ARTICLE 8: OUTDOOR BURNING

SECTION 8.04 GENERAL CONDITIONS FOR OUTDOOR BURNING

Adopted 03/18/76 (361)
Revised 01/12/89 (639), 04/09/92 (724), 04/14/94 (783), 10/08/98 (873), 03/11/99 (881), 11/09/00 (933), 09/25/08 (1134)

(a) The provisions of Chapters 173-425 WAC (Outdoor Burning) and 173-430 WAC (Agricultural Burning) are herein incorporated by reference. It shall be unlawful for any person to cause or allow any outdoor burning unless the burning is in compliance with Chapters 173-425 and 173-430 WAC.

(b) The provisions of Sections 9.05 and 9.15 of Regulation I shall not apply to outdoor burning.

(c) Nothing contained in Article 8 shall be construed to allow outdoor burning in those areas in which outdoor burning is prohibited by laws, ordinances, or regulations of the state or any city, county, or fire district.

(d) Nothing contained in Article 8 shall relieve the applicant from obtaining permits required by any state or local fire protection agency or from compliance with the Fire Code.

SECTION 8.05 AGRICULTURAL BURNING PERMITS Adopted 02/08/96 (825)

Revised 11/09/00 (933), 09/25/08 (1134), 10/28/10 (1199), 09/27/12 (1255)

(a) **Applicability.** This section applies to burning permits related to agricultural operations. The definitions and requirements contained in chapter 173-430 WAC also apply to this section; provided that if there is a conflict between this section and chapter 173-430 WAC, this section governs.

(b) **General Requirements.** Agricultural burning will be permitted if the following requirements are met:

(1) The natural vegetation being burned is generated from the property of the commercial agricultural operation; and

(2) Burning is necessary for crop propagation or rotation, disease or pest control; and

(3) Burning is a best management practice as established by the Agricultural Burning Practices and Research Task Force (established in RCW 70.94.6528 as referenced in chapter 173-430 WAC); or the burning practice is approved in writing by the Washington State Cooperative Extension Service or the Washington State Department of Agriculture; or the burning is conducted by a governmental entity with specific agricultural burning needs, such as irrigation districts, drainage districts, and weed control boards; and

(4) The proposed burning will not cause a violation of any Agency regulation.

(c) **Permit Applications.** Agricultural burning permits shall be approved by the Agency prior to burning.

(1) The permit application shall be submitted on forms provided by the Agency and shall include:

(A) A copy of the applicant's most recent year's Schedule F (as filed with the Internal Revenue Service);

(B) A written review by the local fire district or fire marshal indicating their endorsement that local requirements have been met; and

(C) A permit fee as required below:

Burn Type	Minimal Fee	Variable Fee
(i) Field Burning of vegetative residue on an area of land used in an agricultural operation. *(does not include pile burning)*	$37.50 for the first 10 acres.	$3.75 for each additional acre.
(ii) Spot Burning of an unforeseen and unpredicted small area where burning is reasonably necessary and no practical alternative to burning exists.	$37.50 for 10 acres or less.	None.
(iii) Pile Burning of stacked vegetative residue from an agricultural operation.	$80 for the first 80 tons.	$1.00 for each additional ton.

(2) Any refunds of the variable fee portion of a permit fee are issued in accordance with chapter 173-430 WAC.

(d) **Permit Action and Content.**

(1) The Agency will act on a complete application within 7 days of receipt.

(2) All agricultural burning permits shall contain conditions that are necessary to minimize emissions.

(3) All permits shall expire 12 months from date of issuance.

(e) **Permit Denial.** All denials shall become final within 15 days unless the applicant petitions the Control Officer for reconsideration, stating the reasons for reconsideration. The Control Officer shall then consider the petition and shall

within 30 days issue a permit or notify the applicant in writing of the reason(s) for denial. (For more information on the appeal process, see Section 3.17 of this regulation.)

SECTION 8.06 OUTDOOR BURNING OZONE CONTINGENCY MEASURE

Adopted 12/19/02 (976)

(a) Applicability. This section shall apply to open burning within King, Kitsap, Pierce, and Snohomish Counties if, in consultation with the Washington State Department of Ecology and the Agency, the U.S. Environmental Protection Agency makes a written finding that:

(1) A quality-assured violation of the national ambient air quality standard for ozone has occurred, and

(2) Prevention of future violations can be reasonably addressed through the implementation of this section.

The Agency shall provide public notice of this written finding no later than November 1. This section shall take effect on July 1 following the public notice of such a written finding.

(b) It shall be unlawful for any person to cause or allow outdoor burning within King, Kitsap, Pierce, or Snohomish Counties during the months of July through August.

SECTION 8.07 FIRE EXTINGUISHER TRAINING

Adopted 02/08/96 (825)
Revised 03/13/97 (849), 09/09/99 (895)

(a) **Applicability.** This section applies to small, short-duration fires for teaching the proper use of hand-held fire extinguishers.

(b) **General Requirements.** Hand-held fire extinguisher training may be conducted provided the following requirements are met:

(1) Training shall not occur during any stage of an air pollution episode or period of impaired air quality;

(2) Flammable or combustible materials used during the fire extinguisher training shall be limited to:

(A) Less than 2 gallons of clean kerosene or diesel fuel oil per training exercise, provided that gasoline or gasoline mixed with diesel or kerosene may be used only by local fire departments, fire marshals, or fire districts;

(B) As much gaseous fuel (propane or natural gas) as required for the training exercise; or

(C) Less than 0.5 cubic yards of clean, solid combustible materials per training exercise. Examples of solid combustible materials are seasoned wood, untreated scrap lumber, and unused computer paper.

(3) All training must be conducted by local fire officials or a qualified instructor. Instructor qualifications and a training plan must be available to the Agency upon request;

(4) Prior to the training, the person(s) conducting the exercise must notify the local fire department, fire marshal, or fire district and must meet all applicable local ordinances and permitting requirements; and

(5) Person(s) conducting hand-held fire extinguisher training shall be responsible for responding to citizen inquiries and resolving citizen complaints caused by the training activity.

SECTION 8.08 FIRE DEPARTMENT TRAINING EXERCISES

Adopted 02/08/96 (825)
Revised 09/09/99 (895), 05/28/09 (1147)

(a) **Applicability.** This section applies to structural fires set by fire departments, fire marshals, vocational schools, or fire districts for training fire fighters under realistic conditions.

(b) **General Requirements.** Fire departments, fire marshals, vocational schools, or fire districts may conduct structural fire training provided all of the following requirements are met:

(1) The fire training shall not occur during any stage of an air pollution episode or period of impaired air quality;

(2) All asbestos-containing material shall be removed from the structure prior to demolition/training in accordance with Regulation III, Section 4.04 and copies of the asbestos AHERA survey and Agency notification shall be kept on-site during the demolition/training exercise;

(3) The fire department, fire marshal, vocational school, or fire district conducting the fire training must have a fire-training plan available to the Agency upon request, and the purpose of the structural fire must be to train fire fighters;

(4) Composition roofing, asphalt roofing shingles, asphalt siding materials, miscellaneous debris from inside the structure, carpet, linoleum, and floor tile must not be burned. These materials must be lawfully removed from the structure and disposed of in a lawful manner prior to the training exercise;

(5) Nuisance complaints or citizen inquiries relating to any training fire shall be resolved by the fire departments, fire marshals, vocational schools, or fire districts conducting the training fire; and

(6) The fire departments, fire marshals, vocational schools, or fire districts conducting the training fire shall obtain any permits, licenses, or other approvals required by any entity for such training fires. All permits, licenses, and approvals must be kept on-site and available for inspection.

SECTION 8.09 DESCRIPTION OF THE KING COUNTY NO-BURN AREA

Adopted 11/09/00 (933), Revised 02/28/08 (1112)

As authorized by WAC 173-425-040(5), residential burning and land-clearing burning are prohibited in the following areas of King County until the dates in Section 8.13 of this regulation:

(a) The King County Urban Growth Area; and

(b) The former carbon monoxide (CO) non-attainment area (Seattle/Tacoma/Everett urban area as defined by the Washington State Department of Transportation, 1983 version, urban area maps).

SECTION 8.10 DESCRIPTION OF THE PIERCE COUNTY NO-BURN AREA

Adopted 11/09/00 (933), Revised 02/28/08 (1112)

As authorized by WAC 173-425-040(5), residential burning and land-clearing burning are prohibited in the following areas of Pierce County until the dates in Section 8.13 of this regulation:

(a) The Pierce County Urban Growth Area; and

(b) The former carbon monoxide (CO) non-attainment area (Seattle/Tacoma/Everett urban area as defined by the Washington State Department of Transportation, 1983 version, urban area maps).

SECTION 8.11 DESCRIPTION OF THE SNOHOMISH COUNTY NO-BURN AREA

Adopted 11/09/00 (933), Revised 02/28/08 (1112)

As authorized by WAC 173-425-040(5), residential burning and land-clearing burning are prohibited in the following areas of Snohomish County until the dates in Section 8.13 of this regulation:

(a) The Snohomish County Urban Growth Area; and

(b) The former carbon monoxide (CO) non-attainment area (Seattle/Tacoma/Everett urban area as defined by the Washington State Department of Transportation, 1983 version, urban area maps).

SECTION 8.12 DESCRIPTION OF THE KITSAP COUNTY NO-BURN AREA

Adopted 11/09/00 (933)
Revised 10/24/02 (981)

(a) As provided by WAC 173-425-040(5), reasonable alternatives to burning exist in the areas described below and residential burning and land-clearing burning are prohibited in these areas.

   (1) The Kingston Urban Growth Area as shown in Figure 8-1;

   (2) The City of Bainbridge Island;

(3) The Silverdale, Bremerton, Port Orchard area as follows and as shown in Figure 8-2:

- Beginning at the intersection of the line dividing T25N, R2E Sections 18 and 19, and the center line of Port Orchard Bay;
- head directly west to Waaga Way;
- continue west on Waaga Way to Nels Nelson Road NW;
- head north following the Silverdale Urban Growth Area boundary to Island Lake;
- head east following the Silverdale Urban Growth Area boundary to Central Valley Road;
- follow Central Valley Road north to NE Anna Road and then west to Hillcrest Street NW;
- continue north on Central Valley Road to the intersection of T25, R1E, Sections 2 and 3, and T26N, R1E, Sections 34 and 35;
- head directly west to NW Mountain View Road;
- follow NW Mountain View Road to the point where it intersects with the Bangor Naval Reservation boundary;
- follow the Bangor Naval Reservation boundary heading south and west to the point where the Northern Pacific railroad track leaves the Bangor Naval Reservation property at its southern boundary;
- head south along the Northern Pacific railroad track to NW Westgate Road;
- follow NW Westgate Road west to Olympic View Road NW;
- head south on Olympic View Road NW to Anderson Hill Road;
- head west on Anderson Hill Road to Willamette Meridian Road NW;
- head south along the line dividing Township 25 North, Range 1 West and Township 25 North, Range 1 East to the Wesley Harris Naval Reservation;
- head east and south along the perimeter of the Wesley Harris Naval Reservation to a line bisecting T25N, R1E, Section 31;
- follow the line bisecting T25N, R1E, Section 31 east to the Northern Pacific railroad track;
- head south along the Northern Pacific Railroad track to a point where the track crosses the City of Bremerton Urban Growth Area boundary at T24N, R1E between Sections 19 and 30;

- head west along the southwestern portion of the Bremerton city limits for approximately 14 miles to a point 0.2 mile east of the intersection of T23N, R1W, Sections 2, 3, 10, and 11;
- head south to State Highway 3;
- head southwest on State Highway 3 to the Mason County line;
- head east to the line separating T23N, R1W, Sections 22 and 23;
- head north to the intersection of T23N, R1W, Sections 14, 15, 22, and 23;
- head east 1.33 miles;
- head north to State Highway 3;
- head west 0.42 mile;
- head north to the Bremerton city limits;
- head northeast along the Bremerton city limits for approximately 3.6 miles to the intersection of T24N, R1E, Sections 31 & 32 and T23N, R1E, Sections 5 & 6;
- head east another 0.33 mile;
- head south to the intersection of Feigley Road SW and SW Old Clifton Road;
- head east along SW Old Clifton Road to the boundary of the McCormick Woods Urban Growth Area;
- include the entire Urban Growth Area of McCormick Woods;
- at the point where the northeastern boundary of McCormick Woods Urban Growth Area intersects SW Old Clifton Road, follow SW Old Clifton Road northeast to the Port Orchard city boundary;
- start by heading east and follow the Port Orchard city boundary to the point where it intersects with State Highway 16 south of Sedgwick Road;
- head southeast along State Highway 16 to Bethel Road SE;
- head north along Bethel Road SE to the Port Orchard Urban Growth Area boundary;
- start by heading east and follow the Port Orchard Urban Growth Area boundary to the intersection of Sedgwick Road and Phillips Road;
- continue east along SE Sedgwick Road to Longlake Road SE;
- head north along Longlake Road SE to the line between T24N and T23N;

- head west to the intersection of T24N, R2E Sections 31 & 32 and T23N, R2E Sections 5 & 6;
- head north to SE Mile Hill Drive;
- head east along SE Mile Hill Drive to Bullman Road SE;
- head north 0.5 mile along and past Bullman Rd SE;
- head west to SE Horstman Road and continue to Baby Doll Road SE;
- head north along Baby Doll Road SE to E Collins Road;
- head west on E Collins Road and then continue west to E Lindstrom Hill Road and then to Sinclair Inlet shoreline;
- head directly north to the center line of Port Orchard Bay;
- follow the center line of Port Orchard Bay in a northerly direction to where it intersects the line dividing T25N, R2E Sections 18 and 19; and

(4) The Poulsbo area as follows and as shown in Figure 8-3:

(A) The Poulsbo Urban Growth Area (UGA);

(B) The following areas adjacent to the Poulsbo UGA:

(i) Southeast of Poulsbo UGA and east of State Highway 305:

- from the intersection of State Highway 305 and Noll Road NE, proceed north on Noll Road to the Poulsbo UGA;
- follow the UGA west, north, and west again until it intersects State Highway 305;
- head south on State Highway 305 to the intersection of State Highway 305 and Noll Road NE.

(ii) Northeast of Poulsbo UGA:

That area between the Poulsbo UGA and a line from the northwest corner of the Poulsbo UGA nearest to the southwestern terminus of Gala Way NE, west to the Poulsbo UGA.

(iii) North of Poulsbo UGA along State Highway 307:

- from the intersection of Little Valley Road and State Highway 307, head south to the Poulsbo UGA;
- follow the UGA west and then north until it intersects State Highway 307;
- head south on State Highway 307 northeast to the intersection of State Highway 307 and Little Valley Road.

(iv) North of Poulsbo UGA and east of State Highway 3:

- from the intersection of T26N, R1E, Sections 2, 3, 10, and 11 (which is the northeast corner of the Poulsbo UGA nearest the northern terminus of Viking Avenue NE) head east 0.25 mile;
- head south 0.05 mile to the Poulsbo UGA;
- head west and then north along the Poulsbo UGA to the intersection of T26N, R1E, Sections 2, 3, 10, and 11.

(v) West of Poulsbo UGA:

- from the intersection of Rhododendron Lane NW and Finn Hill Road, head south to NW Rude Road;
- head east 0.25 mile on Rude Road;
- head south 0.25 mile;
- head east to the Poulsbo UGA;
- head north and northwest along the Poulsbo UGA to the intersection of Finn Hill Road and Rhododendron Lane.

(vi) South of Poulsbo UGA and east of State Highway 3:

- from the intersection of the Poulsbo UGA and Viking Way NW, south of NW Norfinn Lane, head south 0.10 mile on Viking Way NW;
- head east to Liberty Bay;
- follow the shore of Liberty Bay north to the Poulsbo UGA;
- follow the Poulsbo UGA west to Viking Way NW.

(b) As provided by WAC 173-425-040(5), reasonable alternatives to burning exist in the area described below and land-clearing burning is prohibited in this area.

The Port Orchard area as follows and as shown in Figure 8-2:

- Begin at the intersection of Baby Doll Road SE and SE Mile Hill Drive;
- head east on Mile Hill Drive to Long Lake Road SE;
- head south on Long Lake Road SE to the line between T24N and T23N;
- head west to the intersection of T24N, R2E Sections 31 & 32 and T23N, R2E Sections 5 & 6;
- head north to SE Mile Hill Drive.

Figure 8-1

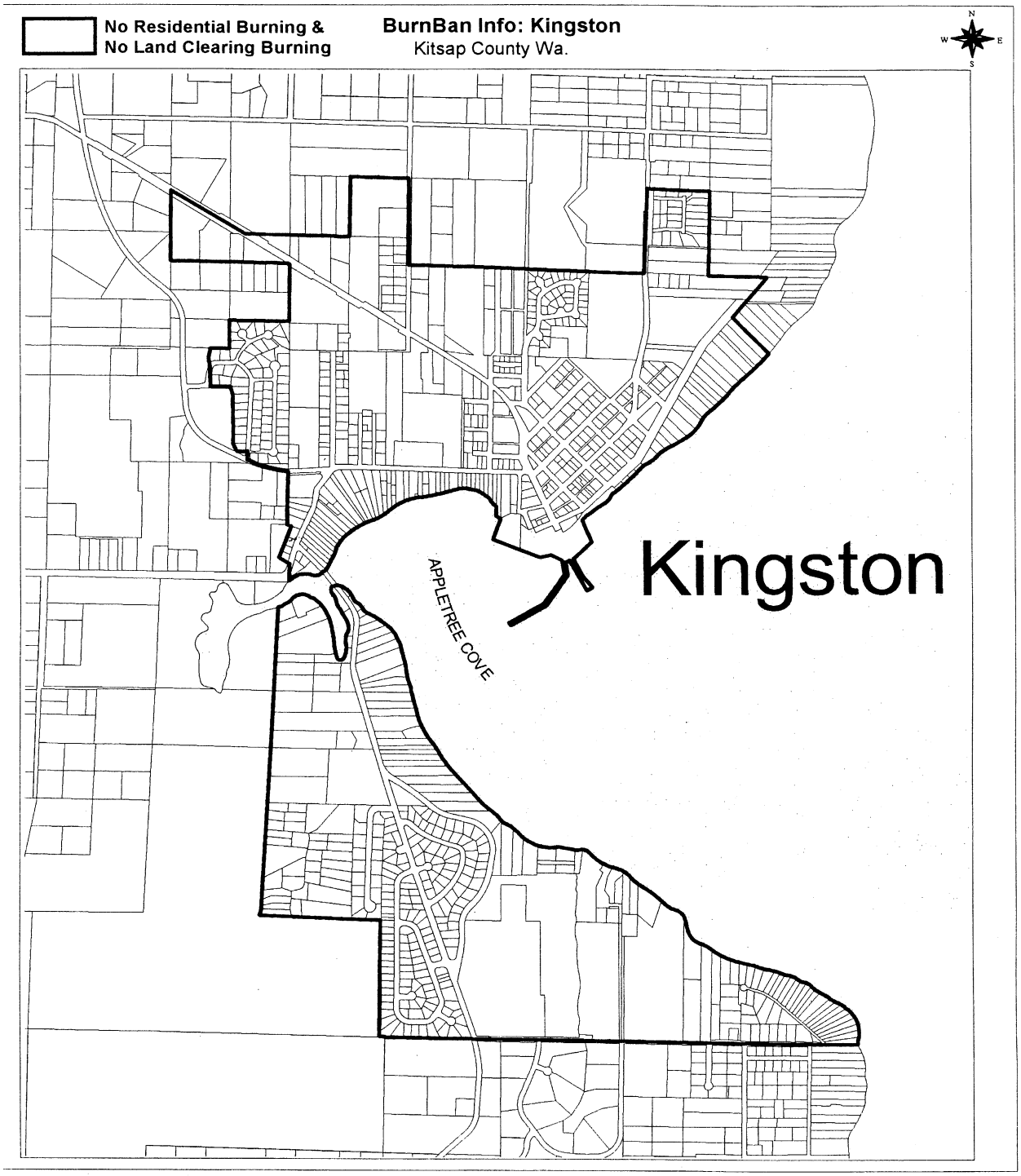

No Residential Burning &
No Land Clearing Burning
BurnBan Info: Kingston
Kitsap County Wa.
N
W
E
S
Kingston
APPLETREE COVE

Figure 8-2

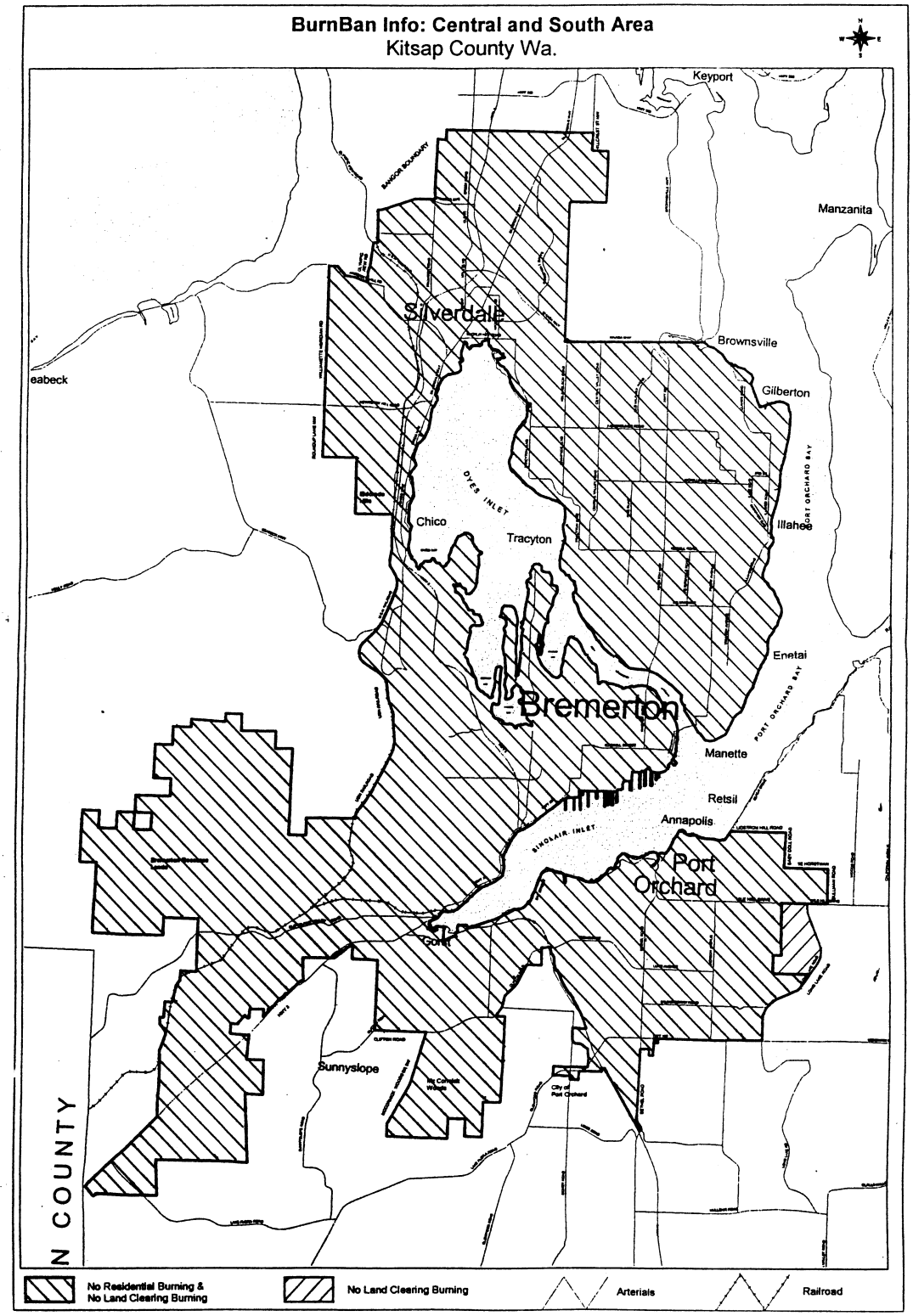
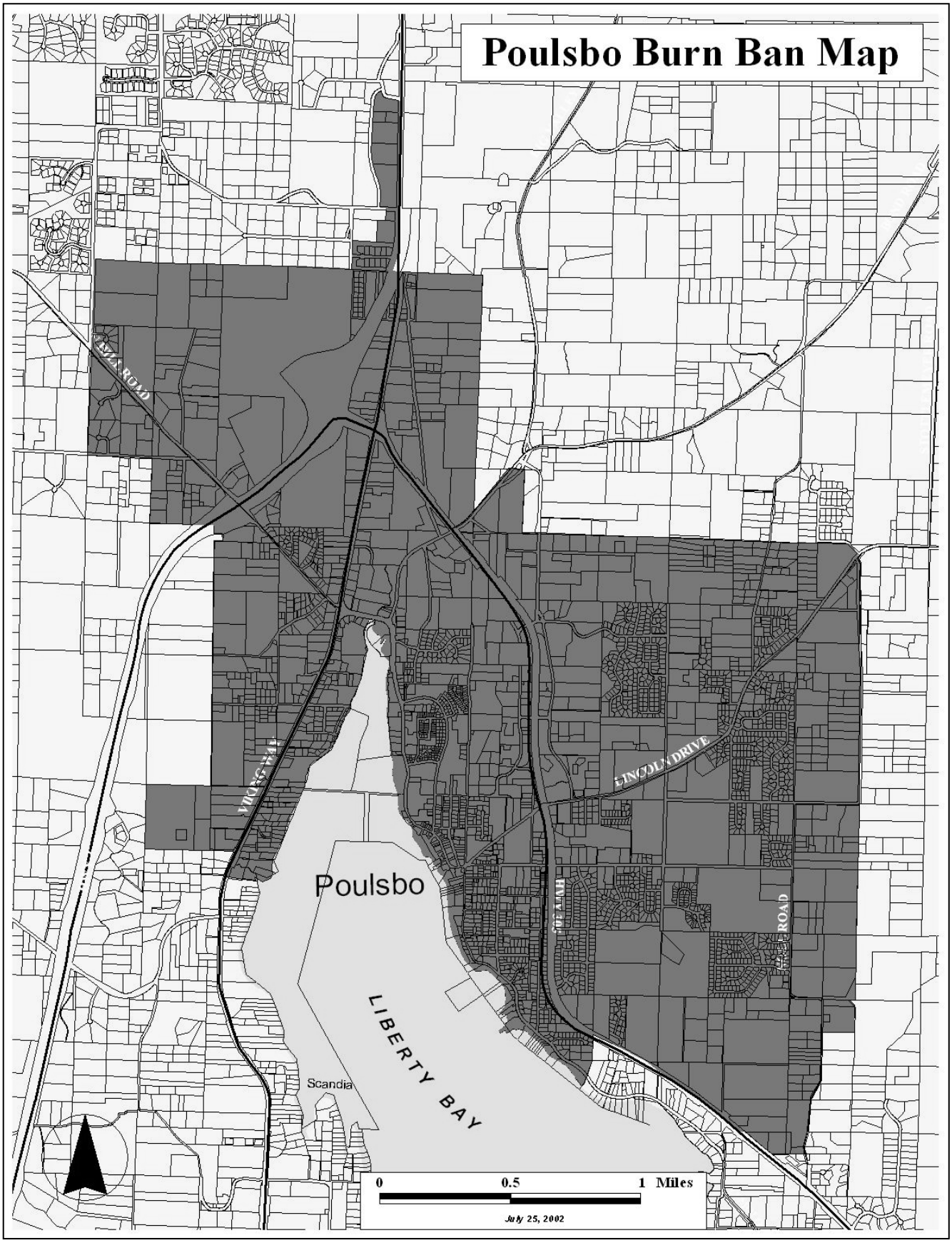

BurnBan Info: Central and South Area
Kitsap County Wa.
Keyport
Manzanita
Silverdale
Brownsville
Gilberton
eabeck
DYES INLET
Chico
Tracyton
Illahee
PORT ORCHARD BAY
Enetai
Bremerton
Manette
Retsil
Annapolis
SINCLAIR INLET
Port Orchard
Gorst
Sunnyslope
N COUNTY
No Residential Burning & No Land Clearing Burning
No Land Clearing Burning
Arterials
Railroad

Figure 8-3


Poulsbo Burn Ban Map
LINCOLN DRIVE
Poulsbo
LIBERTY BAY
Scandia
0
0.5
1 Miles
July 25, 2002

SECTION 8.13 LAND-CLEARING BURNING PROHIBITED Adopted 02/28/08 (1112) Revised 04/23/09 (1154)

(a) As authorized by WAC 173-425-040(5), land-clearing burning is prohibited in King, Pierce, and Snohomish Counties.

(b) As authorized by WAC 173-425-040(5), land-clearing burning is prohibited in Kitsap County after August 31, 2009.