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Appendix 6. Laws and Rules Crosswalk

1998 SMP RCW and WAC Sections	In 1998 SMP	In 2022 SMP	2022 SMP RCW and WAC Sections ¹	Section Title
42 USC 7470	Yes	Yes	42 USC 7470	Establishes visibility protections in Class I Federal Areas.
42 USC 7418	Yes	Yes	42 USC 7418	Establishes that federal agencies must adhere to state air quality laws, rules, and regulations.
RCW 52.12.103	No	Yes	RCW 52.12.103	Burning permits—Issuance—Contents.
RCW 52.12.104	No	Yes	RCW 52.12.104	Burning permits—Duties of permittee.
RCW 70.94.011	Yes	Yes	RCW 70A.15.1005	Declaration of public policies and purpose.
RCW 70.94.030	No	Yes	RCW 70A.15.1030	Definitions.
RCW 70.94.040	No	Yes	RCW 70A.15.1070	Causing or permitting air pollution unlawful—Exception.
RCW 70.94.181	No	Yes	RCW 70A.15.2310	Variations—Application for—Considerations—Limitations—Renewals—Review.
RCW 70.94.431	No	Yes	RCW 70A.15.3160	Civil penalties—Excusable excess emissions.

¹ Chapter 70.94 was recodified as chapter 70A.15 in 2019.

1998 SMP RCW and WAC Sections	In 1998 SMP	In 2022 SMP	2022 SMP RCW and WAC Sections ¹	Section Title
RCW 70.94.473	No	Yes	RCW 70A.15.3580	Limitations on burning wood for heat—First and second stage burn bans—Report on second stage burn ban—Exceptions—Emergency situations.
RCW 70A.15.5000	No	Yes	RCW 70A.15.5000	Definitions
RCW 70.94.6512	No	Yes	RCW 70A.15.5010 (2)	Outdoor burning—Fires prohibited—Exceptions.
RCW 70.94.6514	Yes	Yes	RCW 70A.15.5020	Outdoor burning—Areas where prohibited—Exceptions—Use for management of storm or flood-related debris—Silvicultural burning. ²
RCW 70.94.6516	No	Yes	RCW 70A.15.5030	Outdoor burning – Permits issued by political subdivisions
RCW 70.94.6524	Yes	Yes	RCW 70A.15.5070	Limited outdoor burning—Program—Exceptions.
RCW 70.94.6526	Yes	Yes	RCW 70A.15.5080	Limited outdoor burning—Permits issued by political subdivisions—Types of fires permitted.
RCW 70.94.6534	Yes	Yes	RCW 70A.15.5120	Burning permits for abating or prevention of forest fire hazards, management of ecosystems, instruction or silvicultural operations—Issuance—Fees.
RCW 70.94.6536	Yes	Yes	RCW 70A.15.5130	Silvicultural forest burning—Reduce statewide emissions—Exemption—Monitoring program.
RCW 70.94.6538	Yes	Yes	RCW 70A.15.5140	Burning permits for abating or prevention of forest fire hazards, management of ecosystems, instruction or silvicultural operations—Conditions for issuance and use

² In 2019, the legislature amended RCW 70.15.5020 to allow burning in Urban Growth Areas under particular circumstances

1998 SMP RCW and WAC Sections	In 1998 SMP	In 2022 SMP	2022 SMP RCW and WAC Sections ¹	Section Title
				of permits—Air quality standards to be met—Alternate methods to lessen forest debris.
RCW 70.94.6540	Yes	Yes	RCW 70A.15.5150	Cooperation between department of natural resources and state, local, or regional air pollution authorities—Withholding of permits.
RCW 70.94.6548	Yes	Yes	RCW 70A.15.5190	Outdoor burning allowed for managing storm or flood-related debris.
RCW 70.94.6554	Yes	No	RCW 70A.15.5220	Disposal of tumbleweeds.
RCW 76.04.005	No	Yes	RCW 76.04.005	Definitions.
RCW 76.04.165	No	Yes	RCW 76.04.165	Legislative declaration—Forest protection zones.
RCW 76.04.205	Yes	Yes	RCW 76.04.205	Burning Permits.
WAC 332.24.201	Yes	Yes	WAC 332.24.201	Burning Permit Program--Requirements and Exceptions.
WAC 332.24.205	Yes	Yes	WAC 332.24.205	General rules--minimum requirements for all burning. ³
WAC 332.24.211	Yes	Yes	WAC 332.24.211	Specific rules for small fires not requiring a written burning permit.

³ In 2019, DNR revised this WAC to reflect changes that the legislature made permitting burning in UGAs

1998 SMP RCW and WAC Sections	In 1998 SMP	In 2022 SMP	2022 SMP RCW and WAC Sections ¹	Section Title
WAC 332.24.217	Yes	Yes	WAC 332.24.217	Burning permits requirements—penalty.
WAC 332.24.221	Yes	Yes	WAC 332.24.221	Specific rules for burning that requires a written burning permit.

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Appendix 7. Washington Clean Air Act Crosswalk

Old Chapter 70.94 RCW Sections	New Chapter 70A.15 RCW Sections	Washington Clean Air Act Section Title
70.94.011	70A.15.1005	Declaration of public policies and purpose.
70.94.030	70A.15.1030	Definitions.
70.94.040	70A.15.1070	Causing or permitting air pollution unlawful—Exception.
70.94.181	70A.15.2310	Variances—Application for—Considerations—Limitations—Renewals—Review.
70.94.431	70A.15.3160	Civil penalties—Excusable excess emissions.
70.94.473	70A.15.3580	Limitations on burning wood for heat—First and second stage burn bans—Report on second stage burn ban—Exceptions—Emergency situations.
70.94.6511	70A.15.5000	Definition of "outdoor burning."
70.94.6512	70A.15.5010	Outdoor burning—Fires prohibited—Exceptions.
70.94.6514	70A.15.5020	Outdoor burning—Areas where prohibited—Exceptions—Use for management of storm or flood-related debris—Silvicultural burning.
70.94.6516	70A.15.5030	Outdoor burning—Permits issued by political subdivisions.
70.94.6524	70A.15.5070	Limited outdoor burning—Program—Exceptions.
70.94.6526	70A.15.5080	Limited outdoor burning—Permits issued by political subdivisions—Types of fires permitted.
70.94.6534	70A.15.5120	Burning permits for abating or prevention of forest fire hazards, management of ecosystems, instruction or silvicultural operations—Issuance—Fees.
70.94.6536	70A.15.5130	Silvicultural forest burning—Reduce statewide emissions—Exemption—Monitoring program.
70.94.6538	70A.15.5140	Burning permits for abating or prevention of forest fire hazards, management of ecosystems, instruction or silvicultural operations—Conditions for issuance and use of permits—Air quality standards to be met—Alternate methods to lessen forest debris.
70.94.6540	70A.15.5150	Cooperation between department of natural resources and state, local, or regional air pollution authorities—Withholding of permits.
70.94.6548	70A.15.5190	Outdoor burning allowed for managing storm or flood-related debris.

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Appendix 8. 1998 and 2022 SMP Crosswalk

1998 SMP (page number)	2022 SMP (page number)	1998 SMP (Section)	2022 SMP (Section)	Explanation of any change
5	3	That all state, private, and federal silvicultural burners participate	That all state, private, and federal silvicultural burners participate	Substantially unchanged.
6-7	4-5	Responsibilities--DNR, Ecology, Federal Agencies, and Tribes	Responsibilities--DNR, Ecology, Federal Agencies, and Tribes	Edited to reflect full range of responsibilities, and to add WA State Department of Health.
8-9	9-10	Large Burn Approval Criteria	Approval Criteria for Large Burns and all Burns within UGAs	Edited to reflect criteria having a basis in RCW or WAC.
N/A	8	N/A	Urban Growth Area (UGA) Burns	Added due to changes in RCW and WAC.
9	8-9	Daily Burn Prioritization	Daily Burn Prioritization	Substantially unchanged.
10	7	APPROVING SMALL FIRES	Small Burns	Edited to clarify actual procedure and requirements for small burn ignition, no substantive change from 1998.
10-11	12-14	APPROVING MULTIPLE DAY BURNS	Approval Process for Multiple Day Burns	Added monitoring, communication, and coordination requirements to multiple day burn strategy.
11	11-12	SMOKE INTRUSIONS	Smoke Intrusions caused by any silvicultural burning	Added numerical definition of intrusion, and developed policy to mitigate emerging intrusions and coordinate

1998 SMP (page number)	2022 SMP (page number)	1998 SMP (Section)	2022 SMP (Section)	Explanation of any change
				with affected members of the public.
11-12	16-17	VISIBILITY PROTECTION	Visibility Protection	Excised weekend summer burning prohibition, since we could not find explicit authority to apply such a blanket prohibition in RCW or WAC, and could not find evidence that this prohibition was instituted to protect visibility in Class I Federal Areas.
NA	15	NA	Complaint Tracking	New Section.
13	14	SMOKE MANAGEMENT PLAN EXCEPTIONS	Exceptions to Provisions of the Smoke Management Plan	Developed an exception process that explicitly spells out information needed from burners, and sets expectations so that DNR can be more accountable to burners for answers and determinations.
14	17	REQUIREMENTS FOR EMISSION REDUCTION	Mandatory Emissions Reduction	Substantially unchanged, other than to divide into sections for greater readability.
15	18	CREATING THE EMISSIONS BASELINE	Emissions Baseline	Edited to set numerical baseline and remove references to current use of SMS info, a deprecated and no longer supported program.

1998 SMP (page number)	2022 SMP (page number)	1998 SMP (Section)	2022 SMP (Section)	Explanation of any change
17	18-20	MANDATORY EMISSIONS ALLOCATION SYSTEM	Mandatory Emissions Allocation System	Edited for greater readability, no substantive changes.
18-19	20	EMISSION REDUCTION TECHNIQUES	Emission Reduction Techniques	Edited for greater readability, no substantive changes.
19	20-21	ALTERNATIVES TO BURNING	Alternatives to Burning	Edited for greater readability, no substantive changes.
NA	21	NA	Exceptional Events Demonstration	New section.
21	24	Plan Review, Approval and Updating	Plan Review, Approval, and Updating	Edited.
20	32-37	BURNING PERMITS	Burning Permit Issuance, State and Private Lands	2022 SMP update does not discuss permits until the appendix that outlines rules and responsibilities, which is unchanged from the 1998 version.
20-21	59-60 66-67	FEES	Fees	The Fee Schedule is reserved for the Appendix of the SMP concerning laws, rules, and regulations.
29-30	30-31	Appendix 1: Burn Submittal and Approval Procedures Burns 100 Tons or Greater	Appendix 1: Burn Submittal and Approval Procedures for Burns 100 Tons or Greater, and Any Burn in an Urban Growth Area	Edited.
31-32	31	Appendix 2: Data Reporting Procedures	Appendix 2: Data Reporting Procedures	Edited.

1998 SMP (page number)	2022 SMP (page number)	1998 SMP (Section)	2022 SMP (Section)	Explanation of any change
33-38	33-37	Appendix 3: Estimating Gross Fuel Loading and Tons of Fuel Consumed in Prescribed Burns Approved Methods	Appendix 3: Burning Permit Issuance State and Private Lands	Information in original appendix was dated and changes frequently due to advances in fuels assessments. Eliminated.
39-46	38-42	Appendix 4: Burning Permit Issuance State and Private Lands	Appendix 4: Smoke Intrusion Reporting and Complaint Processing Procedures	Material in Appendix 4 edited and appendix renumbered due to elimination of original Appendix #3.
47-51	43	Appendix 5: Smoke Intrusion Reporting Procedures	Appendix 5: Burning Permit Phone System, Procedures and Responsibilities	Material in Appendix 5 edited and appendix renumbered due to elimination of previous appendix (#3).
52-55	45	Appendix 6: 1-800 Burning Permit Phone System Procedures and Responsibilities	Appendix 6: National Ambient Air Quality Standards	Material in Appendix 6 edited and appendix renumbered due to elimination of previous appendix (#3).
56	46-67	Appendix 7: State of Washington Federal Class I Areas	Appendix 7: Laws, Rules and Authorities	Map of Class I Federal Areas updated to be more clear and moved to Appendix 13.
57	68-76	Appendix 8: Designated Areas (DA) for Air Quality Control	Appendix 8: Alternative Debris Disposal Techniques	Areas in Appendix 8 are designated by Ecology and subject frequent change, so determination was made to remove from appendices in order to allow for better adaptability to changing air quality conditions and trends.
58	77-80	Appendix 9: National Ambient Air Quality Standards	Appendix 9: Procedure for Exempting Eastside Forest Health Burns	Appendix removed since NAAQs are likely to change over time.

1998 SMP (page number)	2022 SMP (page number)	1998 SMP (Section)	2022 SMP (Section)	Explanation of any change
			from the Requirement for Emission Reduction	
59-66	80-81	Appendix 10: Overview of SMS-INFO	Appendix 10: Criteria for Defining Low Risk Areas	Appendix removed since SMS-INFO is no longer used.
67-69	84	Appendix 11: Authorities	Appendix 11: Pre-Burn Season Outreach Plan	Material in Appendix retained and reformatted, combined with other rules and regulations in Appendix 7 of update.
70-75	84	Appendix 12: Baseline Calculation and Options	Appendix 12: Class I Federal Areas	Appendix removed and some of the content moved to the body of the document. Calculations made to ensure that baseline adheres to PM 2.5 standard rather than PM 10.
76-79	73	Appendix 13: Program Cost Distribution Method		Appendix removed, since DNR has not operated using this system in seven years.
80-91		Appendix 14: Alternative Debris Disposal Techniques		Appendix removed, since topic is considered in the body of the SMP. (Appendix 8)
92-108		Appendix 15: Related Laws		Material in Appendix retained and reformatted, combined with other rules and regulations in Appendix 7 of update.
109-115		Appendix 16: Procedure for Exempting Eastside Forest Health Burns from the		Material in Appendix retained and renumbered (9) due to elimination of previous appendices.

1998 SMP (page number)	2022 SMP (page number)	1998 SMP (Section)	2022 SMP (Section)	Explanation of any change
		Requirement for Emission Reduction		
116-118		Appendix 17: Effect of Guidelines for Estimating Volume, Biomass, and Smoke Production for Piled Slash on the Emissions Baseline		Appendix eliminated since it is dated and no longer relevant.
119-122		Appendix 18: Criteria for Defining Low Risk Areas		Appendix retained and renumbered (10) due to elimination of other appendices.

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Appendix 9. Laws and Rule Strikethrough

Code of Federal Regulations (CFR)

~~RCW 76.04 FOREST PROTECTION LAWS~~

~~The Revised Code of Washington (RCW) 76.04.205 requires that persons shall have a valid written burning permit obtained from the Department of Natural Resources to burn:~~

- ~~• Flammable material on lands protected by the Department; or~~
- ~~• Refuse or waste forest material on forest lands protected by the Department.~~

~~The conditions under which a permit may be issued include:~~

~~"... burning will be done in compliance with Air Quality Standards established by Chapter 70.94 RCW."~~

~~WAC 332-24 BURNING PERMITS~~

~~Specific requirements for burning on Department protected lands are listed in the Washington Administrative Code chapter 332-24. WAC 332-24-205(13) provides that the Department may impose additional requirements for all burning on its protection through the use of written burning permits and/or the Smoke Management Plan. WAC 332-24-221(3)(a) specifies that written burning permits are not valid unless the burner agrees to follow all terms of the permit and requirements of the Smoke Management Plan.~~

~~RCW 70.94 WASHINGTON CLEAN AIR ACT~~

~~The Washington Clean Air Act, RCW 70.94.6534, gives the Department of Natural Resources " responsibility for issuing and regulating burning permits required by it relating to the following activities for the protection of life or property and/or for the public health, safety, and welfare:~~

~~A. Abating a forest fire hazard;~~

~~B. Prevention of a fire hazard;~~

~~C. Instruction of public officials in methods of forest firefighting;~~

~~D. Any silvicultural operation to improve the forest lands of the state; and~~

~~E. Silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within State, federal and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas."~~

~~The Washington Clean Air Act, RCW 70.94.6536, also requires that "... the Department of Natural Resources shall administer a program to reduce statewide emissions from silvicultural forest burning ..."; and that "the Department of Natural Resources shall develop a plan, based upon the existing smoke management agreement to carry out the programs as described in this section in the most efficient, cost effective manner possible."~~

~~RCW 70.94.6554 states that, "It shall be the responsibility and duty of the Department of Natural Resources, Department of Ecology (DOE), Department of Agriculture, fire districts, and local air pollution control authorities to establish, through regulations, ordinances, or policy, a limited burning program for the people of this State ..."~~

~~UNITED STATES CLEAN AIR ACT (CAA)- 42 USC 7401 ET. SEQ. - AIR POLLUTION PREVENTION AND CONTROL~~

~~42 USC 7470~~

~~This section establishes a national goal for "the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I federal areas which impairment results from manmade air pollution." Mandatory Class I federal areas were defined in 42 USC 7491 of the CAA as all international parks, all national wilderness areas and memorial parks which exceed 5,000 acres in size, and all national parks which exceed 6,000 acres in size. In the State of Washington, eight such Class I areas exist, including three national parks (North Cascades, Olympic, and Mt. Rainier) and five wilderness areas (Alpine Lake, Glacier Peak, Goat Rocks, Mount Adams, and Pasayten).~~

~~In response to the requirements of the CAA, the United States Environmental Protection Agency (EPA) promulgated its rule for visibility protection for federal Class I areas (45 CFR 80089). The rule requires states to develop programs to assure reasonable progress toward meeting the national visibility goal.~~

42 USC 7418

~~Federal- Establishes that federal agencies are subject to enforcement actions for violations of the Smoke Management must adhere to state air quality laws, rules, and regulations~~

~~Plan under 42 USC 7418 of the Clean Air Act. It states in 42 USC 7418, that "(a) GENERAL COMPLIANCE~~

~~Each department, agency of the federal government and instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in the discharge of air pollutants, and each officer, agent, or employee thereof, shall be subject to, and comply with, all Federal, State, interstate, and local requirements, administrative authority, and process and sanctions respecting the control and abatement of air pollution in the same manner, and to the same extent as any non-governmental/nongovernmental entity."~~

~~"_ The preceding sentence shall apply (A) to any requirement whether substantive or procedural (including record keeping/any recordkeeping or reporting requirement, any requirement respecting permits and any other requirement whatsoever), (B) to any requirement to pay a fee or charge imposed by any State or local agency to defray the costs of its air pollution regulatory program—", (C) to the exercise of any Federal, State, or local administrative authority, and (D) to any process and sanction, whether enforced in Federal, State, or local courts, or in any other manner. This subsection shall apply notwithstanding any immunity of such agencies, officers, agents, or employees under any law or rule of law. No officer, agent, or employee of the United States shall be personally liable for any civil penalty for which he is not otherwise liable.~~

Related Laws

42 USC 7470-Establishes visibility protections in Class I Federal Areas.

The purposes of this part are as follows:

- (1) To protect public health and welfare from any actual or potential adverse effect which in the Administrator's judgment may reasonably be anticipated [1] to occur from air pollution or from exposures to pollutants in other media, which pollutants originate as emissions to the ambient air) [2], notwithstanding attainment and maintenance of all national ambient air quality standards;
- (2) To preserve, protect, and enhance the air quality in national parks, national wilderness areas, national monuments, national seashores, and other areas of special national or regional natural, recreational, scenic, or historic value;
- (3) To insure that economic growth will occur in a manner consistent with the preservation of existing clean air resources;
- (4) To assure that emissions from any source in any State will not interfere with any portion of the applicable implementation plan to prevent significant deterioration of air quality for any other State; and
- (5) To assure that any decision to permit increased air pollution in any area to which this section applies is made only after careful evaluation of all the consequences of such a decision and after adequate procedural opportunities for informed public participation in the decision making process.

Revised Code of Washington (RCW)

~~RCW.~~ **WASHINGTON FOREST PROTECTION LAWS;** 52.12.103-Burning permits—Issuance—Contents.

Burning permits may be issued upon request, by the persons authorized by the commissioners when the issuing officer deems it appropriate. The permit shall designate the premises and the exact location where the fire may be started and permitted, the nature of the material to be burned, the time limit of the permit, and

may contain any special requirements and conditions pertaining to the fire and the control of the fire as the issuing officer deems appropriate.

RCW 52.12.104-Burning permits—Duties of permittee.

The permittee shall comply with the terms and conditions of the permit, and shall maintain a responsible person in charge of the fire at all times who shall maintain the fire under control, not permit it to spread to other property or structures, and extinguish the fire when the authorized burning is completed or when directed by district personnel. The possession of a permit shall not relieve the permittee from liability for damages resulting from the fire for which the permittee may otherwise be liable.

RCW 76.04 (Applicable Sections): Forest Protection Laws

RCW

BURNING PERMITS

- 76.04.005- Definitions.

(1) "Additional fire hazard" means a condition existing on any land in the state:

(a) Covered wholly or in part by forest debris which is likely to further the spread of fire and thereby endanger life or property; or

(b) When, due to the effects of disturbance agents, broken, down, dead, or dying trees exist on forestland in sufficient quantity to be likely to further the spread of fire within areas covered by a forest health hazard warning or order issued by the commissioner of public lands under RCW 76.06.180. The term "additional fire hazard" does not include green trees or snags left standing in upland or riparian areas under

...

(5) "Department protected lands" means all lands subject to the forest protection assessment under RCW 76.04.610 or covered under contract or agreement pursuant to RCW 76.04.135 by the department.

...

(9) "Forest debris" includes forest slash, chips, and any other vegetative residue resulting from activities on forestland.

...

(11) "Forestland" means any unimproved lands which have enough trees, standing or down, or flammable material, to constitute in the judgment of

the department, a fire menace to life or property. Sagebrush and grass areas east of the summit of the Cascade mountains may be considered forestlands when such areas are adjacent to or intermingled with areas supporting tree growth. Forestland, for protection purposes, does not include structures.

(12) "Forestland owner," "owner of forestland," "landowner," or "owner" means the owner or the person in possession of any public or private forestland.

(13) "Forest material" means forest slash, chips, timber, standing or down, or other vegetation.

...

(15) "Landowner operation" means every activity, and supporting activities, of a forestland owner and the landowner's agents, employees, or independent contractors or permittees in the management and use of forestland subject to the forest protection assessment under RCW 76.04.610 for the primary benefit of the owner. The term includes, but is not limited to, the growing and harvesting of forest products, the development of transportation systems, the utilization of minerals or other natural resources, and the clearing of land. The term does not include recreational and/or residential activities not associated with these enumerated activities.

...

(18) "Participating landowner" means an owner of forestland whose land is subject to the forest protection assessment under RCW 76.04.610.

...

(20) "Slash" means organic forest debris such as tree tops, limbs, brush, and other dead flammable material remaining on forestland as a result of a landowner operation.

(21) "Slash burning" means the planned and controlled burning of forest debris on forestlands by broadcast burning, underburning, pile burning, or other means, for the purposes of silviculture, hazard abatement, or reduction and prevention or elimination of a fire hazard.

...

(23) "Unimproved lands" means those lands that will support grass, brush and tree growth, or other flammable material when such lands are not cleared or cultivated and, in the opinion of the department, are a fire menace to life and property.

RCW 76.04.165-Legislative declaration—Forest protection zones.

- (1) The legislature finds and declares that forestlands within the state are increasingly being used for residential purposes; that the risk to life and property is increasing from forest fires which may destroy developed property; that, based on the primary missions for the respective fire control agencies established in this chapter, adjustment of the geographic areas of responsibility has not kept pace with the increasing use of forestlands for residential purposes; and that the department should work with the state's other fire control agencies to define geographic areas of responsibility that are more consistent with their respective primary missions.
- (2) To accomplish the purposes of subsection (1) of this section, the department shall establish a procedure to clarify its geographic areas of responsibility. The areas of department protection shall be called forest protection zones. The forest protection zones shall include all forestland which the department is obligated to protect but shall not include forestland within rural fire districts or municipal fire districts which affected local fire control agencies agree, by mutual consent with the department, is not appropriate for department protection. Forestland not included within a forest protection zone established by mutual agreement of the department and a rural fire district or a municipal fire district shall not be assessed under RCW 76.04.610 or 76.04.630.
- (3) After the department and any affected local fire protection agencies have agreed on the boundary of a forest protection zone, the department shall establish the boundary by rule under chapter 34.05 RCW.
- (4) Except by agreement of the affected parties, the establishment of forest protection zones shall not alter any mutual aid agreement.

RCW 76.04.205 - Burning permits—Civil penalty.

- (1) Except in certain areas designated by the department or as permitted under rules adopted by the department, a person shall have a valid written burning permit obtained from the department to burn:
- (a) Any flammable material on any lands under the protection of the department; or
 - (b) Refuse or waste forest material on forest lands protected by the department.
- (2) To be valid a permit must be signed by both the department and the permittee. -Conditions may be imposed in the permit for the protection of life, property, or air quality and [the department] may suspend or revoke the permits when conditions warrant. -A permit shall be effective only under the conditions and for the period stated therein.- Signing of the permit shall indicate the permittee's agreement to and acceptance of the conditions of the permit.

- (3) _____ The department may inspect or cause to be inspected the area involved and may issue a burning permit if:
 - (a) All requirements relating to fire fighting equipment, the work to be done, and precautions to be taken before commencing the burning have been met;
 - (b) No unreasonable danger will result; and
- (a) Burning will be done in compliance with air quality standards established by chapter 70.9470A.15 RCW.

- (c)
 - (4) _____ The department, authorized employees thereof, or any warden or ranger may refuse, revoke, or postpone the use of permits to burn when necessary for the safety of adjacent property or when necessary in their judgment to prevent air pollution as provided in chapter 70.9470A.15 RCW. [1986 c 100- 17.]

~~H. WASHINGTON CLEAN AIR ACT; RCW 70.94 (Applicable Sections)~~

~~(5) RCW 70.94.011—Any person who violates this section, any permit issued under this section, any rules that implement this section, or the silvicultural burning provisions set forth in chapter 70A.15 RCW, may incur a civil penalty pursuant to RCW 70A.15.3160. The department shall adopt a rule that establishes: (a) A framework for resolving conflicts that may arise related to this section, including the issuance of civil penalties pursuant to RCW 70A.15.3160 for violations of this section; and (b) the method by which penalties issued pursuant to RCW 70A.15.3160 for violations of this section will be calculated. The department shall conduct a public process to solicit input on the development of the rule.~~

RCW 70A.15: Washington Clean Air Act

RCW 70A.15.1005--Declaration of public policies and purpose.

It is declared to be the public policy to preserve, protect, and enhance the air quality for current and future generations. -Air is an essential resource that must be protected from harmful levels of pollution. -Improving air quality is a matter of statewide concern and is in the public interest.- It is the intent of this chapter to secure and maintain levels of air quality that protect human health and safety, including the most sensitive members of the population, to comply with the requirements of the federal clean air act, to prevent injury to plant, animal life, and property, to foster the comfort and convenience of Washington's inhabitants, to promote the economic and social development of the state, and to facilitate the enjoyment of the natural attractions of the state.

It is further the intent of this chapter to protect the public welfare, to preserve visibility, to protect scenic, aesthetic, historic, and cultural values, and to

prevent air pollution problems that interfere with the enjoyment of life, property, or natural attractions.

Because of the extent of the air pollution problem the legislature finds it necessary to return areas with poor air quality to levels adequate to protect health and the environment as expeditiously as possible but no later than December 31, 1995. -Further, it is the intent of this chapter to prevent any areas of the state with acceptable air quality from reaching air contaminant levels that are not protective of human health and the environment.

The legislature recognizes that air pollution control projects may affect other environmental media. -In selecting air pollution control strategies state and local agencies shall support those strategies that lessen the negative environmental impact of the project on all environmental media, including air, water, and land.

The legislature further recognizes that energy efficiency and energy conservation can help to reduce air pollution and shall therefore be considered when making decisions on air pollution control strategies and projects.

It is the policy of the state that the costs of protecting the air resource and operating state and local air pollution control programs shall be shared as equitably as possible among all sources whose emissions cause air pollution.

It is also declared as public policy that regional air pollution control programs are to be encouraged and supported to the extent practicable as essential instruments for the securing and maintenance of appropriate levels of air quality.

To these ends it is the purpose of this chapter to safeguard the public interest through an intensive, progressive, and coordinated statewide program of air pollution prevention and control, to provide for an appropriate distribution of responsibilities, and to encourage coordination and cooperation between the state, regional, and local units of government, to improve cooperation between state and federal government, public and private organizations, and the concerned individual, as well as to provide for the use of all known, available, and reasonable methods to reduce, prevent, and control air pollution.

The legislature recognizes that the problems and effects of air pollution cross political boundaries, are frequently regional or ~~inter-~~ jurisdictional~~interjurisdictional~~ in nature, and are dependent upon the existence of human activity in areas having common topography and weather conditions conducive to the buildup of air contaminants. -In addition, the legislature recognizes

that air pollution levels are aggravated and compounded by increased population, and its consequences. -These changes often result in increasingly serious problems for the public and the environment.

The legislature further recognizes that air emissions from thousands of small individual sources are major contributors to air pollution in many regions of the state. -As the population of a region grows, small sources may contribute an increasing proportion of that region's total air emissions. -It is declared to be the policy of the state to achieve significant reductions in emissions from those small sources whose aggregate emissions constitute a significant contribution to air pollution in a particular region.

It is the intent of the legislature that air pollution goals be incorporated in the missions and actions of state agencies.

~~[[1991 c 199 § 102; -1973 1st ex.s. c 193 § 1; -1969 ex.s. c 168 § 1; -1967 c 238 § 1.]-. Formerly RCW 70.94.011.]~~

NOTES:

Finding~~---~~1991 c 199: - "The legislature finds that ambient air pollution is the most serious environmental threat in Washington state. -Air pollution causes significant harm to human health; damages the environment, including trees, crops, and animals; causes deterioration of equipment and materials; contributes to water pollution; and degrades the quality of life.

Over three million residents of Washington state live where air pollution levels are considered unhealthy. -Of all toxic chemicals released into the environment more than half enter our breathing air. - Citizens of Washington state spend hundreds of millions of dollars annually to offset health, environmental, and material damage caused by air pollution. -The legislature considers such air pollution levels, costs, and damages to be unacceptable.

It is the intent of this act that the implementation of programs and regulations to control air pollution shall be the primary responsibility of the department of ecology and local air pollution control authorities." ~~[[1991 c 199 § 101.]~~

Alternative fuel and solar powered vehicles~~---~~1991 c 199: - "The department of ecology shall contract with Western Washington University for the biennium ending

June 30, 1993, for research and development of alternative fuel and solar powered vehicles. -A report on the progress of such research shall be presented to the standing environmental committees and the department by January 1, 1994."
[[1991 c 199 § 230.]

RCW 70A.15.1030 Definitions.

...

(21) "Silvicultural burning" means burning of wood fiber on forestland consistent with the provisions of RCW 70A.15.5120.

RCW 70A.15.1070-Causing or permitting air pollution unlawful—Exception.

Except where specified in a variance permit, as provided in RCW 70A.15.2310, it shall be unlawful for any person to cause air pollution or permit it to be caused in violation of this chapter, or of any ordinance, resolution, rule or regulation validly promulgated hereunder.

RCW 70A.15.2310 Variances—Application for—Considerations—Limitations—Renewals—Review.

(1) Any person who owns or is in control of any plant, building, structure, establishment, process or equipment may apply to the department of ecology or appropriate local authority board for a variance from rules or regulations governing the quality, nature, duration or extent of discharges of air contaminants. The application shall be accompanied by such information and data as the department of ecology or board may require. The department of ecology or board may grant such variance, provided that variances to state rules shall require the department's approval prior to being issued by a local authority board. The total time period for a variance and renewal of such variance shall not exceed one year. Variances may be issued by either the department or a local board but only after public hearing or due notice, if the department or board finds that:

(a) The emissions occurring or proposed to occur do not endanger public health or safety or the environment; and

(b) Compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public.

(2) No variance shall be granted pursuant to this section until the department of ecology or board has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.

(3) Any variance or renewal thereof shall be granted within the requirements of subsection (1) of this section and under conditions consistent with the reasons therefor, and within the following limitations:

- (a) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement or control of the pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available, and subject to the taking of any substitute or alternate measures that the department of ecology or board may prescribe.
- (b) If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the department of ecology or board is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.
- (c) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in (a) and (b) of this subsection, it shall be for not more than one year.
- (4) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the department of ecology or board on account of the variance, no renewal thereof shall be granted unless following a public hearing on the complaint on due notice the department or board finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the department of ecology or board shall give public notice of such application in accordance with rules of the department of ecology or board.
- (5) A variance or renewal shall not be a right of the applicant or holder thereof but shall be granted at the discretion of the department of ecology or board. However, any applicant adversely affected by the denial or the terms and conditions of the granting of an application for a variance or renewal of a variance by the department of ecology or board may obtain judicial review thereof under the provisions of chapter 34.05 RCW as now or hereafter amended.
- (6) Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of RCW 70A.15.6000 through 70A.15.6040 to any person or his or her property.
- (7) An application for a variance, or for the renewal thereof, submitted to the department of ecology or board pursuant to this section shall be approved or disapproved by the department or board within sixty-five days of receipt

unless the applicant and the department of ecology or board agree to a continuance.

(8) Variances approved under this section shall not be included in orders or permits provided for in RCW 70A.15.2260 or 70A.15.2210 until such time as the variance has been accepted by the United States environmental protection agency as part of an approved state implementation plan.

RCW 70A.15.3160 Civil penalties—Excusable excess emissions.

(1) (a) Except as provided in RCW 43.05.060 through 43.05.080 and 43.05.150, and in addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of this chapter, chapter 70A.25 or 70A.450 RCW, RCW 70A.45.080 or 76.04.205, or any of the rules in force under such chapters or section may incur a civil penalty in an amount not to exceed ten thousand dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation. Enforcement actions related to violations of RCW 76.04.205 must be consistent with the provisions of RCW 76.04.205.

(b) Any person who fails to take action as specified by an order issued pursuant to this chapter shall be liable for a civil penalty of not more than ten thousand dollars for each day of continued noncompliance.

(2) (a) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.

(b) The maximum penalty amounts established in this section may be increased annually to account for inflation as determined by the state office of the economic and revenue forecast council.

(3) Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300.

(4) All penalties recovered under this section by the department shall be paid into the state treasury and credited to the air pollution control account established in RCW 70A.15.1010 or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds. If a prior penalty for the same violation has been paid to a local authority, the penalty imposed by the department under subsection (1) of this section shall be reduced by the amount of the payment.

(5) To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

(6) Public or private entities that are recipients or potential recipients of department grants, whether for air quality related activities or not, may

have such grants rescinded or withheld by the department for failure to comply with provisions of this chapter.

(7) In addition to other penalties provided by this chapter, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(8) The department shall develop rules for excusing excess emissions from enforcement action if such excess emissions are unavoidable. The rules shall specify the criteria and procedures for the department and local air authorities to determine whether a period of excess emissions is excusable in accordance with the state implementation plan.

RCW 70A.15.3580 Limitations on burning wood for heat—First and second stage burn bans—Report on second stage burn ban—Exceptions—Emergency situations.

(1) Any person in a residence or commercial establishment which has an adequate source of heat without burning wood shall:

(a) Not burn wood in any solid fuel burning device whenever the department has determined under RCW 70A.15.6010 that any air pollution episode exists in that area;

(b) Not burn wood in any solid fuel burning device except those which are either Oregon department of environmental quality phase II or United States environmental protection agency certified or certified by the department under RCW 70A.15.3530(1) or a pellet stove either certified or issued an exemption by the United States environmental protection agency in accordance with Title 40, Part 60 of the Code of Federal Regulations, in the geographical area and for the period of time that a first stage of impaired air quality has been determined, by the department or any authority, for that area.

(i) A first stage of impaired air quality is reached when forecasted meteorological conditions are predicted to cause fine particulate levels to exceed thirty-five micrograms per cubic meter, measured on a twenty-four hour average, within forty-eight hours, except for areas of fine particulate nonattainment or areas at risk for fine particulate nonattainment;

(ii) 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 thirty micrograms per cubic meter, measured on a twenty-four hour average, within seventy-two hours; and

(c)(i) 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 the department or any authority, for that area. A second stage of impaired air quality is reached when a first stage of

impaired air quality has been in force and has not been sufficient to reduce the increasing fine particulate pollution trend, fine particulates are at an ambient level of twenty-five micrograms per cubic meter measured on a twenty-four hour average, and forecasted meteorological conditions are not expected to allow levels of fine particulates to decline below twenty-five micrograms per cubic meter for a period of twenty-four hours or more from the time that the fine particulates are measured at the trigger level.

(ii) A second stage burn ban may be called without calling a first stage burn ban only when all of the following occur and shall require the department or the local air pollution control authority calling a second stage burn ban under this subsection to comply with the requirements of subsection (3) of this section:

(A) Fine particulate levels have reached or exceeded twenty-five micrograms per cubic meter, measured on a twenty-four hour average;

(B) Meteorological conditions have caused fine particulate levels to rise rapidly;

(C) Meteorological conditions are predicted to cause fine particulate levels to exceed the thirty-five micrograms per cubic meter, measured on a twenty-four hour average, within twenty-four hours; and

(D) Meteorological conditions are highly likely to prevent sufficient dispersion of fine particulate.

(iii) 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 (c)(ii)(A), (B), and (D) of this subsection have been met and meteorological conditions are predicted to cause fine particulate levels to reach or exceed thirty micrograms per cubic meter, measured on a twenty-four hour average, within twenty-four hours.

(2) Actions of the department and local air pollution control authorities under this section shall preempt actions of other state agencies and local governments for the purposes of controlling air pollution from solid fuel burning devices, except where authorized by chapter 199, Laws of 1991.

(3) (a) The department or any local air pollution control authority that has called a second stage burn ban under the authority of subsection (1)(c)(ii) of this section shall, within ninety days, prepare a written report describing:

(i) The meteorological conditions that resulted in their calling the second stage burn ban;

(ii) Whether the agency could have taken actions to avoid calling a second stage burn ban without calling a first stage burn ban; and

(iii) Any changes the department or authority is making to its procedures of calling first stage and second stage burn bans to avoid calling a second stage burn ban without first calling a first stage burn ban.

(b) After consulting with affected parties, the department shall prescribe the format of such a report and may also require additional information be included in the report. All reports shall be sent to the department and the department shall keep the reports on file for not less than five years and available for public inspection and copying in accordance with RCW 42.56.090.

(4) For the purposes of chapter 219, Laws of 2012, an area at risk for nonattainment means an area where the three-year average of the annual ninety-eighth percentile of twenty-four hour fine particulate values is greater than twenty-nine micrograms per cubic meter, based on the years 2008 through 2010 monitoring data.

(5) (a) Nothing in this section restricts a person from installing or repairing a certified solid fuel burning device approved by the department under the program established under RCW 70A.15.3530 in a residence or commercial establishment or from replacing a solid fuel burning device with a certified solid fuel burning device. Nothing in this section restricts a person from burning wood in a solid fuel burning device, regardless of whether a burn ban has been called, if there is an emergency power outage. In addition, for the duration of an emergency power outage, nothing restricts the use of a solid fuel burning device or the temporary installation, repair, or replacement of a solid fuel burning device to prevent the loss of life, health, or business.

(b) For the purposes of this subsection, an emergency power outage includes:

(i) Any natural or human-caused event beyond the control of a person that leaves the person's residence or commercial establishment temporarily without an adequate source of heat other than the solid fuel burning device; or

(ii) A natural or human-caused event for which the governor declares an emergency in an area under chapter 43.06 RCW, including a public disorder, disaster, or energy emergency under RCW 43.06.010(12).

RCW 70A.15.5000-Definition of "outdoor burning."

As used in this subchapter, "outdoor burning" means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

RCW 70A.15.5010(2)-Outdoor burning—Fires prohibited—Exceptions. ... no person shall cause or allow any outdoor fire:

(1) Containing garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, or any substance other than natural vegetation that normally emits dense smoke or obnoxious odors. Agricultural heating devices that otherwise meet the requirements of this chapter shall not be considered outdoor fires under this section;

(2) During a forecast, alert, warning or emergency condition as defined in RCW 70A.15.6010 or impaired air quality condition as defined in RCW 70A.15.3580.

RCW 70A.15.5020-Outdoor burning—Areas where prohibited—Exceptions—Use for management of storm or flood-related debris—Silvicultural burning.

(1) Consistent with the policy of the state to reduce outdoor burning to the greatest extent practical, outdoor burning shall not be allowed in:
(a) Any area of the state where federal or state ambient air quality standards are exceeded for pollutants emitted by outdoor burning; or
(b) Any urban growth area as defined by RCW 36.70A.030, or any city of the state having a population greater than ten thousand people if such cities are threatened to exceed state or federal air quality standards, and alternative disposal practices consistent with good solid waste management are reasonably available or practices eliminating production of organic refuse are reasonably available.

(2) Notwithstanding any other provision of this section, outdoor burning may be allowed for the exclusive purpose of managing storm or flood-related debris. The decision to allow burning shall be made by the entity with permitting jurisdiction as determined under RCW 70A.15.5120 or 70A.15.5040. If outdoor burning is allowed in areas subject to subsection (1)(a) or (b) of this section, a permit shall be required, and a fee may be collected to cover the expenses of administering and enforcing the permit. All conditions and restrictions pursuant to RCW 70A.15.5080(1) and 70A.15.5010 apply to outdoor burning allowed under this section.

...
(4) This section shall not apply to silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas.

(5) Notwithstanding any other provisions of this section, outdoor burning that reduces the risk of a wildfire, or is normal, necessary, and customary to ongoing silvicultural activities consistent with silvicultural burning authorized under RCW 70A.15.5120(1), is allowed within the urban growth area in accordance with RCW 70A.15.5120. Before issuing a burn permit within the urban growth area for any burn that exceeds one hundred tons of material, the department of natural resources shall consult with department of ecology and condition the issuance and use of such permits to comply with air quality standards established by the department of ecology.

RCW 70A.15.5030 Outdoor burning—Permits issued by political subdivisions.

In addition to any other powers granted to them by law, the fire protection agency, county, or conservation district issuing burning permits shall regulate or prohibit outdoor burning as necessary to prevent or abate the nuisances caused by

such burning. No fire protection agency, county, or conservation district may issue a burning permit in an area where the department or local board has declared any stage of impaired air quality per RCW 70A.15.3580 or any stage of an air pollution episode. All burning permits issued shall be subject to all applicable fee, permitting, penalty, and enforcement provisions of this chapter. The permitted burning shall not cause damage to public health or the environment.

Any entity issuing a permit under this section may charge a fee at the level necessary to recover the costs of administering and enforcing the permit program.

RCW 70A.15.5070--Limited outdoor burning—Program—Exceptions.

- (1) It shall be the responsibility and duty of the department of natural resources, department of ecology, department of agriculture, county fire marshals in consultation with fire districts, and local air pollution control authorities to establish, through regulations, ordinances, or policy, a limited burning permit program.
- (2) The permit program shall apply to residential and land clearing burning in the following areas:

 - (a) In the nonurban areas of any county with an unincorporated population of greater than fifty thousand; and
 - (b) In any city and urban growth area that is not otherwise prohibited from burning pursuant to RCW 70A.15.5020.
- (3) The permit program shall apply only to land clearing burning in the nonurban areas of any county with an unincorporated population of less than fifty thousand.
- (4) The permit program may be limited to a general permit by rule, or by verbal, written, or electronic approval by the permitting entity.
- (5) Notwithstanding any other provision of this section, neither a permit nor the payment of a fee shall be required for outdoor burning for the purpose of disposal of tumbleweeds blown by wind. Such burning shall not be conducted during an air pollution episode or any stage of impaired air quality declared under RCW 70A.15.6010. This subsection (5) shall only apply within counties with a population less than two hundred fifty thousand.
- (6) Burning shall be prohibited in an area when an alternate technology or method of disposing of the organic refuse is available, reasonably economical, and less harmful to the environment. It is the policy of this state to foster and encourage development of alternate methods or technology for disposing of or reducing the amount of organic refuse.
- (7) Incidental agricultural burning must be allowed without applying for any permit and without the payment of any fee if:

- (a) The burning is incidental to commercial agricultural activities;
 - (b) The operator notifies the local fire department within the area where the burning is to be conducted;
 - (c) The burning does not occur during an air pollution episode or any stage of impaired air quality declared under RCW 70A.15.6010; and
 - (d) Only the following items are burned:
 - (i) Orchard prunings;
 - (ii) Organic debris along fence lines or irrigation or drainage ditches; or
 - (iii) Organic debris blown by wind.
- (8) As used in this section, "nonurban areas" are unincorporated areas within a county that are not designated as urban growth areas under chapter 36.70A RCW.
- (9) Nothing in this section shall require fire districts to enforce air quality requirements related to outdoor burning, unless the fire district enters into an agreement with the department of ecology, department of natural resources, a local air pollution control authority, or other appropriate entity to provide such enforcement.

RCW 70A.15.5080--Limited outdoor burning—Permits issued by political subdivisions—Types of fires permitted.

The following outdoor fires described in this section may be burned subject to the provisions of this chapter and also subject to city ordinances, county resolutions, rules of fire districts and laws, and rules enforced by the department of natural resources if a permit has been issued by a fire protection agency, county, or conservation district:~~70.94.6534-~~

- (1) Fires consisting 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 the property owner or his or her designee.
- (2) Fires consisting of residue of a natural character such as trees, stumps, shrubbery or other natural vegetation arising from land clearing projects or agricultural pursuits for pest or disease control; except that the fires described in this subsection may be prohibited in those areas having a general population density of one thousand or more persons per square mile.

RCW 70A.15.5120--Burning permits for abating or prevention of forest fire hazards, management of ecosystems, instruction or silvicultural operations--
--Issuance.--Fees.

- (1) The department of natural resources ~~shall have the responsibility~~ is responsible for issuing and regulating burning permits required by it relating to the following activities for the protection of life or property and ~~or~~ for the public health, safety, and welfare:
 - (a) Abating or prevention of a forest fire hazard;
 - (a) Prevention of a fire hazard;
 - (b) Reducing the risk of a wildfire under RCW 70A.15.5020(5);
 - (c) Instruction of public officials in methods of forest firefighting;
 - (d) Any silvicultural operation to improve the forestlands of the state, including but not limited to forest lands of the state; and health and resiliency, decreasing forest insect or disease susceptibility, maintaining or restoring native vegetation, or otherwise enhancing resiliency to fire; and
 - (e) Silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas.
- (2) The department of natural resources shall not retain such authority, but it shall be the responsibility of the appropriate fire protection agency for permitting and regulating outdoor burning on lands where the department of natural resources does not have fire protection responsibility ~~-, except for~~ the issuance of permits for reducing the risk of wildfire under RCW 70A.15.5020(5). The department of natural resources may enter into cooperative agreements with local fire protection agencies to issue permits for reducing wildfire risk under RCW 70A.15.5020(5).
- (3) Permit fees shall be assessed for wildfire risk reduction and for silvicultural burning under the jurisdiction of the department of natural resources and collected by the department of natural resources as provided for in this section. All fees shall be deposited in the air pollution control account, created in RCW ~~70.94.015.~~ 70A.15.1010. The legislature shall appropriate to the department of natural resources funds from the air pollution control account to enforce and administer the program under this section and RCW ~~70.94.6536, 70.94.6538, 70A.15.5130, 70A.15.5140, and 70.94.6540.~~ 70A.15.5150. Fees shall be set by rule by the department of

natural resources at the level necessary to cover the costs of the program after receiving recommendations on such fees from the public.

~~[2010 1st sp.s. c 7 § 128; 2009 c 118 § 501; 1991 c 199 § 404; 1971 ex.s. c 232 § 2. Formerly~~

~~RCW 70.94.660.]~~

~~Notes:~~

~~Effective date—2010 1st sp.s. c 26; 2010 1st sp.s. c 7: See note following RCW 43.03.027.
Purpose—2009 c 118: See note following RCW 70.94.6511. Finding
—1991 c 199: See note following RCW 70.94.011.~~

~~Burning permits, issuance, air pollution a factor: RCW 76.04.205. Disposal
of forest debris: RCW 76.04.650.~~

~~**RCW 70.94.6536— 70A.15.5130--Silvicultural forest burning—Reduce state-
widestatewide emissions—Exemption—Monitoring program.**~~

- ~~☐ (1)(a) The department of natural resources shall administer a program to reduce state-widestatewide emissions from silvicultural forest burning so as to achieve the following minimum objectives:
 - ~~☉ (i) Twenty percent reduction by December 31, 1994, providing a ceiling for emissions until December 31, 2000; and~~
 - ~~☉ (ii) Fifty percent reduction by December 31, 2000, providing a ceiling for emissions thereafter.~~
 - ~~☉ (b) Reductions shall be calculated from the average annual emissions level from calendar years 1985 to 1989, using the same methodology for both reduction and base year calculations.~~~~
- ~~☐ (2)(a) The department of natural resources, within twelve months after May 15, 1991, shall develop a plan, based upon the existing smoke management agreement to carry out the programs as described in this section in the most efficient, cost-effective manner possible. -The plan shall be developed in consultation with the department of ecology, public and private landowners engaged in silvicultural forest burning, and representatives of the public.~~

~~private landowners engaged in silvicultural forest burning, and representatives of the public.~~

(b) The plan shall recognize the variations in silvicultural forest burning including, but not limited to, a landowner's responsibility to abate an extreme fire hazard under chapter ~~76.04~~ RCW and other objectives of burning, including abating and preventing a fire hazard, geographic region, climate, elevation and slope, proximity to populated areas, ~~and diversity of land ownership.~~ diversity of land ownership, improving forest health and resiliency, decreasing forest insect or disease susceptibility, maintaining or restoring native vegetation, or otherwise enhancing resiliency to fire. The plan shall establish priorities that the department of natural resources shall use to allocate allowable emissions, including but not limited to, forest health and resiliency, silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas. -The plan shall also recognize the real costs of the emissions program and recommend equitable fees to cover the costs of the program.

(c) The emission reductions in this section are to apply to all ~~forest lands~~forestlands including those owned and managed by the United States. - If the United States does not participate in implementing the plan, the departments of natural resources and ecology shall use all appropriate and available methods or enforcement powers to ensure participation.

(d) The plan shall include a tracking system designed to measure the degree of progress toward the emission reductions goals set in this section. -The department of natural resources shall report annually to the department of ecology and the legislature on the status of the plan, emission reductions and progress toward meeting the objectives specified in this section, and the goals of this chapter and chapter ~~76.04~~ RCW.

☐ (3) If the December 31, 1994, emission reductions targets in this section are not met, the department of natural resources, in consultation with the department of ecology, shall use its authority granted in this chapter and chapter ~~76.04~~ RCW to immediately limit emissions from such burning to the 1994 target levels and limit silvicultural forest burning in subsequent ~~years to~~years to achieve equal annual incremental reductions so as to achieve the December 31, 2000, target level. -If, as a result of the program established in this section, the emission reductions are met in 1994, but are not met by December 31, 2000, the department of natural resources in

consultation with the department of ecology shall immediately limit silvicultural forest burning to reduce emissions from such burning to the December 31, 2000, target level in all subsequent ~~year-years~~.

- ☐ (4) Emissions from silvicultural burning in eastern Washington that is conducted for the purpose of restoring forest health or preventing the additional deterioration of forest health are exempt from the reduction targets and calculations in this section if the following conditions are met:
 - (a) The landowner submits a written request to the department identifying the location of the proposed burning and the nature of the forest health problem to be corrected. -The request shall include a brief description of alternatives to silvicultural burning and reasons why the landowner believes the alternatives not to be appropriate.
 - (b) The department determines that the proposed silvicultural burning operation is being conducted to restore forest health or prevent additional deterioration to forest health; meets the requirements of the state smoke management plan to protect public health, visibility, and the environment; and will not be conducted during an air pollution episode or during periods of impaired air quality in the vicinity of the proposed burn.
 - (c) Upon approval of the request by the department and before burning, the landowner is encouraged to notify the public in the vicinity of the burn of the general location and approximate time of ignition.
- ☐ (5) The department of ecology may conduct a limited, seasonal ambient air quality monitoring program to measure the effects of forest health burning conducted under subsection (4) of this section. -The monitoring program may be developed in consultation with the department of natural resources, private and public ~~forest landowners~~forestland owners, academic experts in forest health issues, and the general public.

~~[1995 c 143 § 1; 1991 c 199 § 403.]~~

RCW ~~70.94.6538~~—70A.15.5140-Burning permits for abating or prevention of forest fire hazards, management of ecosystems, instruction or silvicultural operations—Conditions for issuance and use of permits—Air quality standards to be met—Alternate methods to lessen forest debris.

The department of natural resources in granting burning permits for fires for the purposes set forth in RCW ~~70.94.6534~~70A.15.5120 shall condition the

issuance and use of such permits to comply with air quality standards established by the department of ecology after full consultation with the department of natural resources. Such burning shall not cause the state air quality standards to be exceeded in the ambient air up to two thousand feet above ground level over critical areas designated by the department of ecology, otherwise subject to air pollution from other sources. Air quality standards shall be established and published by the department of ecology which shall also establish a procedure for advising the department of natural resources when and where air contaminant levels exceed or threaten to exceed the ambient air standards over such critical areas. The air quality shall be quantitatively measured by the department of ecology or the appropriate local air pollution control authority at established monitoring stations over such designated areas. Further, such permitted burning shall not cause damage to public health or the environment. All permits issued under this section shall be subject to all applicable fees, permitting, penalty, and enforcement provisions of this chapter. The department of natural resources shall set forth smoke dispersal objectives designed consistent with this section to minimize any air pollution from such burning and the procedures necessary to meet those objectives.

The department of natural resources shall encourage more intense utilization in logging and alternative silviculture practices to reduce the need for burning. The department of natural resources shall, whenever practical, encourage landowners to develop and use alternative acceptable disposal methods subject to the following priorities: (1) Slash production minimization, (2) slash utilization, (3) nonburning disposal, (4) silvicultural burning. Such alternative methods shall be evaluated as to the relative impact on air, water, and land pollution, public health, and their financial feasibility.

The department of natural resources shall not issue burning permits and shall revoke previously issued permits at any time in any area where the department of ecology or local board has declared a stage of impaired air quality as defined in RCW ~~70.94.473-~~[70A.15.3580](#).

~~[2009 c 118 § 502; 1991 c 199 § 405; 1971 ex.s. c 232 § 3. Formerly RCW 70.94.670.]~~

Notes:

~~Purpose—2009 c 118: See note following RCW 70.94.6511. Finding
—1991 c 199: See note following RCW 70.94.011.~~

~~RCW 70.94.6540—~~

~~**[RCW 70A.15.5150](#) Cooperation between department of natural resources and state, local, or regional air pollution authorities—**~~**Withholding of permits.**

In the regulation of outdoor burning not included in RCW ~~70.94.6534~~[70A.15.5120](#) requiring permits from the department of natural

resources, said department and the state, local, or regional air pollution control authorities will cooperate in regulating such burning so as to minimize insofar as possible duplicate inspections and separate permits while still accomplishing the objectives and responsibilities of the respective agencies. The department of natural resources shall include any local authority's burning regulations with permits issued where applicable pursuant to RCW ~~70.94.6512, 70.94.6514, 70.94.6518, 70.94.6520, 70.94.6522, 70.94.6524, 70A.15.5020, 70A.15.5040, 70A.15.5050, 70A.15.5060, 70A.15.5070, and 70.94.6526~~70A.15.5080. The department shall develop agreements with all local authorities to coordinate regulations.

Permits shall be withheld by the department of natural resources when so requested by the department of ecology if a forecast, alert, warning, or emergency condition exists as defined in the episode criteria of the department of ecology.

~~[2009 c 118 § 503; 1991 c 199 § 406; 1971 ex.s. c 232 § 5. Formerly RCW 70.94.690.]~~

Notes:

~~—Purpose—2009 c 118: See note following RCW 70.94.6511.
Finding—1991 c 199: See note following RCW 70.94.011.~~

~~**RCW 70.94.6514 – 70A.15.5190 Outdoor burning —Areas where prohibited—Use for management of storm or flood-related debris—Silvicultural burning.**~~

- ~~(1) Consistent with the policy of the state to reduce outdoor burning to the greatest extent practical, outdoor burning shall not be **allowed** in:~~
- ~~(a) Any area of the state where federal or state ambient air quality standards are exceeded for pollutants emitted by outdoor burning; or~~
 - ~~(b) Any urban growth area as defined by RCW 36.70A.030, or any city of the state having a population greater than ten thousand people if such cities are threatened to exceed state or federal air quality standards, and alternative disposal practices consistent with good solid waste management are reasonably available or practices eliminating production of organic refuse are reasonably available.~~

~~1. Notwithstanding any other provision of this section, outdoor burning may be allowed for the exclusive purpose of **for managing storm or flood-related debris**. The decision to allow burning shall be made by the entity with permitting jurisdiction as determined under RCW 70.94.6534 or 70.94.6518. If outdoor burning is allowed in areas subject to subsection (1)(a) or (b) of this section, a permit shall be required, and a fee may be collected to cover the expenses of administering and enforcing the permit. All conditions and restrictions pursuant to RCW 70.94.6526(1) and 70.94.6512 apply to outdoor burning allowed under this section.~~

- ~~(2) (a) Outdoor burning that is normal, necessary, and customary to ongoing agricultural activities, that is consistent with agricultural burning authorized under RCW 70.94.6528 and 70.94.6532, is allowed within the urban growth area in accordance with RCW 70.94.6528(8)(a).~~
~~(b) Outdoor burning of cultivated orchard trees shall be allowed as an ongoing agricultural activity under this section in accordance with RCW 70.94.6528(8)(b).~~

- ~~(3) This section shall not apply to silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas.~~

~~{2009 c 118 § 103; 2004 c 213 § 1; 2001 1st sp.s. c 12 § 1; 1998 c 68 § 1; 1997 c 225 § 1; 1991 c 199 § 402. Formerly RCW 70.94.743.}~~

Notes:

~~Purpose—2009 c 118: See note following RCW 70.94.6511. Finding
—1991 c 199: See note following RCW 70.94.011.~~

~~RCW 70.94.6548—Outdoor burning allowed for managing storm or flood-related debris.~~ Consistent with RCW ~~70.94.6514~~ [70A.15.5020](#), outdoor burning may be allowed anywhere in the state for the exclusive purpose of managing storm or flood-related debris.

~~{[[2020 c 20 § 1148](#); 2009 c 118 § 701.]}~~

Notes:

~~Purpose—2009 c 118: See note following RCW 70.94.6511.~~

~~RCW 70.94.6524—Limited outdoor burning—Program—Exceptions.~~

- ~~(1) It shall be the responsibility and duty of the department of natural resources, department of ecology, department of agriculture, fire districts, and local air pollution control authorities to establish, through regulations, ordinances, or policy, a limited burning permit program.~~

- ~~(2) The permit program shall apply to residential and land clearing burning in the following areas:~~
- ~~(a) In the nonurban areas of any county with an unincorporated population of greater than fifty thousand; and~~
 - ~~(b) In any city and urban growth area that is not otherwise prohibited from burning pursuant to RCW 70.94.6514.~~
- ~~(3) The permit program shall apply only to land clearing burning in the nonurban areas of any county with an unincorporated population of less than fifty thousand.~~
- ~~(4) The permit program may be limited to a general permit by rule, or by verbal, written, or electronic approval by the permitting entity.~~
- ~~(5) Notwithstanding any other provision of this section, neither a permit nor the payment of a fee shall be required for outdoor burning for the purpose of disposal of tumbleweeds blown by wind. Such burning shall not be conducted during an air pollution episode or any stage of impaired air quality declared under RCW 70.94.715. This subsection (5) shall only apply within counties with a population less than two hundred fifty thousand.~~
- ~~(6) Burning shall be prohibited in an area when an alternate technology or method of disposing of the organic refuse is available, reasonably economical, and less harmful to the environment. It is the policy of this state to foster and encourage development of alternate methods or technology for disposing of or reducing the amount of organic refuse.~~
- ~~(7) Incidental agricultural burning must be allowed without applying for any permit and without the payment of any fee if:~~
- ~~(a) The burning is incidental to commercial agricultural activities;~~
 - ~~(b) The operator notifies the local fire department within the area where the burning is to be conducted;~~
 - ~~(c) The burning does not occur during an air pollution episode or any stage of impaired air quality declared under RCW 70.94.715; and~~ ~~(d) Only the following items are burned:~~
 - ~~(i) Orchard prunings;~~
 - ~~(ii) Organic debris along fence lines or irrigation or drainage ditches; or~~
 - ~~(iii) Organic debris blown by wind.~~
- ~~(8) As used in this section, "nonurban areas" are unincorporated areas within a county that are not designated as urban growth areas under chapter 36.70A RCW.~~
- ~~(9) Nothing in this section shall require fire districts to enforce air quality requirements related to outdoor burning, unless the fire district enters into an agreement with the~~

~~department of ecology, department of natural resources, a local air pollution control authority, or other appropriate entity to provide such enforcement.~~

~~[2009 c 118 § 301; 1995 c 206 § 1; 1991 c 199 § 401; 1972 ex.s. c 136 § 2.
Formerly RCW- 70.94.6548.]~~

~~70.94.745.]~~

Notes:

~~Purpose—2009 c 118: See note following RCW 70.94.6511.~~

~~Finding—1991 c 199: See note following RCW 70.94.011.~~

~~RCW 70.94.6526—Limited outdoor burning—Permits issued by political subdivisions—Types of fires permitted.~~

~~The following outdoor fires described in this section may be burned subject to the provisions of this chapter and also subject to city ordinances, county resolutions, rules of fire districts and laws, and rules enforced by the department of natural resources if a permit has been issued by a fire protection agency, county, or conservation district:~~

- ~~(1) Fires consisting 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 the property owner or his or her designee.~~
- ~~(2) Fires consisting of residue of a natural character such as trees, stumps, shrubbery or other natural vegetation arising from land clearing projects or agricultural pursuits for pest or disease control; except that the fires described in this subsection may be prohibited in those areas having a general population density of one thousand or more persons per square mile.~~

~~[2009 c 118 § 302; 1991 c 199 § 412; 1972 ex.s. c 136 § 3. Formerly RCW 70.94.750.]~~

Notes:

~~Purpose—2009 c 118: See note following RCW 70.94.6511. Finding
—1991 c 199: See note following RCW 70.94.011.~~

~~RCW 70.94.6512—Outdoor burning—Fires prohibited—Exceptions.~~

~~Except as provided in RCW 70.94.6546, no person shall cause or allow any outdoor fire:~~

~~(1) Containing garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, or any substance other than natural vegetation that normally emits dense smoke or obnoxious odors. Agricultural heating devices that otherwise meet the requirements of this chapter shall not be considered outdoor fires under this section;~~

~~(2) During a forecast, alert, warning or emergency condition as defined in RCW 70.94.715 or impaired air quality condition as defined in RCW 70.94.473.~~

~~{2009 c 118 § 102; 1995 c 362 § 2; 1991 c 199 § 410; 1974 ex.s. c 164 § 1; 1973 2nd ex.s. c 11 § 1; 1973 1st ex.s. c 193 § 9. Formerly RCW 70.94.775.}~~

Notes:

~~Purpose—2009 c 118: See note following RCW 70.94.6511.~~

~~Finding—1991 c 199: See note following RCW 70.94.011.~~

~~III. DNR BURNING PERMIT REGULATIONS;~~

Washington Administrative Code (WAC)

~~WAC 332-24-(ENTIRE CHAPTER):~~ DNR Burning Permit Regulations

~~WAC 332-24-201—BURNING PERMIT PROGRAM REQUIREMENTS AND EXCEPTIONS.~~ Burning Permit Program—Requirements and Exceptions.

Under authority granted in RCW 76.04.015 and 76.04.205, the following regulation is hereby promulgated:

*~~(1)~~ (1) The department is responsible, by law, for the granting of burning permits for burning on lands it protects; and

~~(1)~~ (1) The department administers the protection of air quality as provided in chapter ~~70.94~~70A.15 RCW resulting from burning on lands under its protection; and

~~(2)~~ (2)

*~~(3)~~ (3) The department has determined that the effects of such burning on life, property and air quality are of year-round effect; therefore

- (4) Throughout the year, outdoor fire is prohibited on lands protected by the department where forest protection assessment is being, or is subject to being, assessed unless: (a) A written burning permit is obtained from the department and the requirements of WAC 332-24-205 and 332-24-221 are followed; or (b) Burning meets the regulations outlined in WAC 332-24-205 and 332-24-211.
~~(b) Burning meets the regulations outlined in WAC 332-24-205 and 332-24-211.~~

- (5) This chapter applies to all burning on lands protected by the department.- It does not apply to agricultural burning as defined in WAC 173-425-030(1) nor to open burning as defined in WAC 173-425-030(2).

WAC 332-24-205 - General rules--minimum requirements for all burning.
The following rules apply to all burning regulated by the department.

- (1) The department reserves the right to restrict, regulate, refuse, revoke or postpone outdoor fires under RCW 76.04.205 and 76.04.315, and chapter 70.9470A.15 RCW due to adverse fire weather or to prevent restriction of visibility, excessive air pollution or a nuisance.
- (2) Burning shall not be allowed within non-attainment areas of the state as established by Washington department of ecology for particulate matter ten microns or less or carbon monoxide, except for:
 - (a) Fires for improving and maintaining fire dependent ecosystems; or
 - (b) Fires for training wildland fire fighters; or
 - (c) Fires set for a defined research project; or
 - (d) Military training exercises; or
 - (e) The exclusive purpose of managing storm or flood-related debris; or
 - (f) Where exempted by local or state air pollution control agencies.
- (3) Burning shall not be allowed inside urban growth areas as designated under growth management plans, or in cities of greater than ten thousand population as follows:
 - (a) In urban growth areas where reasonable alternatives exist.
 - (b) In cities with a population of ten thousand or more as established by the office of financial management.
 - (i) That exceed or threaten to exceed federal or state ambient air quality standards; and
 - (ii) Where reasonable alternatives to outdoor burning exist, in accordance with WAC 173-425-090.

~~(a) After December 31, 2000, burning shall not be allowed in urban growth areas or cities with a population of ten thousand or more.~~

(c) Outdoor burning that reduces the risk of a wildfire, or is normal, necessary, and customary to ongoing silvicultural activities consistent with silvicultural burning authorized under RCW 70.94.6534(1), is allowed within the urban growth area in accordance with RCW 70.94.6534. Before issuing a burn permit within the urban growth

area for any burn that exceeds one hundred tons of material, the department of natural resources shall consult with department of ecology.

- (4) No fires shall be ignited when:
 - (a) The department of ecology has declared an air pollution episode for the geographic area pursuant to chapter 173-435 WAC; or
 - (b) The department of ecology or a local air pollution control authority has declared impaired air quality for the geographic area in which the burning is to be done.

- (5) A person responsible for a burn at the time an episode or impaired air quality is called pursuant to chapter 173-425 WAC, shall extinguish the fire by:
 - (a) Withholding fuel from the burn;
 - (b) Allowing the fire to burn down; and
 - (c) Aggressively putting out the fire until there is no visible smoke, unless otherwise allowed by the department.

(2) — Prior to lighting, the person doing the burning must telephone the department, and obtain any special instructions for the day and location of the proposed burn. -Those instructions thereupon become part of the conditions of burning.

- (6)
- (7) The fire must not include rubber products, plastic products, asphalt, garbage, dead animals, petroleum products, paints, or any similar prohibited materials that emit dense smoke or create offensive odors when burned, pursuant to RCW 70.94.77570A.15.5010(1).

- (8) If the fire creates a nuisance from smoke or flying ash, it must be extinguished. For purposes of this section, a nuisance exists when emissions from any open fire cause physical discomfort or health problems to people residing in the vicinity of the burning or physical damage to property.

- (9) Burning within the department's fire protection areas shall not:
 - (a) Cause visibility to be obscured on public roads and highways by the smoke from such fires; or
 - (b) Endanger life or property through negligent spread of fire or pollutants.

- (10) A person capable of extinguishing the fire must attend the fire at all times and the fire must be completely extinguished before being left unattended.


- (11) No fires are to be within fifty feet of structures, or within five hundred feet of forest slash without a written burning permit.

- (12) The landowner or landowner's designated representative's written permission must be obtained before kindling a fire on the land of another.

- (13) The department reserves the authority to provide waivers, exceptions, and/or to impose additional requirements through the use of written burning permits and the smoke management plan.

WAC 332-24-211 - Specific rules for small fires not requiring a written burning permit.

In addition to WAC 332-24-205, the following rules shall apply to burning regulated by the department that does not require a written burning permit. -A written burning permit is not required from the department under the following conditions:

 (1) In certain geographic areas of the state as designated by the department in subsections (3) of this section and when the requirements of subsections (4), (5), and (6) of this section are met; or

 (2) When the fire is:

➤ (a) Contained within a campfire pit, approved by the department, located in a state, county, municipal, or other campground;

➤ (b) Contained within a camp stove or barbecue;

➤ (c) A hand-built pile no larger than four feet in diameter that is being used exclusively for recreational purposes; and

➤ (d) Situated on bare soil, gravel bars, beaches, green field, or other similar areas free of flammable material for a sufficient distance adequate to prevent the escape of fires.

➤ (3) A fire that does not require a written permit has established size limitations based on time of year and the county within which the burning occurs.

➤ (a) From July 1 to October 15 individual pile size in all counties shall be limited to no larger than four feet, except pile size in Clallam and Jefferson counties is limited to ten feet.

➤ (b) From October 16 through June 30 individual pile size in all counties is limited to ten feet; except pile size is limited to four feet in Island, King, Kitsap, Mason, Pierce, San Juan, and Spokane counties

• (4) A serviceable shovel and a minimum of five gallons of water must be within the immediate vicinity of the fire. -A bucket is acceptable if the outdoor fire is adjacent to an accessible body of water. -A charged garden hose or other adequate water supply may be substituted for the five gallon water requirement.

• (5) ~~Only one~~One pile may be burned at any one time and each pile must be extinguished before lighting another.

• (6) Burning must be done during periods of calm to very light winds. - Burning when wind will scatter loose flammable materials, such as dry leaves and clippings, is prohibited.

WAC 332-24-217 - Burning permit requirements—penalty.

Failure to comply with the rules in chapter 332-24 WAC voids permission to burn. Any person burning without complying with chapter 332-24 WAC is in violation of RCW 76.04.205 and chapter ~~70.9470A.15~~ RCW. Convictions or bail forfeitures in connection with illegal burning under chapter 332-24 WAC may result in refusal to issue further permits for a two-year period from the date of the illegal burning. -In addition to any other fines and penalties that may be imposed, the department may charge and recover costs from the person responsible for any response to control or extinguish an illegal fire caused in part or in whole by negligent acts or omissions.

WAC 332-24-221 - Specific rules for burning that requires a written burning permit. Persons not able to meet the requirements of WAC 332-24-205 and 332-24-211 must apply for a written burning permit through the department. In addition to the rules outlined in WAC 332-24205, the following are additional requirements for written permits:

•(1) Fees for written burning permits will be charged and collected pursuant to

<u>Consumable Debris</u>	<u>Fee schedule</u>
<u>0 - 100 tons</u>	<u>105.5</u>
<u>101 - 500 tons</u>	<u>357</u>
<u>501 - 1000 tons</u>	<u>846</u>
<u>1001 - 1500 tons</u>	<u>1356</u>
<u>1501 - 2000 tons</u>	<u>1869</u>
<u>2001 - 2500 tons</u>	<u>2380</u>
<u>2501 - 3000 tons</u>	<u>2893</u>
<u>3001 - 3500 tons</u>	<u>3402</u>
<u>3501 - 4000 tons</u>	<u>3914</u>
<u>4001 - 4500 tons</u>	<u>4427</u>
<u>4501 - 5000 tons</u>	<u>4938</u>
<u>5001 - 5500 tons</u>	<u>5451</u>
<u>5501 - 6000 tons</u>	<u>5962</u>
<u>6001 - 6500 tons</u>	<u>6476</u>
<u>6501 - 7000 tons</u>	<u>6987</u>
<u>7001 - 7500 tons</u>	<u>7499</u>
<u>7501 - 8000 tons</u>	<u>8011</u>
<u>8001 - 8500 tons</u>	<u>8523</u>
<u>8501 - 9000 tons</u>	<u>9035</u>
<u>9001 - 9500 tons</u>	<u>9548</u>
<u>9501 - 10000 tons</u>	<u>10057</u>
<u>10001 + tons</u>	<u>10395</u>
<u>plus .50 per ton for tons over 10,000</u>	

chapter ~~70.94~~70A.15 RCW and shall be one hundred five dollars fifty cents for under one hundred tons of consumable debris; and for burns one hundred tons of consumable debris and greater as follows:

Consumable Debris		Fee schedule
0	- 100 tons	105.50
101	- 500 tons	\$357
501	- 1000 tons	846
1,001	- 1500 tons	1,356
1,501	- 2000 tons	1,869
2,001	- 2500 tons	2,380
2,501	- 3000 tons	2,893
3,001	- 3500 tons	3,402
3,501	- 4000 tons	3,914
4,001	- 4500 tons	4,427
4,501	- 5000 tons	4,938
5,001	- 5500 tons	5,451
5,501	- 6000 tons	5,962
6,001	- 6500 tons	6,476
6,501	- 7000 tons	6,987
7,001	- 7500 tons	7,499
7,501	- 8000 tons	8,011
8,001	- 8500 tons	8,523
8,501	- 9000 tons	9,035
9,001	- 9500 tons	9,548
9,501	- 10000 tons	10,057
10,001	+ tons	10,395 plus .50 per ton for tons over 10,000

For purposes of this section, consumable debris is the amount of debris that the department determines will be consumed by the proposed burning.

~~*(2)~~ Written burning permits are not considered valid unless all of the following conditions apply:

~~e(a)~~ _____ The written permit has been signed by the applicant agreeing to follow all requirements of chapter 332-24 WAC, the smoke management plan in effect at the time of the burning, and any additional terms and conditions specified by the department in writing; and

~~e(b)~~ _____ The required permit fee has been secured or paid according to approved department procedures; and

Ⓞ(c) The person doing the burning has the permit in possession while burning and is complying with all terms and conditions of such permit, the smoke management plan in effect at the time of the burning, and all applicable portions of chapter 332-24 WAC.

•(3) Permits are written only for the burn site and fuel quantity represented to the department on the permit application. Addition of fuel or changing the burn site, after the permit application has been submitted to the department, is prohibited unless a new permit application is submitted and any added permit fee is paid, if required.