

WSR 22-24-015  
PROPOSED RULES  
OLYMPIC REGION  
CLEAN AIR AGENCY

[Filed November 29, 2022, 12:54 p.m.]

Original Notice.

Proposal is exempt under RCW 70A.15.2040.

Title of Rule and Other Identifying Information: Olympic Region Clean Air Agency Regulations (ORCAA): Rule 6.2.7 Recreational Burning, and Rule 6.2.8 Permit Program.

Hearing Location(s): On January 11, 2023, at 10:00 a.m., at ORCAA, 2940 Limited Lane N.W., Olympia, WA 98502.

Date of Intended Adoption: January 11, 2023.

Submit Written Comments to: Robert Moody, 2940 Limited Lane N.W., Olympia, WA 98502, email robert.moody@orcaa.org, fax 360-491-6308, by January 9, 2023.

Assistance for Persons with Disabilities: Contact Dan Nelson, phone 360-539-7610 ext. 111, fax 360-491-6308, email dan.nelson@orcaa.org, by January 4, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to revoke the ban on recreational fires in the cities of Lacey, Olympia, and Tumwater. Current ORCAA regulations ban recreational fires within those city limits.

Reasons Supporting Proposal: The ban on recreational fires was enacted more than 20 years ago to help reduce particulate matter pollution levels in Thurston County. This ban once served an important purpose, but the ban is no longer needed for maintaining healthy air quality in Thurston County. Lacey, Olympia, and Tumwater are the only cities in Western Washington that have a ban on recreational fires. Lifting the ban will further align local and state burning laws.

Statutory Authority for Adoption: Chapter 70A.15 RCW.

Statute Being Implemented: Chapter 70A.15 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: ORCAA, governmental.

Name of Agency Personnel Responsible for Drafting: Robert Moody, 2940 Limited Lane N.W., Olympia, 360-539-7610; Implementation and Enforcement: Jeff C. Johnston, Ph.D., 2940 Limited Lane N.W., Olympia, 360-539-7610.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 applies to state government. It does not apply to local air agencies per RCW 70A.15.2040.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.011.

Explanation of exemptions: Chapter 19.85 RCW applies to "rules adopted by state agencies." RCW 70A.15.2040(1) states: "An air pollution control authority shall not be deemed to be a state agency." ORCAA is an air pollution control authority.

Scope of exemption for rule proposal:

Is fully exempt.

November 29, 2022  
Jeff C. Johnston, Ph.D.

## AMENDED SECTION

**Rule 6.2.7 Recreational Burning**

The following burn practices must be used for recreational burning where allowed.

(a) Maximum pile size is three (3) feet in diameter and two (2) feet high.

(b) Only dry, seasoned firewood or charcoal and enough clean paper necessary to start a fire may be burned.

~~((c) No recreational fires are allowed within the city limits of Lacey, Olympia, and Tumwater, and unincorporated areas of Thurston County lying within or between the municipal boundaries of these cities. Charcoal, propane, or natural gas may be used without a permit.))~~

## AMENDED SECTION

**Rule 6.2.8 Permit Program**

ORCAA may consult with fire protection authorities, conservation districts, or counties to determine if any of these agencies are capable and willing to serve as the permitting agency and/or enforcing agency for specific types of burning. Permitting agencies may use, as appropriate, a verbal, electronic, written, or general permit established by rule, for any type of burning that requires a permit.

(a) Permitting agencies may deny an application or revoke a previously issued permit if it is determined that the application contained inaccurate information, failed to contain pertinent information or the permitted activity has caused a nuisance.

(b) Failure to comply with any term or condition of a permit constitutes a violation of this rule and is subject to penalties pursuant to RCW 70A.15.3150 and RCW 70A.15.3160.

(c) Types of burning that require a written permit.

(1) Agricultural burning must abide by Rule 6.2 and all conditions of the written permit issued by ORCAA or another permitting agency.

(2) Fire training fires, except as provided in RCW 52.12.150, may be conducted provided all the following requirements are met:

(i) Fire training must not occur during a burn ban.

(ii) The fire must be for training.

(iii) The agency conducting the training fire must 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.

~~((3) Native American ceremonial fires within the city limits of Olympia, Lacey, and Tumwater and unincorporated areas of Thurston County lying within or between the municipal boundaries.))~~

~~((4))~~ 3) Land Clearing Burning requires an approved written permit. Conditions of the written permit issued by ORCAA, or another permitting agency are enforceable.

~~((5))~~ 4) Storm and flood debris resulting from a declared emergency by a governmental authority may be burned within two years of the event (storm). Burning must abide by Rule 6.2 and all conditions of the written permit issued by ORCAA or another permitting agency.

~~((6))~~ 5) Weed abatement fires.

~~((7))~~ 6) Residential fires in Thurston County.

The permit application for the above permits must be accompanied by the applicable fee, pursuant to Rule 3.4.

(d) Where residential burning is allowed and no written burn permits are issued, burning must abide by Rule 6.2 and the following:

- (1) Maximum pile size is four (4) feet in diameter and three (3) feet high.
- (2) Only one pile may be burned at a time, and each pile must be extinguished before lighting another.
- (3) Only natural vegetation may be burned.
- (4) No fires are to be within fifty (50) feet of structures or within five hundred (500) feet of forest slash.
- (5) No tree stumps may be burned.