 - (b) A first stage burn ban for impaired air quality may be called for a county containing fine particulate nonattainment areas or areas at risk for fine particulate nonattainment, and when feasible only for the necessary portions of the county, when forecasted meteorological conditions are predicted to cause fine particulate levels to reach or exceed 30 micrograms per cubic meter, measured on a 24-hour average, within 72 hours; and
 - (3) (a) Not burn wood in any solid fuel burning device in a geographical area and for the period of time that a second stage of impaired air quality has been determined by NWCAA or Ecology, for that area. A second stage of impaired air quality is reached when:
 - (i) A first stage of impaired air quality has been in force and has not been sufficient to reduce the increasing fine particulate pollution trend;
 - (ii) Fine particulates are at an ambient level of 25 micrograms per cubic meter measured on a 24 hour average; and
 - (iii) Forecasted meteorological conditions are not expected to allow levels of fine particulates to decline below 25 micrograms per cubic meter for a period of

24 hours or more from the time that the fine particulates are measured at the trigger level.

- (b) A second stage burn ban may be called by Ecology or NWCAA without calling a first stage burn ban only when all of the following occur:
 - (i) Fine particulate levels have reached or exceeded 25 micrograms per cubic meter, measured on a 24-hour average;
 - (ii) Meteorological conditions have caused fine particulate levels to rise rapidly;
 - (iii) Meteorological conditions are predicted to cause fine particulate levels to exceed the 35 micrograms per cubic meter, measured on a 24-hour average, within 24 hours; and
 - (iv) Meteorological conditions are highly likely to prevent sufficient dispersion of fine particulate.
 - (c) In fine particulate nonattainment areas or areas at risk for fine particulate nonattainment, a second stage burn ban may be called for the county containing the nonattainment area or areas at risk for nonattainment, and when feasible only for the necessary portions of the county, without calling a first stage burn ban only when (3)(b)(i), (ii), and (iv) of this subsection have been met and meteorological conditions are predicted to cause fine particulate levels to reach or exceed 30 micrograms per cubic meter, measured on a 24-hour average, within 24 hours.
- (B) Upon declaration and for the duration of an air pollution episode or a first or second stage burn ban, new solid fuel shall be withheld from any solid fuel burning device that is restricted from operating under subsection (A) of this section.
 - (C) Smoke visible from a chimney, flue or exhaust duct after three hours has elapsed from the time of declaration of an air pollution episode or a first or second stage burn ban 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 subsection (A) of this section. This presumption may be refuted by demonstration that the smoke was not caused by a restricted solid fuel burning device.

506.8 GENERAL EMISSION STANDARDS.

- (A) Emissions detrimental to persons or property. No person shall cause or permit the emission of any air contaminant from any solid fuel

burning device, 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 interfere with enjoyment of life and property.

- (B) Odors. Any person who shall cause or allow the generation of any odor from any solid fuel burning device which may interfere with any other property owner's use or enjoyment of his property must use recognized good practice and procedures to reduce these odors to a reasonable minimum.

506.9 EXEMPTIONS.

- (A) The provisions of Section 506.7 shall not apply to any person who possesses a valid written exemption approved by the NWCAA. The NWCAA may allow written exemptions to any person who demonstrates any of the following to the satisfaction of the NWCAA:
 - (1) An economic need to burn solid fuel for residential space heating purposes by qualifying for energy assistance under the low income energy assistance program.
 - (2) That his/her heating system, other than a solid fuel heating device, is inoperable for reasons other than his/her own actions.
 - (a) That there is no adequate source of heat and the structure was constructed or substantially remodeled prior to July 1, 1992.
 - (b) That there is no adequate source of heat and the structure was constructed or substantially remodeled after July 1, 1992 and is outside an urban growth area, as defined in chapter 36.70A RCW.
- (B) Written exemptions shall be valid for a period determined by the NWCAA and shall not exceed one year from the date of approval.

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

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 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