

ARTICLE VI

EMISSIONS PROHIBITED

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SECTION 6.01 OUTDOOR BURNING

A. Purpose. (WAC 173-425-010(1-3))

This Section establishes controls for outdoor burning in Spokane County in order to:

1. Minimize or prohibit outdoor burning to the greatest extent practicable.
2. Minimize or eliminate the impact of emissions from outdoor burning by defining conditions under which outdoor burning may be conducted.
3. Encourage the development and specify the use of reasonable alternatives to outdoor burning. Reasonable alternatives are methods for disposing of organic refuse (such as natural vegetation) that are available, reasonably economical, and less harmful to the environment than burning.
4. Geographically limit outdoor burning in order to assure continued attainment of the National Ambient Air Quality Standards for carbon monoxide (CO) and fine particulate matter (PM_{2.5}) as specified in 40 CFR Part 50.

B. Applicability. (WAC 173-425-020)

1. This Section applies to all outdoor burning in Spokane County except:
 - a. Silvicultural burning. (RCW 70.94.6534(1) & Chapter 332-24 WAC)

Silvicultural burning is related to the following activities for the protection of life or property and / or the public health, safety, and welfare:
 - i. Abating a forest fire hazard;

- ii. Prevention of a forest fire hazard;
 - iii. Instruction of public officials in methods of forest firefighting;
 - iv. Any silvicultural operation to improve the forest lands of the state; and
 - v. Silvicultural burning used to improve or maintain fire dependant ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas.
- b. Agricultural Burning. (Section 6.11 of this Regulation)

Agricultural burning is burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and / or crop rotation, necessary to destroy weeds or crop residue along farm fence rows, irrigation ditches, or farm drainage ditches, or where identified as a best management practice by the agricultural burning practices and research task force established in RCW 70.94.6528 or other authoritative source on agricultural practices.

- c. Any outdoor burning on lands within the exterior boundaries of Indian reservations (unless provided for by intergovernmental agreement).

2. This Section specifically applies to:

- a. Firefighting Instruction Fires.
 - i. Aircraft Crash Rescue Fire Training. (Section 6.01.D.1.a)
 - ii. Extinguisher Training. (Section 6.01.D.1.b)
 - iii. Forest Fire Training. (Section 6.01.D.1.c)
 - iv. Structural Fire Training. (Section 6.01.D.1.d)
 - v. Types of Other Firefighting Instruction Fires. (Section 6.01.D.1.e)
- b. Fire Hazard Abatement Fires. (Section 6.01.D.2)
- c. Flag Retirement Ceremony Fires. (Section 6.01.D.3)

- d. Indian Ceremonial Fires. (Section 6.01.D.4)
 - e. Land Clearing Fires. (Section 6.01.D.5)
 - f. Rare and Endangered Plant Regeneration Fires. (Section 6.01.D.6)
 - g. Recreational Fires. (Section 6.01.D.7)
 - h. Residential Fires. (Section 6.01.D.8)
 - i. Social Event Fires. (Section 6.01.D.9)
 - j. Storm or Flood Debris Fires. (Section 6.01.D.10)
 - k. Tumbleweed Fires. (Section 6.01.D.11)
 - l. Weed Abatement Fires. (Section 6.01.D.12)
 - m. Other Outdoor Fires. (Section 6.01.D.13)
3. The provisions of Chapter 173-425 WAC (Outdoor Burning) are herein incorporated by reference.
 4. The provisions of this Section are severable. If any phrase, sentence, paragraph, or provision is held invalid, the application of such phrase, sentence, paragraph, or provision to other circumstances and the remainder of this Section shall not be affected.

C. Definitions. (WAC 173-425-030)

Words and phrases used in this Section shall have the meaning defined in Chapter 173-425 WAC, unless a different meaning is clearly required by context or is otherwise defined in this Section.

1. Natural Vegetation means unprocessed plant material from herbs, shrubbery, and trees, including grass, weeds, leaves, clippings, prunings, brush, branches, roots, stumps, and trunk wood. It does not include dimensional lumber, mills ends, etc.
2. 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. For the purpose of this rule, "outdoor burning" means all types of outdoor burning except agricultural burning and silvicultural burning. (RCW 70.94.6511)

3. Permitting Agency means the Spokane Regional Clean Air Agency (SRCAA), or one or more of the following entities, whenever SRCAA and an entity have signed an agreement regarding a permitting program or SRCAA has delegated administration of the permitting program to one or more of the following entities, provided such delegation of authority has not been withdrawn: Spokane County, any fire protection agency within Spokane County, Washington State Department of Natural Resources (DNR), or the Spokane County Conservation District. (RCW 70.94.6530)
4. Person means any individual(s), firm, public corporation, private corporation, association, partnership, political subdivision, municipality, or government agency. It includes any person who has applied for and received a permit for outdoor burning; any person allowing, igniting, or attending a fire; or any person who owns or controls property on which outdoor burning occurs.
5. Responsible Person means any person who has applied for and received a permit for outdoor burning, or any person allowing, igniting, or attending to a fire, or any person who owns or controls property on which outdoor burning occurs.

D. Outdoor Burning Permitted.

1. Firefighting Instruction Fires. (WAC 173-425-020(2)(f), WAC 173-425-030(5), WAC 173-425-050, WAC 173-425-060(1), (2)(f) & (3-4))

Firefighting instruction fires are fires for the purpose of firefighter training, including, but not limited to aircraft crash rescue fire training, extinguisher training, forest fire training, and structural fire training. Unless specified otherwise, this subsection serves as a general permit by SRCAA.

- a. Aircraft Crash Rescue Fire Training. (RCW 70.94.6546(1-2), WAC 173-425-020(2)(f), WAC 173-425-030(5), WAC 173-425-050, WAC 173-425-060(1), (2)(f) & (3-4))
 - i. Aircraft crash rescue training fires conducted pursuant to all of the following do not require a permit:
 - (a) Firefighters participating in the training fires are limited to those who provide firefighting support to an airport that is either certified by the federal aviation administration or operated in support of military or governmental activities.
 - (b) The fire training may not be conducted during an air pollution episode or any stage of impaired air quality

declared under RCW 70.94.715 for the area where training is to be conducted.

- (c) The number of training fires allowed each year without a written permit shall be the minimum number necessary to meet federal aviation administration or other federal safety requirements.
- (d) The facility shall use current technology and be operated in a manner that will minimize, to the extent possible, the air contaminants generated during the training fire.
- (e) The organization conducting the training shall notify the local fire district or fire department prior to commencement of the training. The organization conducting the training shall also notify SRCAA prior to commencement of the training.

ii. Unless specifically authorized in writing by SRCAA, the prohibitions / requirements in Section 6.01.F of this Regulation apply to all aircraft crash rescue fire training fires as listed below:

- (a) Aircraft crash rescue fire training fires are exempt from the following:
 - F.2. Hauled Materials
 - F.6. Containers
 - F.8. Distances
 - F.10. Burn Hours
 - F.11. Number of Piles
 - F.12. Fuel Area
 - F.13. Written Permits
 - F.15. Areas Prohibited
- (b) Aircraft crash rescue fire training fires are not exempt from the following:
 - F.1. Prohibited Materials (except petroleum products)
 - F.3. Curtailments
 - F.4. Nuisance
 - F.5. Burning Detrimental to Others
 - F.7. Extinguishing a Fire
 - F.9. Landowner Permission
 - F.14. Property Access

F.16. Other Requirements

iii. Persons conducting aircraft crash rescue fire training are responsible for responding to citizen inquiries and resolving citizen complaints caused by the training activity.

b. Extinguisher Training. (WAC 173-425-020(2)(f), WAC 173-425-030(5), WAC 173-425-050, WAC 173-425-060(1), (2)(f) & (3-4))

Extinguisher training fires of short-duration for instruction on the proper use of hand-held fire extinguishers may be conducted without a written permit provided all of the following requirements are met:

i. Unless specifically authorized in writing by SRCAA, the prohibitions / requirements in Section 6.01.F of this Regulation apply to extinguisher training fires as listed below:

(a) Extinguisher training fires are exempt from the following:

- F.2. Hauled Materials
- F.6. Containers
- F.8. Distances
- F.10. Burn Hours
- F.11. Number of Piles
- F.12. Fuel Area
- F.13. Written Permits
- F.15. Areas Prohibited

(b) Extinguisher training fires are not exempt from the following:

- F.1. Prohibited Materials (except as provided for in Section 6.01.D.1.b.ii of this Regulation, below)
- F.3. Curtailments
- F.4. Nuisance
- F.5. Burning Detrimental to Others
- F.7. Extinguishing a Fire
- F.9. Landowner Permission
- F.14. Property Access
- F.16. Other Requirements

ii. Flammable or combustible materials used during the fire extinguisher training shall be limited to:

- (1) 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 protection agencies, fire marshals, or fire districts;
 - (2) As much gaseous fuel (propane or natural gas) as required for the training exercise; or
 - (3) 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 paper.
- iii. All training must be conducted by fire training officials or an instructor qualified to perform fire training. A copy of the written training plan, and when applicable, instructor qualifications, must be provided to SRCAA upon request.
 - iv. Prior to the training, the responsible person(s) conducting the exercise must notify the local fire department, fire marshal, or fire district and meet all applicable local ordinances and permitting requirements.
 - v. Persons conducting extinguisher training fires are responsible for responding to citizen inquiries and resolving citizen complaints caused by the training activity.
- c. Forest Fire Training. ((RCW 70.94.6546(4), WAC 173-425-020(2)(f), WAC 173-425-030(5), WAC 173-425-050, WAC 173-425-060(1), (2)(f) & (3-4))

A fire protection agency may conduct forest fire training fires consisting of only natural vegetation without a written permit.

- i. Unless specifically authorized in writing by SRCAA, the prohibitions / requirements in Section 6.01.F of this Regulation apply to forest fire training fires as listed below:
 - (a) Forest fire training fires are exempt from the following:
 - F.2. Hauled Materials
 - F.6. Containers
 - F.8. Distances
 - F.10. Burn Hours

- F.11. Number of Piles
- F.12. Fuel Area
- F.13. Written Permits
- F.15. Areas Prohibited

(b) Forest fire training fires are not exempt from the following:

- F.1. Prohibited Materials
- F.3. Curtailments
- F.4. Nuisance
- F.5. Burning Detrimental to Others
- F.7. Extinguishing a Fire
- F.9. Landowner Permission
- F.14. Property Access
- F.16. Other Requirements

ii. Grassland or wildland fires used for the purpose of forest fire training fires qualify as forest firefighting instruction fires. Grassland or wildland fires not used for the purpose of forest fire instruction fires shall be performed pursuant to Section 6.01.D.1.e of this Regulation. Section 6.01.D.1.e is Types of Firefighting Instruction Fires Not Listed Above.

iii. Persons conducting forest fire training are responsible for responding to citizen inquiries and resolving citizen complaints caused by the training activity.

d. Structural Fire Training. ((RCW 52.12.150(4), (RCW 70.94.6546(3), WAC 173-425-020(2)(f), WAC 173-425-030(5), WAC 173-425-050, WAC 173-425-060(1), (2)(f) & (3-4))

A fire protection agency may conduct structural fire training without a written permit provided all of the following requirements are met:

i. Unless specifically authorized in writing by SRCAA, the prohibitions / requirements in Section 6.01.F of this Regulation apply to structural fire training fires as listed below:

(a) Structural fire training fires are exempt from the following:

- F.1. Prohibited Materials (except as provided for in Section 6.01.D.1.d.iv of this Regulation, below)
- F.2. Hauled Materials

- F.6. Containers
- F.8. Distances
- F.10. Burn Hours
- F.11. Number of Piles
- F.12. Fuel Area
- F.13. Written Permits
- F.15. Areas Prohibited

(b) Structural fire training fires are not exempt from the following:

- F.3. Curtailments
- F.4. Nuisance
- F.5. Burning Detrimental to Others
- F.7. Extinguishing a Fire
- F.9. Landowner Permission
- F.14. Property Access
- F.16. Other Requirements

- ii. The owner and fire protection agency(ies) must meet the requirements in SRCAA Regulation I, Article IX – Asbestos Control Standards and SRCAA Regulation I, Article X, Section 10.09 – Asbestos Project And Demolition Notification Waiting Period And Fees, prior to conducting the training. This includes clearly identifying structures on the Notice of Intent that will be used for structural fire training.
- iii. The fire protection agency(ies) conducting the fire training must have a fire training plan available to SRCAA upon request, and the purpose of the structural fire must be to train firefighters.
- iv. Composition roofing, asphalt roofing shingles, asphalt siding materials, miscellaneous debris from inside the structure, carpet, linoleum, and floor tile shall not be burned unless such materials are an essential part of the fire training exercise and are described as such in the fire training plan. Materials removed from the structure(s) must be disposed of in a lawful manner prior to the training exercise.
- v. Structural fire training shall not be conducted if, in consideration of prevailing air patterns, the fire is likely to cause a nuisance.
- vi. The fire protection agency(ies) conducting the training must provide notice to the owners of property adjoining the

property on which the fire training will occur, to other persons who potentially will be impacted by the fire, and to additional persons in a broader manner if specifically requested by SRCAA.

- vii. Structural fire training shall be performed in accordance with RCW 52.12.150.
 - viii. Persons conducting structural fire training are responsible for responding to citizen inquiries and resolving citizen complaints caused by the training activity.
- e. Types of Firefighting Instruction Fires Not Listed Above. (WAC 173-425-020(2)(f), WAC 173-425-030(5), WAC 173-425-050, WAC 173-425-060(1), (2)(f) & (3-4))

A fire protection agency may conduct firefighting instruction fires not provided for in Section 6.01.D.1.a-d of this Regulation (e.g., car rescue training fires, simulated fires at permanent fire training facilities, simulated fires via mobile fire training units, etc.) if all of the following are met:

- i. Unless specifically authorized in writing by SRCAA, the prohibitions / requirements in Section 6.01.F of this Regulation apply to other firefighting instruction fires as listed below:
 - (a) Other firefighting training fires are exempt from the following:
 - F.2. Hauled Materials
 - F.6. Containers
 - F.8. Distances
 - F.10. Burn Hours
 - F.11. Number of Piles
 - F.12. Fuel Area
 - F.13. Written Permits
 - F.15. Areas Prohibited
 - (b) Other firefighting training fires are not exempt from the following:
 - F.1. Prohibited Materials (except as provided for in Section 6.01.D.1.e.iii of this Regulation)
 - F.3. Curtailments
 - F.4. Nuisance

- F.5. Burning Detrimental to Others
- F.7. Extinguishing a Fire
- F.9. Landowner Permission
- F.14. Property Access
- F.16. Other Requirements

- ii. The fire protection agency(ies) conducting the fire training must have a fire-training plan available to SRCAA upon request, and the purpose of the structural fire must be to train firefighters.
- iii. The prohibited materials described in Section 6.01.F.2 of this Regulation may not be burned in any fire unless such materials are an essential part of the fire training exercise and are described as such in the fire training plan.
- iv. Persons conducting other firefighting training are responsible for responding to citizen inquiries and resolving citizen complaints caused by the training activity.

2. Fire Hazard Abatement Fires.

- a. A permit from a permitting agency other than SRCAA is required pursuant to Section 6.01.E of this Regulation for fire hazard abatement fires. All fire hazard abatement fires require a written permit unless an alternate permitting method is specified in a written agreement (e.g. Memorandum of Understanding) between SRCAA and the permitting agency.
- b. Unless specifically authorized in writing by the permitting agency and pursuant to a written agreement between SRCAA and the permitting agency, the prohibitions / requirements in Section 6.01.F of this Regulation apply as listed below:
 - i. Fire hazard abatement fires may be exempt from the following at the permitting agency's discretion:
 - F.8. Distances
 - F.11. Number of Piles
 - F.12. Fuel Area
 - ii. Fire hazard abatement fires are not exempt from the following:
 - F.1. Prohibited Materials
 - F.2. Hauled Materials

- F.3. Curtailments
- F.4. Nuisance
- F.5. Burning Detrimental to Others
- F.6. Containers
- F.7. Extinguishing a Fire
- F.9. Landowner Permission
- F.10. Burn Hours
- F.13. Written Permits
- F.14. Property Access
- F.15. Areas Prohibited
- F.16. Other Requirements

- 3. Flag Retirement Ceremony Fires. (RCW 70.94.6522, WAC 173-425-020(2)(j), WAC 173-425-030(15), WAC 173-425-040(5), WAC 173-425-060(1)(b), and WAC 173-425-060(1), (2)(j) & (3-4))

A flag retirement ceremony fire is a ceremonial fire for the purpose of disposing of cotton or wool flags of the United States of America, by fire, pursuant to 36 United States Code 176(k). A flag retirement ceremony fire is a type of other outdoor fire as provided for in WAC 173-425-030(15). The ceremony generally involves placing the flags one at a time in a small fire during the ceremony until the last flag is burned.

- a. This subsection serves as a general permit by SRCAA.
- b. The prohibitions / requirements in Section 6.01.F of this Regulation apply to flag retirement ceremony fires as listed below:
 - i. Unless specifically authorized in writing by SRCAA, flag retirement ceremony fires are exempt from the following:
 - F.2. Hauled Materials
 - F.6. Containers
 - F.8. Distances
 - F.10. Burn Hours
 - F.11. Number of Piles
 - F.12. Fuel Area
 - F.13. Written Permits
 - F.15. Areas Prohibited
 - ii. Flag retirement ceremony fires are not exempt from the following:
 - F.1. Prohibited Materials (except for cotton or wool flags and minimal accelerant necessary to burn the flags)
 - F.3. Curtailments

- F.4. Nuisance
- F.5. Burning Detrimental to Others
- F.7. Extinguishing a Fire
- F.9. Landowner Permission
- F.14. Property Access
- F.16. Other Requirements

- c. A ceremony for disposal of unserviceable cotton or wool flags using methods other than burning (e.g. burying or recycling) or burning a small number of representative cotton or wool flags for the flag retirement ceremony is recommended, but not required.
 - d. Burning flags made of synthetic materials (e.g. nylon) is prohibited.
4. Indian Ceremonial Fires. (RCW 70.94.6550, WAC 173-425-020(2)(h), WAC 173-425-030(8)), WAC 173-425-050, WAC 173-425-060(1), (2)(h) & (3-4))

Indian ceremonial fires are fires using charcoal or clean, dry, bare, untreated wood (for the purpose of this definition, it includes commercially manufactured fire logs) necessary for Native American Ceremonies (i.e. conducted by and for Native Americans) if part of a religious ritual.

- a. This subsection serves as a general permit by SRCAA.
- b. Unless specifically authorized in writing by SRCAA, the prohibitions / requirements in Section 6.01.F of this Regulation apply to Indian ceremonial fires as listed below:
 - i. Indian ceremonial fires are exempt from the following:
 - F.2. Hauled Materials
 - F.6.b. Containers
 - F.10. Burn Hours
 - F.13. Written Permits
 - F.15. Areas Prohibited
 - ii. Indian ceremonial fires are not exempt from the following:
 - F.1. Prohibited Materials
 - F.3. Curtailments
 - F.4. Nuisance
 - F.5. Burning Detrimental to Others
 - F.6.a. Containers (burn barrels)
 - F.7. Extinguishing a Fire
 - F.8. Distances

- F.9. Landowner Permission
- F.11. Number of Piles
- F.12. Fuel Area
- F.14. Property Access
- F.16. Other Requirements

5. Land Clearing Fires. (WAC 173-425-020(2)(b), WAC 173-425-030(9), WAC 173-425-040(1-5), WAC 173-425-050, WAC 173-425-060(1)(b) and WAC 173-425-060(1), (2)(b) & (3-4))
 - a. All land clearing burning, except for silvicultural-to-agricultural and residential land clearing burning, is prohibited effective January 13, 2002.
 - b. Silvicultural-to-agricultural burning is prohibited after April 30, 2009.
 - c. Residential land clearing burning is prohibited after December 31, 2010. Residential land clearing fires are limited to fires consisting of trees, shrubbery, or other natural vegetation from land clearing projects (i.e., projects that clear the land surface so it can be developed, used for a different purpose, or left unused) where the natural vegetation is cleared from less than one acre of forested land on a five acre or larger parcel of land in non-commercial ownership. (RCW 70.94.6526(2)). Residential land clearing fires may also have the effect of abating or prevention of a forest fire hazard and thereby fit the definition of silvicultural burning. In those situations where residential land clearing burning consists of materials cleared from less than 1 acre of forested land on a 5 acre or larger parcel of land in non-commercial ownership is determined by DNR to meet the criteria to be defined as silvicultural burning, SRCAA may defer the decision to DNR to approve the fire and issue a permit pursuant to a Memorandum of Understanding between SRCAA and DNR. In so doing, DNR acknowledges that the fire is silvicultural burning and subject to Chapter 332-24 WAC.
6. Rare and Endangered Plant Regeneration Fires. (RCW 70.94.6524, RCW 70.94.6534(2), WAC 173-425-020(2)(g), WAC 173-425-030(19), WAC 173-425-050, WAC 173-425-060(1), (2)(g), (3-4) & (6).

Rare and endangered plant regeneration fires are fires necessary to promote the regeneration of rare and endangered plants found within natural area preserves as identified in Chapter 79.70 RCW.

- a. Pursuant to RCW 70.94.6534(2), the appropriate fire protection agency permits and regulates rare and endangered plant

regeneration fires on lands where the department of natural resources does not have fire protection responsibility.

b. Unless otherwise allowed or required by the fire protection agency, the prohibitions / requirements in Section 6.01.F of this Regulation apply to rare and endangered plant regeneration fires as listed below:

i. Rare and endangered plant regeneration fires are exempt from the following:

- F.8. Distances
- F.10. Burn Hours
- F.11. Number of Piles
- F.12. Fuel Area
- F.13. Written Permits
- F.15. Areas Prohibited

ii. Rare and endangered plant regeneration fires are not exempt from the following:

- F.1. Prohibited Materials
- F.2. Hauled Materials
- F.3. Curtailments
- F.4. Nuisance
- F.5. Burning Detrimental to Others
- F.6. Containers
- F.7. Extinguishing a Fire
- F.9. Landowner Permission
- F.14. Property Access
- F.16. Other Requirements

c. Pursuant to WAC 173-425-060(6), any agency that issues permits, or adopts a general permit for rare and endangered plant regeneration fires is responsible for field response to outdoor burning complaints and enforcement of all permit conditions and requirements of Chapter 173-425 WAC unless another agency has agreed under WAC 173-425-060(1)(a) to be responsible for certain field response or enforcement activities. Except for enforcing fire danger burn bans as referenced in WAC 173-425-050(3)(a)(iii), SRCAA may also perform complaint response and enforcement activities.

7. Recreational Fires. WAC 173-425-020(2)(i), WAC 173-425-030(21), WAC 173-425-050, WAC 173-425-060(1), (2)(i) & (3-4))

A recreational fire is a small fire with a fuel area no larger than 3 feet in diameter and 2 feet in height and is limited to cooking fires, campfires, and fires for pleasure using charcoal or firewood in designated areas on public lands (e.g. campgrounds) or on private property. Firewood refers to clean, dry (e.g., tree trunk wood that is split and seasoned and has less than 20 percent moisture content), bare, wood from trees. Commercially manufactured fire logs are acceptable fuels unless determined otherwise by SRCAA. Fires fueled by liquid or gaseous fuels (e.g. propane or natural gas barbecues) are not considered recreational fires. Fires used for debris disposal are not considered recreational fires.

- a. This subsection serves as a general permit by SRCAA.
 - b. The prohibitions / requirements in Section 6.01.F of this Regulation apply to recreational fires as listed below:
 - i. Recreational fires are exempt from the following:
 - F.2. Hauled Materials
 - F.6.b. Containers
 - F.10. Burn Hours
 - F.13. Written Permits
 - F.15. Areas Prohibited
 - ii. Recreational fires are not exempt from the following:
 - F.1. Prohibited Materials
 - F.3. Curtailments
 - F.4. Nuisance
 - F.5. Burning Detrimental to Others
 - F.6.a. Containers (burn barrels)
 - F.7. Extinguishing a Fire
 - F.8. Distances
 - F.9. Landowner Permission
 - F.11. Number of Piles
 - F.12. Fuel Area
 - F.14. Property Access
 - F.16. Other Requirements
8. Residential Fires (also referred to as Residential Burning or Residential Yard and Garden Debris Burning). (WAC 173-425-020(2)(a), WAC 173-425-030(22), WAC 173-425-040(1-3) & (5), WAC 173-425-050, WAC 173-425-060(1), (2)(a) & (3-6))

A residential fire is an outdoor fire consisting of natural yard and garden debris (i.e., dry garden trimmings, dry tree clippings, dry leaves, etc.)

originating on the maintained / improved area of residential property (i.e. lands immediately adjacent and in close proximity to a human dwelling), and burned on such lands by the property owner and / or any other responsible person.

- a. A permit from a permitting agency other than SRCAA is required pursuant to Section 6.01.E of this Regulation. All residential fires require a written permit unless an alternate permitting method (e.g. general permit adopted by rule) is specified in a written agreement (e.g. Memorandum of Understanding) between SRCAA and the permitting agency.
- b. The prohibitions / requirements in Section 6.01.F of this Regulation apply to residential fires as listed below:
 - i. No exemptions apply to residential fires.
 - ii. Residential fires are not exempt from the following:
 - F.1. Prohibited Materials
 - F.2. Hauled Materials
 - F.3. Curtailments
 - F.4. Nuisance
 - F.5. Burning Detrimental to Others
 - F.6. Containers
 - F.7. Extinguishing a Fire
 - F.8. Distances
 - F.9. Landowner Permission
 - F.10. Burn Hours
 - F.11. Number of Piles
 - F.12. Fuel Area (except as provided in Section 6.01.D.8.c of this Regulation, below)
 - F.13. Written Permits
 - F.14. Property Access
 - F.15. Areas Prohibited
 - F.16. Other Requirements
- c. The fuel area is limited to 4 feet in diameter and 3 feet in height unless the written permit issued by the permitting agency specifically states otherwise. Under no circumstance shall the fuel area be greater than 10 feet in diameter and 6 feet in height.
- d. No vegetation shall exceed 4 inches in diameter unless the permitting agency provides a site-specific exemption in a written permit. If larger diameter vegetation is allowed, the fire shall be constructed using heavy equipment such as a track hoe or

excavator with an operator on site at all times. Fans must be employed to improve combustion.

- e. Residential fires must be at least 500 feet away from forest slash.
 - f. Residential fires must be at least 50 feet away from any adjacent land under different ownership unless the permitting agency provides a site-specific exception in the written permit and the respective neighboring landowner or landowner's designated representative gives the person responsible for burning approval to burn within 50 feet of his/her land.
 - g. In addition to the prohibitions in Section 6.01.F.15, residential burning is prohibited within any area where a permitting agency does not administer a residential burning program.
9. Social Event Fires. (WAC 173-425-020(2)(i), WAC 173-425-030(21), WAC 173-425-050, WAC 173-425-060(1), (2)(i) & (4))

A social event fire is a fire that may be greater than 3 feet in diameter and 2 feet in height and unless otherwise approved by SRCAA, is limited to events or celebrations open to the general public. A social event fire is limited to using charcoal or firewood which occurs in designated areas on public lands or on private property. Firewood refers to clean, dry (e.g., tree trunk wood that is split and seasoned with less than 20 percent moisture content), bare, wood from trees. Commercially manufactured fire logs are acceptable fuels. Fires used for debris disposal are not considered social event fires.

- a. A written permit from SRCAA is required pursuant to Section 6.01.E of this Regulation and, unless otherwise approved by SRCAA, must be submitted at least 10 working days prior to the first proposed burn date.
- b. Unless specifically authorized in writing by SRCAA, the prohibitions / requirements in Section 6.01.F of this Regulation apply as listed below:
 - i. Social event fires may be exempt from the following at SRCAA's discretion:
 - F.2. Hauled Materials
 - F.6.b. Containers
 - F.8. Distances
 - F.10. Burn Hours
 - F.11. Number of Piles

F.12. Fuel Area
F.15. Areas Prohibited

ii. Social event fires are not exempt from the following:

F.1. Prohibited Materials
F.3. Curtailments
F.4. Nuisance
F.5. Burning Detrimental to Others
F.6.a. Containers (burn barrels)
F.7. Extinguishing a Fire
F.9. Landowner Permission
F.13. Written Permits
F.14. Property Access
F.16. Other Requirements

10. Storm or Flood Debris Fires. (RCW 70.94.743 (1)(c), WAC 173-425-020(2)(c), WAC 173-425-030(24), WAC 173-425-040(5), WAC 173-425-050, WAC 173-425-060(1), (2)(c) & (3-4))

Storm and flood debris fires are fires consisting of natural vegetation deposited on lands by storms or floods that occurred within the previous 24 months, and resulted in an emergency being declared or proclaimed in the area by city, county, or state government, and burned by the property owner or other responsible person on lands where the natural vegetation was deposited by the storm or flood.

a. A written permit from SRCAA is required pursuant to Section 6.01.E of this Regulation and, unless otherwise approved by SRCAA, must be submitted at least 10 working days prior to the first proposed burn date.

b. Unless specifically authorized in writing by SRCAA, the prohibitions / requirements in Section 6.01.F of this Regulation apply as listed below:

i. Storm or flood debris fires may be exempt from the following at SRCAA's discretion:

F.12. Fuel Area

ii. Storm or flood debris fires are not exempt from the following:

F.1. Prohibited Materials
F.2. Hauled Materials
F.3. Curtailments

- F.4. Nuisance
- F.5. Burning Detrimental to Others
- F.6. Containers
- F.7. Extinguishing a Fire
- F.8. Distances
- F.9. Landowner Permission
- F.10. Burn Hours
- F.11. Number of Piles
- F.13. Written Permits
- F.14. Property Access
- F.15. Areas Prohibited
- F.16. Other Requirements

11. Tumbleweed Fires. (RCW 70.94.6554)

Tumbleweed fires are fires to dispose of dry plants (e.g., Russian Thistle and Tumbleweed Mustard Plants) that have been broken off, and rolled about, by the wind. Outdoor burning of tumbleweeds is prohibited. However, agricultural operations may burn tumbleweeds pursuant to Section 6.11 of this Regulation and Chapter 173-430 WAC.

12. Weed Abatement Fires. (RCW 70.94.6552, Chapter 16-750 WAC, WAC 173-425-020(2)(e), WAC 173-425-030(27)), WAC 173-425-040(5), WAC 173-425-050, WAC 173-425-060(1), (2)(e) & (3-4))

A weed abatement fire is any outdoor fire undertaken for the sole purpose of disposing of noxious weeds identified in the state noxious weed list.

- a. A written permit from a permitting agency other than SRCAA is required pursuant to Section 6.01.E of this Regulation.
- b. The prohibitions / requirements in Section 6.01.F of this Regulation apply to weed abatement fires as listed below:
 - i. Weed abatement fires may be exempt from the following at the permitting agency's discretion:
 - F.11. Number of Piles (refer to Section 6.01.D.11.c of this Regulation, below)
 - F.12. Fuel Area (refer to Section 6.01.D.11.c of this Regulation, below)
 - ii. Weed abatement fires are not exempt from the following:
 - F.1. Prohibited Materials
 - F.2. Hauled Materials

- F.3. Curtailments
- F.4. Nuisance
- F.5. Burning Detrimental to Others
- F.6. Containers
- F.7. Extinguishing a Fire
- F.8. Distances
- F.9. Landowner Permission
- F.10. Burn Hours
- F.13. Written Permits
- F.14. Property Access
- F.15. Areas Prohibited
- F.16. Other Requirements

- c. If burn piles are required by the permitting agency, the fuel area for each burn pile is limited to 10 feet in diameter and 6 feet in height unless the written permit issued by the permitting agency specifically states otherwise.
- d. Burning shall be limited to Monday through Friday and shall not be conducted on federally observed holidays.

13. Other Outdoor Fires. (RCW 70.94.6522, WAC 173-425-020(2)(j), WAC 173-425-030(15), WAC 173-425-040(5), WAC 173-425-060(1)(b), and WAC 173-425-060(1), (2)(j) & (3-4))

Other outdoor fires are any type of outdoor fires not specified in WAC 173-425-020(2)(a-i).

- a. Other outdoor burning will generally be limited by SRCAA to outdoor fires necessary to protect public health and safety.
- b. Other outdoor burning will generally not be allowed unless SRCAA determines that extenuating circumstances exist that necessitate burning be allowed.
- c. A permit application must be submitted at least 10 working days prior to the first proposed burn date unless SRCAA waives the advance application period. A written permit from SRCAA is required pursuant to Section 6.01.E of this Regulation unless SRCAA approves a verbal or electronic permit in lieu of a written permit. The applicant is responsible for payment of a permit application fee in the amount specified in Section 10.13 of this Regulation.

E. Application For and Permitting of Written Outdoor Burning Permits.

Outdoor burning requiring a written permit pursuant to Section 6.01.D of this Regulation is subject to all of the following requirements:

1. Permit Application.
 - a. It shall be unlawful for any person to cause or allow outdoor burning unless an application for a written permit, including the required fee specified by the permitting agency (SRCAA's outdoor burning permit fees are specified in SRCAA's Fee Schedule pursuant to Section 10.13 of this Regulation) and any additional information requested by the permitting agency, has been submitted to the permitting agency on approved forms, in accordance with the advance application period as specified by the permitting agency.
 - b. Incomplete or inaccurate applications may be returned to the applicant as incomplete. The advance application period begins when a complete and accurate application, including the required fee, has been received by the permitting authority.
 - c. Unless otherwise approved by the permitting agency or unless specified otherwise in Section 6.01, applications will be accepted no more than 90 days prior to the first proposed burn date.
 - d. A separate application must be completed and submitted to the appropriate permitting agency for each outdoor burn permit requested.
 - e. A permit for outdoor burning shall not be granted on the basis of a previous permit history.
2. Denial or Revocation of a Permit.
 - a. The permitting agency may deny a permit if it is determined by the permitting agency that the application is incomplete or inaccurate. The advance application period in Section 10.13 of this Regulation does not begin until a complete and accurate application, including any additional information requested by the permitting agency, is received by the permitting agency.
 - b. The permitting agency may deny a permit or revoke a previously issued permit if it is determined by the permitting agency that the application contained inaccurate information, or failed to contain pertinent information, and the information is deemed by the permitting agency to be significant enough to have a bearing on the permitting agency's decision to grant a permit.

- c. An application for a permit shall be denied if the permitting agency determines that the proposed burning will cause or is likely to cause a nuisance (refer to Section 6.01.F.4 of this Regulation). In making this determination, the permitting agency may consider if the permit can be conditioned in such a way that burning is not likely to cause a nuisance (e.g., limit burning to specific wind directions, restrict burn hours, restrict pile size, etc.).
- d. The permitting agency may deny a permit for other reasons and shall provide the reason(s) in the applicant's permit denial.

3. Permit Conditions

Permits may include requirements and restrictions beyond those specified in SRCAA Regulation I.

4. Permit Expiration.

Written permits shall be valid for no more than 30 consecutive calendar days unless specified otherwise in Section 6.01.D or in the permit. In no circumstance will a permit be valid for more than one calendar year.

F. Prohibitions / Requirements. (WAC 173-425-050 & WAC 173-425-060(4))

All of the following apply to all outdoor burning unless specified otherwise in Section 6.01 of this Regulation or pursuant to a written permit:

1. Prohibited Materials. (WAC 173-425-050(1))

It is unlawful to burn prohibited materials. Prohibited materials include all of the following: garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated or processed wood (other than commercially manufactured fire logs), construction and demolition debris (any material resulting from the construction, renovation, or demolition of buildings, roads, or other man made structures), metal, or any substance (other than natural vegetation or firewood) that releases dense smoke or obnoxious odors when burned, or normally releases toxic emissions when burned. (RCW 70.94.6512(1) and Attorney General Opinion 1993 #17).

2. Hauled Materials. (WAC 173-425-050(2))

It is unlawful for a fire to contain material that has been hauled from an area where outdoor burning of that material is prohibited.

3. Curtailments. (RCW 70.94.6512, RCW 70.94.6516, WAC 173-425-030(2), WAC 173-425-030(7), WAC 173-425-050(3), WAC 173-425-060(4) & WAC 173-433-140)
 - a. The person responsible for the fire must contact the permitting agency and / or any other designated source for information on the burning conditions for each day prior to igniting a fire.
 - b. Outdoor burning is prohibited in specified geographical areas when one or more of the following occur:
 - i. The Washington State Department of Ecology (Ecology) has declared an air pollution episode.
 - ii. Ecology or SRCAA has declared impaired air quality.
 - iii. A fire protection authority of jurisdiction has declared a fire danger burn ban, unless that authority grants an exception.
 - c. The person responsible for outdoor burning must extinguish the fire when an air pollution episode, impaired air quality condition, or fire danger burn ban that applies to the burning is declared. In this regard:
 - i. Smoke visible from all types of outdoor burning, except residential land clearing burning, after a time period of 3 hours has elapsed from the time an air pollution episode, impaired air quality condition, or fire danger burn ban is declared, will constitute prima facie evidence of unlawful outdoor burning.
 - ii. Smoke visible from residential land clearing burning after a time period of 8 hours has elapsed from the time an air pollution episode, impaired air quality condition, or fire danger burn ban is declared, will constitute prima facie evidence of unlawful outdoor burning.
4. Nuisance. (RCW 70.94.030(2) & WAC 173-425-050(4))

A nuisance refers to an emission of smoke or any other air contaminant that unreasonably interferes with the enjoyment of life and property. In addition to applicable odor nuisance regulations in Section 6.04 of this Regulation, it shall be unlawful for any person to conduct outdoor burning which causes a smoke or particulate nuisance. With respect to smoke or particulate from outdoor burning, SRCAA may take enforcement action

under this Section if the Control Officer or authorized representative has documented all of the following:

- a. Visible smoke observed with natural or artificial light (e.g. flashlight) crossing the property line of the person making a complaint or particulate deposition on the property of the person making a complaint;
 - b. An affidavit from a person making a complaint that demonstrates that they have experienced air contaminant emissions in sufficient quantities, and of such characteristics and duration, so as to unreasonably interfere with their enjoyment of life and property; and
 - c. The source of the smoke or particulate.
5. Burning Detrimental to Others. (RCW 70.94.040, RCW 70.94.650(1), RCW 70.94.6516, and WAC 173-425-050(4))

It is unlawful for any person to cause or allow outdoor burning that causes an emission of smoke or any other air contaminant that is detrimental to the health, safety, or welfare of any person, or that causes damage to property or business.

6. Containers. (WAC 173-425-050(5))
- a. Burn barrels are prohibited.
 - b. Containers must be constructed of concrete or masonry with a completely enclosed combustion chamber and equipped with a permanently attached spark arrester constructed of iron, heavy wire mesh, or other noncombustible material with openings no larger than one-half inch.
7. Extinguishing a Fire. (WAC 173-425-050(6)(a) & WAC 173-425-060(4))
- a. A person(s) capable of completely extinguishing the fire must attend it at all times.
 - b. Fire extinguishing equipment must be at the fire and ready to use (e.g., charged garden hose, dirt, sand, water bucket, shovel, fire extinguisher, etc.).
 - c. All fires must be completely extinguished when the fire will be left unattended or when the activity for which the fire was intended is done, whichever occurs first.

- d. Any person(s) responsible for unlawful outdoor burning must immediately and completely extinguish the fire. If the person(s) responsible for unlawful outdoor burning are unable or unwilling to extinguish an unlawful fire, they may be charged for fire suppression costs incurred by a fire protection agency.
8. Distances. (WAC 173-425-050(6)(b) & WAC 173-425-060(4))
- a. All fires subject to Section 6.01 of this Regulation must be at least 50 feet away from any structure.
 - b. When material is burned on the ground, it must be placed on bare soil, green grass, or other similar area free of flammable materials for a distance adequate to prevent escape of the fire.

9. Landowner Permission. (WAC 173-425-050(6)(c))

Permission from a landowner, or owner's designated representative, must be obtained before outdoor burning on landowner's property.

10. Burn Hours. (WAC 173-425-060(4))

All burning must take place during daylight hours only. Burning shall not commence prior to sunrise, and all debris burning must be completely extinguished at least one hour prior to sunset. Smoke visible from burning within one hour of sunset will constitute prima facie evidence of unlawful outdoor burning.

11. Number of Piles. (WAC 173-425-060(5)(c)(x))

Only one pile at a time may be burned per contiguous property under same ownership and each pile must be extinguished before lighting another.

12. Fuel Area. (WAC 173-425-060(4))

The fuel area shall be no larger than 3 feet in diameter by 2 feet in height.

13. Written Permits.

- a. A copy of the written permit must be kept at the permitted burn site during the permitted burn, and must be made available for review upon request of the permitting agency.
- b. All conditions of a written permit issued by the permitting agency must be complied with.

14. Property Access. (RCW 70.94.200 & SRCAA Regulation I, Article II)

The Control Officer, or duly authorized representative, shall be allowed to access property at reasonable times to inspect fires specific to the control, recovery, or release of contaminants into the atmosphere in accordance with SRCAA Regulation I, Article II and RCW 70.94.200. For the purposes of outdoor burning, reasonable times include, but are not limited to, any of the following: when outdoor burning appears to be occurring, when the Control Officer or authorized representative is investigating air quality complaints filed with SRCAA, and / or there is reason to believe that air quality violations have occurred or may be occurring. No person shall obstruct, hamper, or interfere with any such inspection.

15. Areas Prohibited. (WAC 173-425-040)

Outdoor burning is prohibited in all of the following areas:

- a. Within the Restricted Burn Area (also referred to as the No Burn Area), as defined by Resolution of the Board of Directors of SRCAA.
- b. Within any Urban Growth Area (land, generally including and associated with an incorporated city, designated by a county for urban growth under RCW 36.70A.030), and with the exception of Fairchild Air Force Base, any area completely surrounded by any Urban Growth Area (e.g. "islands" of land within an Urban Growth Area).
- c. Within any nonattainment area or former nonattainment area.
- d. In any area where a reasonable alternative to burning exists for the area where burning is requested. For burning organic refuse, a reasonable alternative is considered one where there is a method for disposing of the organic refuse at a cost that is less than or equivalent to the median of all county tipping fees in the state for disposal of municipal solid waste. SRCAA shall determine the median of all county tipping fees in the state for disposal of municipal solid waste by obtaining the most recent solid waste tipping fees data available from Ecology (e.g. state profile map of Washington solid waste tipping fees available at <https://fortress.wa.gov/ecy/swicpublic>) or other relevant sources. Reasonable alternatives may include, but are not limited to, solid waste curbside pick-up, on-site residential composting or commercial composting operations, public or private chipping/grinding operations, public or private chipper rental

service, public or private hauling services, energy recovery or incineration facility, public or private solid waste drop box, transfer station, or landfill.

16. Other Requirements.

All outdoor burning must comply with all other applicable local, state, and federal requirements.

G. Unlawful Outdoor Burning.

- a. Failure of any person to comply with Chapter 70.94 RCW, Chapter 173-425 WAC, this Section, or permit conditions, shall be unlawful and may result in criminal or civil enforcement action taken, including penalties.
- b. Unlawful burning may result in any outdoor burning permit being permanently rescinded. This applies to written permits, general permits (permits by rule), and electronic and verbal permits. Once rescinded, approval from SRCAA must be obtained to burn again. Applicable fees for a new permit must be paid pursuant to Section 10.13.

SECTION 6.02 VISIBLE EMISSIONS

A. It shall be unlawful for any person to cause or allow the emission of air contaminant from any emission point which equals or exceeds twenty percent opacity for an aggregate of more than three (3) minutes in any one-hour period except:

1. When the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not equal or exceed twenty percent opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of boiler facilities. As such, this practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and the Authority shall be advised of the schedule.
2. When the presence of uncombined water is the only reason for the failure of an emission to meet the requirements of this section. The burden of proof to establish the quantity of uncombined water in the emission shall lie with the owner or operator who is seeking to bring the emission from his equipment or process within the requirements of Section 6.02A.
3. When otherwise specifically permitted by Article VIII, Section 8.05 of this Regulation (i.e. solid fuel burning devices).

- B. The opacity of an air contaminant shall be measured at the point of its emission, except when the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission.
- C. Visible emissions shall be determined by using Ecology Test Method 9A.
- D. The emission limits of this section shall apply to each emission point regardless of the number of emissions units connected to a common stack.

SECTION 6.03 INCINERATOR BURNING AND INCINERATION HOURS

- A. The Authority, implements and enforces WAC 173-400-050, in Spokane County in addition to Parts B through E of this Section. The more stringent requirement in WAC 173-400-050 or Section 6.03 supersedes the lesser.
- B. It shall be unlawful for any person to burn any combustible refuse in any incinerator within the jurisdiction of this Authority except in an approved multiple-chambered incinerator or in equipment found by the Control Officer in advance of such use to be equally effective for the purpose of air pollution control. The Control Officer may require the installation of additional control apparatus on an incinerator of approved design, if he finds that it is not effectively controlling air pollution emissions or is the cause of legitimate complaints.
- C. It shall be unlawful for any person to cause or allow the operation of an incinerator at any time other than daylight hours, except with the approval of the Control Officer.
- D. Approval of the Control Officer for the operation of an incinerator at other than daylight hours may be granted upon the submission of a written request stating:
 - 1. Full name and address of the applicant.
 - 2. Location of the incinerator.
 - 3. A description of the incinerator and its control equipment.
 - 4. Good cause for issuance of such approval.
 - 5. The hours, other than daylight hours, during which the applicant seeks to operate the equipment.
 - 6. The length of time for which the exception is sought.
- E. No one shall install or operate an "Air Curtain Incinerator" or "Wigwam Burner" within the Authority's jurisdiction.

SECTION 6.04 EMISSION OF AIR CONTAMINANT: DETRIMENT TO PERSON OR PROPERTY

- A. Definitions: All definitions in SRCAA Regulation I, Article 1, Section 1.04 apply to this Section, unless otherwise defined herein.
- B. The Agency implements and enforces WAC 173-400-040 in Spokane County in addition to Section 6.04. The provisions of RCW 70.94.640 are herein incorporated by reference.
- C. It shall be unlawful for any person to cause or allow the emission of any air contaminant in sufficient quantities and of such characteristics and duration as is, or is likely to be:
 - 1. Injurious to the health or safety of human, animal, or plant life;
 - 2. Injurious or cause damage to property; or
 - 3. Which unreasonably interferes with enjoyment of life and property.
- D. With respect to odor, the Agency may take enforcement action, pursuant to chapter 70.94 RCW, under this section if the Control Officer or a duly authorized representative has documented all of the following:
 - 1. The detection by the Control Officer or a duly authorized representative of an odor at a level 2 or greater, according to the following odor scale:
 - Level 0 – no odor detected,
 - Level 1 – odor barely detected,
 - Level 2 – odor is distinct and definite, any unpleasant characteristics recognizable,
 - Level 3 – odor is objectionable enough or strong enough to cause attempts at avoidance, and
 - Level 4 – odor is so strong that a person does not want to remain present.
 - 2. An affidavit from a person making a complaint that demonstrates that they have experienced air contaminant emissions in sufficient quantities and of such characteristics and duration so as to unreasonably interfere with their enjoyment of life and property (the affidavit should describe or identify, to the extent possible, the frequency, intensity, duration, offensiveness, and location of the odor experienced by the complainant); and

3. The source of the odor.
- E. With respect to odor, the Agency will determine whether or not a violation of subsection C has occurred based on its review of the information documented under subsection D, as well as any other relevant information obtained during the investigation
 - F. When determining whether to take formal enforcement action authorized in subsection D and E above, the Agency may consider written evidence provided by the person causing the odors which demonstrates to the satisfaction of the Agency that all controls and operating practices to prevent or minimize odors to the greatest degree practicable are being employed. If the Agency determines that all such efforts are being employed by the person causing the odors and that no additional control measures or alternate operating practices are appropriate, the Agency may decline to pursue formal enforcement action.
 - G. The Agency will document all the criteria used in making its determination in subsection F above as to whether or not the person causing the odors is employing controls and operating practices to prevent or minimize odors to the greatest degree practicable. Said documentation, except information that meets the criteria of confidential in accordance with RCW 70.94.205, will be made available to any person making a public records request to the Agency for said documentation, including, but not limited to complaining parties.
 - H. Nothing in this Section shall be construed to impair any cause of action or legal remedy of any person, or the public for injury or damages arising from the emission of any air contaminant in such place, manner or concentration as to constitute air pollution or a common law nuisance.

SECTION 6.05 PARTICULATE MATTER AND PREVENTING PARTICULATE MATTER FROM BECOMING AIRBORNE

- A. It shall be unlawful for any person to cause or allow the discharge of particulates in sufficient numbers to unreasonably cause annoyance to any other person when deposited upon the real property of others.
- B. It shall be unlawful for any person to cause or permit particulate matter to be handled, transported or stored without taking reasonable precautions to prevent the particulate matter from becoming airborne.
- C. It shall be unlawful for any person to cause or permit a building or its appurtenances or a road to be constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Reasonable precautions to prevent particulate matter from becoming airborne must also be used on roads used as detour routes around

roads, or section of road that are being constructed, altered, repaired, demolished, or closed for any purpose.

- D. It shall be unlawful for any person, including the owner or person in control of real property to cause or allow particulate matter to be deposited upon a paved roadway open to the public without taking every reasonable precaution to minimize deposition. Reasonable precautions shall include, but are not limited to, the removal of particulate matter from equipment prior to movement on paved streets and the prompt removal of any particulate matter deposited on paved streets.
- E. It shall be unlawful for any person to cause or allow visible emissions of fugitive dust unless reasonable precautions are employed to minimize the emissions. Reasonable precautions may include, but are not limited to, one or more of the following:
1. The use of control equipment, enclosures, and wet (or chemical) suppression techniques, and curtailment during high winds;
 2. Surfacing roadways and parking areas with asphalt, concrete, or gravel;
 3. Treating temporary, low traffic areas (e.g., construction sites) with water or chemical stabilizers, reducing vehicle speeds, constructing pavement or rip rap exit aprons, and cleaning vehicle undercarriages and tires before they exit to prevent the track-out of mud or dirt onto paved public roadways; or
 4. Covering or wetting truck loads or allowing adequate freeboard to prevent the escape of dust-bearing materials.

SECTION 6.06 EMISSION OF AIR CONTAMINANTS OR WATER VAPOR, DETRIMENT TO PERSONS OR PROPERTY (SEE WAC 173-400-040(5))

The Authority implements and enforces WAC 173-400-040(5).

SECTION 6.07 EMISSION OF AIR CONTAMINANT CONCEALMENT AND MASKING RESTRICTED (SEE WAC 173-400-040(7))

The Authority implements and enforces WAC 173-400-040(7).

SECTION 6.08 REPORT OF BREAKDOWN

- A. The owner or operator of a source which emits pollutant(s) exceeding any limit established by Ecology or the Authority in any order(s), rule(s) or regulation(s) that apply to the facility as a direct result of unavoidable upset conditions or

unavoidable and unforeseeable breakdown of equipment or control apparatus may be exempt from penalties if:

1. The upset or breakdown is reported to the Authority on the next regular working day.
 2. The owner or operator shall, upon request of the Control Officer, submit a report giving:
 - a. The causes.
 - b. The steps to be taken to repair the breakdown, and
 - c. A time schedule for the completion of the repairs.
 3. The owner or operator can prove to the Control Officer that the excess emissions due to breakdown were unavoidable by adequately demonstrating that:
 - a. The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;
 - b. The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance; and
 - c. The operator took immediate and appropriate corrective action in a manner consistent with good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action, including slowing or shutting down the emissions unit as necessary to minimize emissions, when the operator knew or should have known that an emission standard or permit condition was being exceeded.
- B. The Control Officer on receipt of a report (Subsection A.2.) from the owner or operator describing a breakdown may:
1. Allow continued exempt operation, but only for a limited time period, after which the owner or operator will be required to comply with this Regulation, or the applicable permit condition, or be subject to the penalties in Section 2.11. An exemption granted under this Section 6.08, may be withdrawn if the exempt operation becomes a cause of complaints.
 2. Require that the facility curtail or cease operations of the equipment, which emits pollutants exceeding any of the limits established by this Regulation or in any permit condition, until repairs are completed, if the

Control Officer determines that the quantity of pollutants, or the nature of the pollutants, could endanger human health and safety, cause injury to plant and/or animal life, or cause damage to property.

SECTION 6.09 (RESERVED)

SECTION 6.10 GRASS FIELD BURNING (Repealed 2/2/01, Res. 01-04)

SECTION 6.11 AGRICULTURAL BURNING

In addition to this Section of the Regulation, the Authority, implements and enforces Chapter 173-430 WAC. The more stringent requirement in Chapter 173-430 or Section 6.11 supersedes the lesser.

- A. Purpose. The primary purpose of this Section is to establish specific requirements for agricultural burning in Spokane County, consistent with Chapter 173-430 WAC.
- B. Applicability. This Section applies to agricultural burning in all areas of Spokane County unless specifically exempted. This Section does not apply to Silvicultural Burning (see Chapter 332-24 WAC) or to Outdoor Burning (see Chapter 173-425 WAC).
- C. Statement of Authority. The Spokane Regional Clean Air Agency is empowered, pursuant to Chapter 70.94 RCW, to administer the agricultural burning program in Spokane County. Included is the authority to:
 - 1. Issue and deny burning permits;
 - 2. Establish conditions on burning permits to insure that the public interest in air, water, and land pollution, and safety to life and property is fully considered;
 - 3. Determine if a request to burn is consistent with best management practices, pursuant to WAC 173-430-050; or qualifies for a waiver, pursuant to WAC 173-430-045;
 - 4. Delegate local administration of permit and enforcement programs to certain political subdivisions;
 - 5. Declare burn days and no-burn days, based on meteorological, geographical, population, air quality, and other pertinent criteria; and
 - 6. Restrict the hours of burning, as necessary to protect air quality.

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

1. Agricultural Burning means burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, necessary to destroy weeds or crop residue along farm fence rows, irrigation ditches, or farm drainage ditches, or where identified as a best management practice by the agricultural burning practices and research task force established in RCW 70.94.650 or other authoritative source on agricultural practices.
2. Authority means the Spokane Regional Clean Air Agency.
3. Episode means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as provided in Chapter 173-435 WAC.
4. Extreme Conditions means conditions, usually associated with a natural disaster, that prevent the delivery and placement of mechanical residue management equipment on the field, and applies only to the growing of field and turf grasses for seed, for which a waiver is requested.
5. Impaired Air Quality, for purposes of agricultural burning, means a condition declared by the Authority when meteorological conditions are conducive to an accumulation of air contaminants, concurrent with at least one of the following criteria:
 - a. Particulates that are ten microns or smaller in diameter (PM10) are measured at any location inside Spokane County at or above an ambient level of sixty micrograms per cubic meter of air, measured on a 24-hour average, by a method which has been determined, by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix J, or equivalent.
 - b. Carbon monoxide is measured at any location inside Spokane County at or above an ambient level of eight parts of contaminant per million parts of air by volume (ppm), measured on an eight-hour average by a method which has been determined, by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix C, or equivalent.
 - c. Particulates that are two and one-half microns or smaller in diameter (PM2.5) are measured at any location inside Spokane County at or above an ambient level of 15 micrograms per cubic meter of air, measured on a 24-hour average, by a method which has been determined, by Ecology or the Authority, to have a

reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix L, or equivalent.

- d. Air contaminant levels reach or exceed other limits, established by Ecology pursuant to RCW 70.94.331.
 6. Nuisance means an emission of smoke or other emissions from agricultural burning that unreasonably interferes with the use and enjoyment of property or public areas.
 7. Permitting Authority means the Spokane Regional Clean Air Agency (Authority), or one or more of the following entities, whenever the Authority has delegated administration of the permitting program, pursuant to RCW 70.94.654, to one or more of the referenced entities, provided such delegation of authority has not been withdrawn: Spokane County, the Spokane County Conservation District, or any fire protection agency within Spokane County.
 8. Pest means weeds, disease, or insects, infesting agricultural lands, crops, or residue.
 9. Prohibited Materials means garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction debris, demolition debris, metal or any substance (other than natural vegetation) that releases toxic emissions, dense smoke or obnoxious odors, when burned.
 10. Responsible Person means any person who has applied for and received a permit for agricultural burning, or any person allowing, igniting or attending to agricultural burning, or any person who owns or controls property on which agricultural burning occurs.
- E. Requirements. No person shall practice or permit the practice of Agricultural Burning, other than incidental agricultural burning pursuant to RCW 70.94.745(7), unless the applicant demonstrates to the satisfaction of the Authority or permitting authority that burning, as requested:
1. Is reasonably necessary to successfully carry out the enterprise in which the applicant is engaged; or
 2. Constitutes a best management practice and no practical alternative is reasonably available.
- F. Prohibitions. No person shall practice or permit the practice of agricultural burning in any of the following circumstances:

1. Where there is a practice, program, technique, or device, that Ecology has certified as a practical alternative to burning.
2. When the materials to be burned include any prohibited materials.
3. During an episode, as declared by Ecology, or during Impaired Air Quality, as declared by Ecology or the Authority for a defined geographical area.
4. Where burning causes a nuisance or when the Authority or permitting authority determines that the creation of a nuisance would likely result from burning.
5. Without a written permit, issued by the permitting authority, except for incidental agricultural burning, as provided in RCW 70.94.745(7).
6. When the materials to be burned include any material other than natural vegetation generated on the property, which is the burning site, or was transported to the burning site by wind or water.
7. In the case of growing of field or turf grasses for seed, unless the request to burn qualifies for a waiver for slope or extreme conditions pursuant to WAC 173-430-045(4).
8. When a no-burn day is declared by the Authority or the permitting authority.

G. General Conditions. Considering population density and local conditions affecting air quality, the Authority or permitting authority shall establish conditions for all permits to minimize air pollution as much as practical. Such conditions may be general (applying to all permits) or specific (applying to individual permits). Conditions may address permissible hours of burning, maximum daily burn acreage or volume of material to be burned, requirements for good combustion practice, burning under specified weather conditions, pre and post-burn reporting, and other criteria, determined by the permitting authority, as necessary to minimize air pollution. Any person who practices or permits the practice of agricultural burning shall, in addition to any specific permit conditions imposed, comply with the general agricultural burning permit conditions and criteria in WAC 173-430-070 and all of the following conditions:

1. Whenever an episode or Impaired Air Quality is declared, or other meteorological condition occurs that the permitting authority determines is likely to contribute to a nuisance, all fires shall be extinguished by withholding new fuel or ceasing further ignition, as appropriate to allow the fire to burn down in the most expeditious manner. In no case shall a fire be allowed to burn longer than 3 hours after declaration of an episode or

Impaired Air Quality, or determination of the specific meteorological condition.

2. Until extinguished, the fire shall be attended by a person who is responsible for the same, capable of extinguishing the fire, and has the permit or a copy of the permit in his or her immediate possession.
3. Burning shall occur only during daylight hours, or a more restrictive period as determined by the Authority or the permitting authority.
4. Permission from the landowner, or the landowner's designated representative, must be obtained before starting the fire.
5. The fire district of jurisdiction shall be notified by the responsible person, prior to igniting a fire.
6. If it becomes apparent at any time to the Authority or permitting authority that limitations need to be imposed to reduce smoke, prevent air pollution and/or protect property and the health, safety and comfort of persons from the effects of burning, the Authority or permitting authority shall notify the permittee or responsible person and any limitation so imposed shall become a condition under which the permit is issued.
7. Follow the smoke management guidelines of the permitting authority.

H. Administrative requirements.

1. All applicants for agricultural burning permits must submit their requests to burn, on forms or in a format provided by the permitting authority.
2. The permitting authority may require additional information from the applicant, as necessary to determine if agricultural burning is reasonably necessary to carry out the enterprise, to determine how best to minimize air pollution, and as necessary to compile information for the annual program summary (Section 6.11.J.10).
3. The permitting authority may deny an application or revoke a previously issued permit if it is determined by the permitting authority that the application contained inaccurate information, or failed to contain pertinent information, which information is deemed by the permitting authority to be significant enough to have a bearing on the permitting authority's decision to grant a permit.
4. All applicants for agricultural burning permits shall pay a fee at the time of application, according to a schedule of fees, established by resolution of the permitting authority. When the permitting authority is the Spokane

Regional Clean Air Agency, the fee shall be according to the schedule in Regulation I, Article X.

5. No permit for agricultural burning shall be granted on the basis of a previous permit history.
 6. The permitting authority may waive or reduce the sixty and thirty-day advance requirements for submitting and completing a waiver request, made pursuant to WAC 173-430-045(5), if the permitting authority determines that an alternate advance period will suffice for evaluating the request.
- I. Responsibilities of Farmers. In order to make the required showing, referenced in Section 6.11.E., a farmer, as defined in WAC 173-430-030(7), is responsible for providing the following to the permitting authority, if applicable:
1. Advance notice of the potential need to burn, including documentation of pest problems, which if possible, shall be given prior to crop maturity.
 2. For pest management burning requests, a plan establishing how a recurring pest problem will be addressed through non-burning management practices by the following year, if possible, or by no later than three years.
 3. An evaluation of alternatives to burning, including those successfully and customarily used by other farmers in similar circumstances, with particular attention to alternatives customarily used in Spokane County, which evaluation shall include an explanation as to why the alternatives are unreasonable and burning is necessary.
 4. A showing as to how burning will meet the applicable crop-specific or general Best Management Practices, established pursuant to RCW 70.94.650(4).
 5. For residue management burn requests, a showing that the residue level meets the permitting authority's criteria for consideration of a residue management burn.
 6. For residue management burn requests, a showing that non-burning alternatives would limit attaining the desired level of water infiltration/retention, soil erodibility, seed/soil contact, seeding establishment or other desirable agronomic qualities.
 7. Field access to representatives of the permitting authority.

- J. Responsibilities of Permitting Authorities. Permitting authorities are responsible for performing the following activities:
1. Evaluation of individual permit applications to determine whether the applicant has made the required showing, referenced in Section 6.11.E.
 2. Consultation with a trained agronomist on individual permit applications, as necessary, to evaluate the need to burn and non-burning alternatives.
 3. Field inspection, as necessary to verify the following:
 - a. Accuracy of information in permit and waiver applications,
 - b. Compliance with permit conditions and applicable laws and regulations, and
 - c. Acreage and materials burned.
 4. Taking final action on permit applications within 7 days of the date the application is deemed complete.
 5. Incorporation of appropriate permit conditions, both general and specific, as referenced in Section 6.11.G. in order to achieve the following:
 - a. Minimizing air pollution and emissions of air pollutants, and
 - b. Insuring that the public interest in air, water, and land pollution, and safety to life and property has been fully considered, in accordance with RCW 70.94.650(1)(c).
 6. Enforcement and compliance efforts, with the goal of assuring compliance with all applicable laws, regulations, and permit conditions, and ensuring that timely and appropriate enforcement actions are commenced, when violations are discovered.
 7. Complaint logging and appropriate level of response.
 8. Collection of fees.
 9. Declaration of burn days and no-burn days, taking into consideration, at a minimum, the following criteria:
 - a. Local air quality and meteorological conditions;
 - b. Time of year when agricultural burning is expected to occur;

- c. Acreage/volume of material expected to be burned per day and by geographical location;
 - d. Proximity of burn locations to roads, homes, population centers, and public areas;
 - e. Public interest and safety; and
 - f. Risk of escape of fire onto adjacent lands, during periods of high fire danger.
- 10. Development of smoke management guidelines, that include procedures to minimize the occurrence of nuisance, and to facilitate making burn/no burn decisions.
 - 11. Dissemination of burn decisions, as necessary to inform responsible persons and the public.
 - 12. Compilation of an annual program summary, which at a minimum, includes the following:
 - a. Permits and acres approved for burning;
 - b. Permit/waiver requests and acres denied;
 - c. Number and dates of complaints received; and
 - d. Number of documented violations.
- K. Compliance. The responsible person is expected to comply with all applicable laws and regulations. Compliance with Section 6.11 does not insure that agricultural burning complies with other applicable laws and regulations implemented by any other authority or entity.

SECTION 6.12 RESERVED

SECTION 6.13 GENERAL SURFACE COATING

- A. Purpose. This Section establishes controls on surface coating operations in Spokane County in order to:
 - 1. Reduce particulate emissions from coating overspray;
 - 2. Reduce public exposure to Toxic Air Pollutants as listed in Chapter 173-460 WAC;

3. Reduce emissions of precursors to the formation of tropospheric ozone and other photochemical oxidants; and
 4. Encourage pollution prevention.
- B. Applicability. This Section applies to all surface preparation, surface coating, cleanup, and disposal associated with general surface coating in Spokane County, unless specifically exempted.
- C. Definitions. Unless a different meaning is clearly required by context, words and phrases used in this Section shall have the following meaning:
1. Airless Spray means a spraying system that uses hydraulic atomization instead of air atomization. The coating is supplied to the gun under high fluid pressure between 1000 and 3000 psig and the coating is forced through a small orifice.
 2. Air-Assisted Airless Spray means a spraying system that combines air and airless features. An airless type fluid tip atomizes the paint and shapes the fan pattern at fluid pressures between 300 and 1000 psig. Lower pressure air from 10 to 30 psig combines at the spray cap to adjust the fan shape to eliminate heavy edges (tails).
 3. Automated means the technique, method, or system of operating or controlling a process by mechanical, electrical, hydraulic, or electronic means independent of human intervention.
 4. Brush Coat Application means manual application of coatings by use of a paint brush.
 5. Coating means a material or formulation of materials that is applied to or impregnated into a surface in order to beautify, protect, enhance the function, or otherwise cover the surface.
 6. Container means the individual receptacle that holds a coating or coating component for storage and distribution.
 7. Dip Coat Application means application of coatings in which the surface to be coated is immersed in a solution (or dispersion) containing the coating material and withdrawn.
 8. Electrostatic Application means application of coatings where an electrostatic potential is created between the part to be coated and the paint particles.

9. Exempt Solvent means a solvent, or solvent component, which is not a volatile organic compound (VOC).
10. Flow Coat Application means application of coatings by flowing the coating over the surface to be coated and draining the excess coating to a collection system.
11. High Volume, Low Pressure (HVLP) or Low Volume, Low Pressure (LVLP) coating system means equipment used to apply coatings by means of a spray gun which operates between 0.1 and 10.0 pounds per square inch gauge air pressure measured at the nozzle and that exhibits a minimum transfer efficiency of 65%, as applied.
12. Light Duty Vehicle means a passenger car, truck, van, or other motor vehicle which has a gross vehicle weight of 8500 pounds or less, or components thereof.
13. Multi-Coat System means a coating system where more than one product or coat is sequentially applied to the same surface and generally consists of a pigmented base coat, one or more semi-transparent mid-coats, and a transparent clear coat. The VOC content for a multi-coat system shall be calculated as follows:

$$VOC_{TM} = \frac{VOC_{BC} + VOC_{X1} + VOC_{X2} + \dots + VOC_{Xn} + 2VOC_{CC}}{n+3}$$

where:

VOC_{TM} is the average sum of the VOC content, as applied to the surface, in a multi-coat system; and

VOC_{BC} is the VOC content, as applied to the surface, of the base coat; and

VOC_X is the VOC content, as applied to the surface, of each sequentially applied mid-coat; and

VOC_{CC} is the VOC content, as applied to the surface, of the clear coat (Two coats are applied); and

n is the total number of coats applied to the primer coat(s) surface.

14. Pre-packaged Aerosol Can Application means application of coatings from cans which are sold by the coating supplier as non-reusable, hand-held

pressurized containers. The coating is expelled as a finely divided spray when a valve on the container is depressed.

15. Primer means any coating that is applied to a surface to enhance corrosion resistance, protection from the environment, functional fluid resistance, and adhesion of subsequently applied coatings.
16. Reducer means any solvent added to a coating which has the effect of reducing the viscosity of the coating or shortening the drying time.
17. Refinishing means reapplying coating to a surface to repair, restore, or alter the finish.
18. Roll Coat Application means manual application of coatings by the use of a paint roller.
19. Solvent Consumption means the volume of solvent purchased or otherwise procured, less the volume recycled or disposed. In the absence of records which document the transfer of solvent to an authorized recycler or waste hauler, solvent consumption means the volume of solvent purchased or otherwise procured.
20. Standard engineering practices means that accepted, peer reviewed sets of criteria are used in designing equipment (i.e. Uniform Building, Electrical, and Fire Codes, recommendations of the American Conference of Governmental Industrial Hygienists, guidelines of the Department of Labor and Industry, etc.).
21. Surface Coating means the application of coating to a surface.
22. VOC Content means pounds of VOC per gallon of coating (Lb/Gal) or grams of VOC per liter of coating (G/L), minus water and exempt solvents. The VOC content is calculated as follows:

$$\text{VOC}_{\text{CT}} = \frac{W_V}{V_M - V_W - V_{\text{ES}}}$$

where:

VOC_{CT} is the VOC content of the coating, as applied to the surface;
and

W_V is the weight of VOC per unit volume of coating, as applied to the surface; and

V_M is the unit volume of coating, as applied to the surface; and

V_W is the volume of water per unit volume of coating, as applied to the surface; and

V_{ES} is the volume of exempt solvents per unit volume of coating, as applied to the surface.

23. Wash Solvent means any solution, solvent, suspension, compound, or other material, excluding water, that is used to clean spray equipment, spray equipment lines, containers, and any other equipment associated with the application of coatings.
24. Wipe-Down Agent means any solution, solvent, suspension, compound, or other material that is applied to a surface exclusively for cleaning the surface or preparing the surface for coating.

D. Prohibitions on emissions

1. No person shall cause or allow the application of any coating which contains greater than 0.1% by weight of one or more compounds of lead or hexavalent chromium.
2. Light duty vehicle refinishing - prohibitions on VOC content. Except as provided in Section 6.13.F., no person shall cause or allow the application of any coating or other agent to any light duty vehicle or light duty vehicle component, with a VOC content in excess of the limits listed in 40 CFR 59, Subpart B, Table 1 - EPA National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings.

E. Requirements. All persons subject to the requirements of Section 6.13 shall comply with all of the following, unless exempted under Section 6.13.F.

1. Enclosure and Controls - Spray application shall be conducted in a booth or area which is vented to an operating particulate control system. The particulate control system, including filtration, ducting, and fan shall be installed and sized according to standard engineering practices. Acceptable filtration methods may include:
 - a. Filter banks supplied with filter media designed for spray booth applications.
 - b. Water baths where the inlet air flow to the water bath is submerged.
 - c. Water wall systems that form a continuous water curtain through which the particulate flow stream must pass.

- d. Other filtration methods that have received the prior written approval of the Control Officer.

The control system shall be equipped with a fan which is capable of capturing all visible overspray. Emissions from the booth/area shall be vented to the atmosphere through a vertical stack. The top of the exhaust stack/vent shall be at least 6 feet above the penetration point of the roof, or if the exhaust stack/vent exits horizontally out the side of the building, then the exhaust stack/vent shall vent vertically at least 6 feet above the eave of the roof. A higher stack/vent may be required if the Authority determines that it is necessary for compliance with Section 6.04 or 6.06 of this Regulation. There shall be no flow obstructions (elbows, tees, or stack caps) inside of, or at the top of, the stack that will impede upward vertical flow of the exhausted air.

It shall be the owner/operator's responsibility to comply with other applicable federal, state, and local regulations for the stack/vent.

- 2. Visible Emissions - Visible emissions from the stack shall not exceed 10% opacity averaged over any six minute period, as determined by EPA Method 9.
- 3. Application methods - Except as provided in Section 6.13.F., no person shall cause or allow the application of any coating or other agent containing VOC unless the coating or agent is applied by one of the following methods:
 - a. High Volume, Low Pressure coating system;
 - b. Low Volume, Low Pressure coating system;
 - c. Wet or Dry electrostatic application;
 - d. Flow coat application;
 - e. Dip coat application;
 - f. Brush coat application;
 - g. Pre-packaged aerosol can application;
 - h. Roll coat application;

- i. A spraying technique that when tested, using the methodology presented in ASTM Standard D 5327-92, or when test documentation, provided to and approved by the Authority, exhibits that the spraying technique has a transfer efficiency of at least 65%;
 - j. Alternate application methods that have received the written approval of the Control Officer. Such alternate methods may be used, provided that the owner or operator makes a written request to use an alternate method and the Control Officer grants approval. These methods include but are not limited to the following application methods and circumstances:
 - 1) Airless and Air-Assisted Airless Spray systems may be used under any of the following circumstances:
 - (a) when the volatile organic compound (VOC) emissions are determined by the Control Officer to be no more than VOC emissions that would be generated by a spray application with a transfer efficiency of 65%;
 - (b) when the spraying operation is automated;
 - (c) when spray painting structural steel members where the coating, as formulated by the coating manufacturer, does not require addition of reducers to spray, and is delivered under high pressure (> 1,000 psig for airless, or > 300 psig for air-assisted airless) to the application system; or
 - (d) where the Control Officer has determined that the coating cannot be feasibly applied with a method that has a minimum transfer efficiency of 65%.
4. Equipment Cleanup - Equipment cleanup and any other use of wash solvent shall be totally enclosed during washing, rinsing, and draining; or wash solvent, after making contact with the equipment being cleaned, shall be immediately drained to a closed sump which is an integral part of the cleaning system.
5. General Clean-up
- a. All unused or partially used containers of coatings, wipe-down agents, wash solvents, reducers, and waste materials containing VOC shall be closed, except when in use, when being filled or emptied.

- b. Spills must be cleaned up upon discovery and the clean up materials and collected waste shall be stored in closed metal containers.
 - c. All disposable materials which contain VOCs associated with wipe-down or application of coatings and other agents shall be stored in closed metal containers for disposal.
6. Recordkeeping. All persons subject to Section 6.13 shall maintain the following records for the previous 24-month period at the place of business where surface coating is performed:
- a. The most current material safety data sheets (MSDS) or other data sheets which clearly indicate the VOC content of the product and of any multi-coat system.
 - b. Records of purchases and usage, including unused materials returned to the supplier.
 - 1) Light duty vehicle refinishing. Annual purchases and usage of total primers, total top coats, total clear coats, and total gun cleaner. Usage shall be reported "as applied", i.e. after reducing and catalyzing, if applicable.
 - 2) Other surface coating facilities. Annual purchases and usage of individual coatings, coating additives, wipe-down agents, wash solvents, reducers, there materials containing volatile organic compounds or volatile toxic air pollutants.
 - c. Waste materials disposal records, including volumes of waste solvents and coatings transferred in sealed containers to authorized waste haulers.
- F. Exceptions. Exceptions to Section 6.13 shall be made as follows:
- 1. Noncommercial exemption. Nothing in Section 6.13 shall apply to surface coating operations conducted solely for personal, noncommercial purposes if, on a facility-wide basis, less than 5 gallons of surface coatings are applied per year.
 - 2. Coating process exemptions. Nothing in Section 6.13 shall apply to the following coating processes:
 - a. The application of architectural coatings to stationary structures and their appurtenances, to mobile homes, to pavements, or to curbs;

- b. Fiberglass resin application operations;
 - c. Gel coating operations;
 - d. The application of asphaltic or plastic liners. This includes undercoating, sound deadening coating, and spray on bed lining for trucks;
 - e. Spray plasma plating operations; or
 - f. Application of coatings to farming equipment.
3. Low usage exemption. Nothing in Sections 6.13.E.3 & 4 shall apply to surface coating operations which, on a facility-wide basis, apply less than 10 gallons per year of surface coatings.
4. Exemption for large objects. Nothing in Subsection 6.13.E.1. shall apply to the infrequent outdoor surface coating of large objects where the Control Officer determines that it is impractical to totally enclose the object inside a booth or vented area. The request for this exemption must be made in writing to the Control Officer and the approval must be in writing. Infrequent means outdoor spray surface coating that amounts to 10% or less of the total annual gallons of paint applied at the facility in the previous 12 months. Annual records must be kept of the number of gallons of paint that are sprayed outdoors. In such case, a temporary enclosure (tarps) shall be maintained around the object during the surface coating operation, sufficient at all times to prevent overspray from remaining airborne beyond the property line of the facility.
5. Wash solvent exemption. Nothing in Subsection 6.13.E.4. shall apply to:
- a. the use of wash solvents with composite vapor pressure of organic compounds less than 45 mm Hg at 20°C as determined by ASTM Method D-2306-81; or
 - b. wash solvent operations if total wash solvent consumption does not exceed 10 gallons per year.
6. Stack exemption. The stack/vent requirements in Subsection 6.13.E.1. shall not apply to surface coating operations where the owner or operator can demonstrate to the satisfaction of the Control Officer that emissions of toxic air pollutants will not exceed the Acceptable Source Impact Levels as defined in WAC 173-460-150 & 160 and emissions will not create a nuisance.

7. Non-spray and aerosol can application exemption. Nothing in Subsection 6.13.E.1 shall apply to the application of any coating or other agent from pre-packaged aerosol cans, flow coat, dip coat, brush coat, or roll coat applications.
 8. Low VOC content exemption. Nothing in Subsection 6.13.E.3 shall apply to the application of coatings where the VOC content does not exceed 2.1 Lb/Gal or 250 G/L.
 9. Lead or Hexavalent Chrome exemption. The prohibition in Subsection 6.13.D.1 shall not apply to a surface coating operation where the control officer determines that no practical alternative coating is available.
 10. Enclosure and/or particulate control exemption. The enclosure and/or particulate control requirements of Subsection 6.13.E.1. shall not apply to a surface coating operation where the control officer determines that such requirements would be ineffective, or unreasonable in capturing or controlling particulate or volatile organic compounds emissions from the facility.
 11. Inside exhaust exemption. If the Department of Labor & Industries or another agency of jurisdiction determines that the emissions from a surface coating operation to an inside work area are below the threshold where an exhaust system is required and the Fire Department or District of jurisdiction has no objection, then the Control Officer may grant an exemption to Subsection 6.13.E.1.
- G. Compliance with other laws and regulations. Compliance with Section 6.13 or qualifying for an exemption in Section 6.13.F. does not necessarily mean that the surface coating operation complies with fire protection, waste disposal, or other federal, state, or local applicable laws or regulations.
- H. Compliance schedule. All persons subject to the requirements of Section 6.13 and not already in compliance shall be in full compliance with Section 6.13 by October 7, 1998, unless an extension is applied for by the owner or operator and is granted in writing by the Authority.

SECTION 6.14 STANDARDS FOR CONTROL OF PARTICULATE MATTER ON PAVED SURFACES

- A. Applicability. The provisions of Section 6.14 shall apply to any government agency of a state, county, city or municipal corporation that applies or contracts for application of sanding materials to or mechanically sweeps or vacuums or contracts for sweeping or vacuuming of paved surfaces within the PM10 Nonattainment area, or within the PM10 maintenance area after the

nonattainment area is redesignated to attainment. This Section shall also apply to all suppliers of sanding materials to be used by these affected entities.

B. Definitions.

1. Affected Entity is any governmental agency of a state, county, city or municipal corporation as described in Subsection A.
2. Approved Laboratory means a certified or approved facility capable of performing the specified tests in a competent, professional, and unbiased manner in accordance with ASTM testing procedures.
3. The Authority is the Spokane Regional Clean Air Agency.
4. Base Sanding Amount is the average amount of sanding materials applied per lane mile by each affected entity within the PM10 Nonattainment Area during the 1992 - 1993 season or another base season, as requested by an affected entity and approved by the Authority.
5. Durability Index means the percent loss of weight as determined using ASTM "Standard Test Method for Resistance to Degradation of Small-Size Coarse Aggregate by Abrasion and Impact in the Los Angeles Machine", designated C131-89, or other approved ASTM procedure.
6. Full Deployment means that sanding materials have been applied to all priority roadways targeted for treatment during a snow/ice event.
7. Percent Fines means the percent material passing a #100 sieve as determined by the American Society for Testing Materials (ASTM) "Standard Method for Sieve Analysis of Fine and Coarse Aggregates", Designation C136-84a (1988) (American Highway and Transportation Officials designation T27-88), or other approved ASTM procedure.
8. PM10 Maintenance Area means the same as the PM10 Nonattainment area unless otherwise defined in an approved PM10 Maintenance Plan.
9. PM10 Nonattainment Area means the Spokane County PM10 Nonattainment Area, defined in CFR Title 40, Part 81, as designated on November 15, 1990.
10. Priority Roadway means any street, arterial, or highway, within the PM10 Nonattainment Area, with more than 15,000 average daily traffic count, and any connecting entrance or exit ramp.

11. Recycled Sanding Materials means previously used sanding materials which have been collected from roadways or paved areas and are then re-used as is, after washing, or after blending with new sanding materials.
12. Sanding Materials means natural geologic materials, excluding salt and other de-icing chemicals, used to provide increased traction on roadways or paved areas.
13. Season means the period beginning, November 1, in one calendar year and concluding on April 30, the next calendar year.

C. Emission reduction and control plans. Each affected entity shall submit to the Authority an initial plan, including an implementation schedule describing the programs and methods to be used to reduce PM10 emissions from paved surfaces. If the affected entity incorporated after the effective date of this regulation, that entity shall submit an initial plan within 180 days of incorporation. In reviewing each plan, the Authority shall allow consideration of mobility and transportation safety factors. In approving any initial plan, or plan revision the Authority must make a finding, in consultation with the Washington State Department of Ecology, that the cumulative effect of the plans submitted by all affected entities will maintain at least a 70% reduction, from the 1992 - 1993 base season, in the 24 hour PM10 emissions from paved surfaces.

1. Each plan is subject to approval by the Authority and shall address, at a minimum, all of the following:
 - a. Base sanding amount;
 - b. Percent sanding reduction goal;
 - c. Sanding materials specifications to be employed;
 - d. Criteria for application of sanding materials. Where and when sanding materials are applied;
 - e. Identification of priority roadways;
 - f. Locations, application rates, and circumstances for the use of chemical deicers and other sanding alternatives;
 - g. Street sweeping frequency and technology to be employed;
 - h. Factors for determining when and where to initiate street sweeping following a sanding event, with the goal of expeditious removal of sanding materials from priority roadways when safety and mobility requirements have been satisfied;

- i. An implementation schedule giving the estimated dates of start and completion, if applicable, of each part of the plan; and
 - j. A schedule for removal of sanding materials from all surfaces to which they are applied.
2. The plans submitted shall be implemented by each affected entity upon approval of each plan.
3. Within 45 days of submittal of the reports required in Subsection F. of this Section, the Authority shall determine if the plan commitments have been met and shall notify each affected entity that has failed to fully implement its plan.
4. If the Authority, after consultation with the affected entities, the Washington Department of Ecology, and the United States Environmental Protection Agency, determines that the emission reduction and control plans do not provide for sufficient reduction in PM10 emissions to achieve the emission reduction credit for paved road surfaces as contained in the State Implementation Plan, the Authority may require any or all affected entities to modify their plans in order to achieve additional reductions.
5. Each affected entity shall review their approved plan within 90 days of the effective date of the amendment to this regulation and every five (5) years thereafter and within 90 days of the Authority's determination made pursuant to Subsection C. 4. and revise the plan as appropriate to ensure that identified priority roadways reflect changes in traffic counts and driving patterns and that all aspects of the plan reflect current sanding and sweeping technologies, programs, and schedules of the affected entity and requirements of the Authority. All amended plans are subject to approval by the Authority.

D. Sanding Materials Specifications

1. **Material Standards.** No affected entity shall use sanding materials, whether new or recycled, which equal or exceed 3% fines and 25% durability index.
2. **Contractual Requirements.** After the effective date of this regulation, no affected entity shall execute a contract for the purchase of sanding materials unless the contract includes standards at least as stringent as those set forth in Subsection E.1. of this Section.

E. Testing

1. Supplier Testing Requirements
 - a. Suppliers of sanding materials shall have tests performed by an approved laboratory to determine the percent fines and durability index on representative samples of their sanding materials which are supplied to affected entities.
 - b. The sampling and test frequency and methodology used shall ensure that the samples are representative and enable the supplier to certify to the affected entity that the actual sanding materials supplied for use will meet the requirements of Subsection D. of this Section.
2. User Requirements. Affected entities or their contractors, shall have at least one test performed by an approved laboratory to determine the percent fines and durability index on all recycled materials at least once for the first 250 tons of recycled materials used each season and at least once for every 500 tons of recycled materials used thereafter during the same season.
3. Authority Audits. The Authority may enter the site of any affected entity or supplier of sanding materials subject to this Section for the purpose of obtaining a sample of sanding materials to determine if the materials meet the requirements of Subsection D. of this Section.

F. Reporting

1. Supplier Reporting Requirements. Prior to, or upon, delivery of sanding materials, suppliers shall provide affected entities that use their sanding materials a report demonstrating that the supplier has met all testing requirements of this Section applicable to the time period in which deliveries are made. The supplier shall certify in writing to the affected entity that the sanding materials meet the requirements of Subsection D. of this Section.
2. Affected Entity Reporting Requirements
 - a. Affected entities that use recycled sanding materials shall submit to the Authority copies of the results of testing conducted according to Subsection E.2. of this Section no later than 30 days after the tests are conducted.
 - b. No later than June 30, of each year, affected entities shall submit a report to the Authority containing information for the preceding season on:

- 1) the total amount of sanding materials (both new and recycled) and salt and other deicing chemicals used;
- 2) the number of lane miles sanded, salted and deiced; and
- 3) the number of full deployment episodes; and

- c. Within 7 calendar days of awarding a contract for the purchase of sanding materials to a supplier, an affected entity shall notify the Authority of the supplier's name and location of the aggregate sources from which the materials will be supplied.
- d. Affected entities shall maintain on file reports received under the provisions of Subsection F.1. of this Section for a period of three (3) years.

3. Sweeper Reporting Requirements

- a. Affected entities shall maintain monthly records to document the information described below. No later than June 30, of each year, each affected entity shall submit a report to the Authority that shall contain the information described below.

- 1) Date of each sweeping operation;
- 2) Priority lane miles swept;
- 3) All other lane miles swept;
- 4) Type of equipment used; and
- 5) Number of passes on priority roadways.

4. Authority Audits. All records generated under the provisions of this Section shall be made available for inspection upon request by the Authority.

G. Alternate Test Methods and Standards. Alternate percent fines and durability index test procedures may be approved by the Authority should they be determined to provide a measure that is equivalent to the test procedures of this Section.

H. Alternate Sanding Materials. Experimentation with new sanding materials may be approved by the Authority provided the Authority finds that the impact of such

experiments will not cause a failure to maintain the 70% reduction in PM10 emissions from the 1992-93 base season, as described in Subsection C.

SECTION 6.15 STANDARDS FOR CONTROL OF PARTICULATE MATTER ON UNPAVED ROADS

- A. Applicability. The provisions of Section 6.15 shall apply to:
1. The City of Spokane, the Town of Millwood, Spokane County, and other governmental entities responsible for the maintenance of unpaved public roads within the PM10 Nonattainment Area; and
 2. Those specific unpaved public roads which have been identified by Ecology or the Authority for inclusion in an implementation plan or a maintenance plan for control of PM10 emissions.
- B. Definitions.
1. Authority means the Spokane Regional Clean Air Agency.
 2. Ecology means the Washington Department of Ecology.
 3. EPA means the United States Environmental Protection Agency or the Administrator of the United States Environmental Protection Agency or his/her designated representative.
 4. Implementation Plan has the same meaning as in Section 110 of the Federal Clean Air Act (42 USC 7410).
 5. Maintenance Plan has the same meaning as in Section 175A of the Federal Clean Air Act (42 USC 7505).
 6. Palliative means salts and other hygroscopic materials, petroleum resins, asphalt emulsions, adhesives, chemical soil stabilizers or other surface treatment materials acting as a method of dust control, and not prohibited for use by any local, state, or federal law, rule, or regulation.
 7. Paved means application of concrete, asphaltic concrete, asphalt, or combination thereof as a means of forming a permanent surface for a road.
 8. PM10 Nonattainment Area means the Spokane County PM10 Nonattainment Area, defined in CFR Title 40, Part 81, as designated on November 15, 1990. This definition will remain in effect, even after EPA makes the determination that the PM10 standard that existed before September 16, 1997, no longer applies to Spokane County. Retaining the

definition ensures compliance with the EPA's Guidance for Implementing the 1-Hour Ozone and Pre-Existing PM₁₀ NAAQS, dated December 29, 1997, by continuing implementation of control measures in the Implementation Plan and preserving air quality gains.

9. Reasonable Further Progress has the same meaning as in Section 171(1) of the Federal Clean Air Act (42 USC 7501).
- C. Emission Reduction and Control Plan. Each applicable governmental entity shall submit an Emission Reduction and Control Plan for approval by the Authority, which includes the following for each applicable unpaved road:
1. A schedule for paving, periodic application of palliative, or implementation of other control measures.
 2. Specification of the type of palliative to be applied and its application rate, paving specifications, or specifications of other control measures with sufficient detail for the Authority to determine emission reductions.
- D. Emission Reduction Contingency Plan. Each applicable governmental entity shall submit an Emission Reduction Contingency Plan for approval by the Authority, which includes the following for each applicable unpaved road:
1. A schedule for paving, periodic application of palliative, or implementation of other control measures.
 2. Specification of the type of palliative to be applied and its application rate, paving specifications, or specifications of other control measures with sufficient detail for the Authority to determine emission reductions.
- E. Effective dates. The applicable governmental entities shall comply with the following effective dates whenever an unpaved road is identified by Ecology or the Authority for control of PM₁₀ emissions as part of an implementation plan:
1. For any unpaved road so identified prior to the effective date of Section 6.15 of this regulation, the entity shall submit the Emission Reduction and Control Plan or Emission Reduction Contingency Plan, whichever applies, within 60 days after the effective date.
 2. For any unpaved road so identified after the effective date of Section 6.15 of this regulation, the entity shall submit the Emission Reduction and Control Plan or Emission Reduction Contingency Plan, whichever applies, within 60 days after such identification.
- F. Approval and Implementation.

1. The Authority shall review the Emission Reduction and Control Plan submitted pursuant to Section 6.15.C. of this Regulation and within 60 days after approval by the Authority, the applicable governmental entity shall implement the plan.
 2. The Authority shall review the Emission Reduction Contingency Plan submitted pursuant to Section 6.15.D of this Regulation and upon approval by the Authority and within 60 days after the EPA makes the findings in Section 6.15.G of this Regulation, the applicable governmental entity shall implement the plan.
 3. The Authority will not approve an Emission Reduction and Control Plan or an Emission Reduction Contingency Plan unless the Authority finds that the plans will achieve the total emission reductions required by the implementation plan. If the Authority finds that a plan will not achieve the required reductions, then the applicable governmental entity shall revise the plan to achieve the required reductions and resubmit the plan for review by the Authority.
- G. Findings by EPA. In the event the EPA determines that the Spokane PM10 Nonattainment Area has failed to make Reasonable Further Progress or has failed to timely attain a National Ambient Air Quality Standard for PM10 or has violated a National Ambient Air Quality Standard for PM10 after redesignation as an attainment area, and emissions from unpaved roads are determined by the EPA, in consultation with Ecology and the Authority, to be a contributing factor to such failure or violation, the applicable governmental entities shall comply with the requirements of Section 6.15.F.2 of this Regulation.
- H. Reporting. Within 6 months after the effective date of Section 6.15 of this Regulation, and annually thereafter as determined by the Authority, each applicable governmental entity shall submit a written report to the Authority which demonstrates compliance with the Emission Reduction and Control Plans and the Emission Reduction Contingency Plans.
- I. Failure to comply. Failure to comply with Section 6.15 of this Regulation will subject affected entities to penalties as provided in Article II of this Regulation.

SECTION 6.16 MOTOR FUEL SPECIFICATIONS FOR OXYGENATED GASOLINE
(Repealed 9/1/05, Res. 05-19)

SECTION 6.17 STANDARDS FOR MUNICIPAL SOLID WASTE COMBUSTORS

- A. Purpose. This section implements the emission guidelines promulgated by the United States Environmental Protection Agency (EPA) in 40 CFR Part 60, Subpart Cb, establishing standards for the control of certain pollutants emitted from municipal solid waste combustors.

- B. Definitions. The definitions in 40 CFR §60.31b, as in effect on December 1, 2006, are adopted by reference except:
1. The references to §60.52b(c) in the definitions of maximum demonstrated municipal waste combustor unit load and maximum demonstrated particulate matter control device temperature are hereby changed to §60.33b(c)(1).
 2. In sections 60.53b, 60.58b, and 60.59b, Administrator means both the administrator of EPA and the Spokane County Air Pollution Control Authority.
- C. Applicability. Section 6.17 applies to all facilities within Spokane County that are designated facilities as established in 40 CFR §60.32b, as in effect on December 1, 2006.
- D. Emission Standards. The following emission standards are adopted by reference.
1. Particulate matter emissions shall not exceed the emission limit in 40 CFR §60.33b(a)(1)(i), as in effect on December 1, 2006.
 2. Opacity shall not exceed the emission limit in 40 CFR §60.33b(a)(1)(iii), as in effect on December 1, 2006.
 3. Cadmium emissions shall not exceed the emission limit in 40 CFR §60.33b(a)(2)(i), as in effect on December 1, 2006.
 4. Lead emissions shall not exceed the emission limit in 40 CFR §60.33b(a)(4), as in effect on December 1, 2006.
 5. Mercury emissions shall not exceed the emission limit in 40 CFR §60.33b(a)(3), as in effect on December 1, 2006.
 6. Sulfur dioxide emissions shall not exceed the emission limit in 40 CFR §60.33b(b)(3)(i), as in effect on December 1, 2006.
 7. Hydrogen chloride emissions shall not exceed the emission limit in 40 CFR §60.33b(b)(3)(ii), as in effect on December 1, 2006.
 8. Dioxins/furans emissions shall not exceed the emission limit in 40 CFR §60.33b(c)(1), as in effect on December 1, 2006.

9. Nitrogen oxide emissions shall not exceed the emission limits in Table 1 of 40 CFR §60.33b(d) (24-hour daily arithmetic average), as in effect on December 1, 2006.
 10. Carbon monoxide emissions shall not exceed the emission levels specified in Table 3 of 40 CFR §60.34b(a), as in effect on December 1, 2006.
- E. Operating Practices. The operating practices of 40 CFR §60.53b(b) and (c), as in effect on December 1, 2006, are adopted by reference.
- F. Operator Training and Certification. The operator training and certification requirements of 40 CFR §60.54b, as in effect on December 1, 2006, are adopted by reference with the following change:
1. A State certification program may only be used to meet the certification requirements if it has been demonstrated to EPA's satisfaction that the State program is equivalent to the American Society of Mechanical Engineers certification program.
- G. Fugitive Ash Emissions. The fugitive ash emission requirements of 40 CFR §60.55b, as in effect on December 1, 2006, are adopted by reference.
- H. Compliance and Performance Testing. The compliance and performance testing requirements in 40 CFR §60.58b, as in effect on December 1, 2006, are adopted by reference with the following changes:
1. In §60.58b(a)(1)(iii), the references to §60.53b(a) are hereby changed to Table 3 of §60.34b(a).
 2. In §60.58b(c), the reference to §60.52b(a)(1) and (a)(2) is hereby changed to §60.33b(a)(1)(i) and (iii).
 3. In §60.58b(d), the reference to §60.52b(a) is hereby changed to §60.33b(a)(2), (a)(3), and (a)(4).
 4. In §60.58b(d)(1), the reference to §60.52b(a)(3) and (4) is hereby changed to §60.33b(a)(2) and (a)(4).
 5. All references to §60.52b(a)(5) in §60.58b are hereby changed to §60.33b(a)(3).
 6. In §60.58b(e), the reference to §60.52b(b)(1) is hereby changed to §60.33b(b)(3)(i).

7. In §60.58b(f), the reference to §60.52b(b)(2) is hereby changed to §60.33b(b)(3)(ii).
 8. All references to §60.52b(c) in §60.58b are hereby changed to §60.33b(c)(1).
 9. In §60.58b(g)(5)(iii), the alternate testing schedule for dioxins/furans, as applicable, shall be available to facilities that achieve a dioxin/furan emission level less than or equal to 15 nanograms per dry standard cubic meter total mass, corrected to 7 percent oxygen.
 10. In §60.58b(h), the references to §60.52b(d) are hereby changed to Table 1 of §60.33b(d).
 11. In §60.58b(i), the reference to §60.53b is hereby changed to Table 3 of §60.34b(a) and §60.53b(b) and (c).
 12. In §60.58b(i), the references to §60.53b(a) are hereby changed to Table 3 of §60.34b(a).
- I. Reporting and Recordkeeping. The reporting and recordkeeping requirements in 40 CFR §60.59b, as in effect on December 1, 2006, are adopted by reference with the following changes:
1. §60.59b(a), (b)(5), and (d)(11) are hereby deleted.
 2. In §60.59b(d), the reference to §60.52b is hereby changed to §60.33b.
 3. In §60.59b(d), the reference to §60.53b is hereby changed to Table 3 of §60.34b(a) and §60.53b(b) and (c).
- J. Compliance Schedule. All designated facilities, as determined in B. above, shall comply with the requirements of Section 6.17 as of the effective date of this regulation except for the following:
1. The requirement specified in §60.54b(d) does not apply to chief facility operators, shift supervisors, and control room operators who have obtained full certification from the American Society of Mechanical Engineers or a state certification plan on or before December 1, 1999.
 2. The owner or operator may request that the EPA Administrator waive the requirement specified in §60.54b(d) for chief facility operators, shift supervisors, and control room operators who have obtained provisional certification from the American Society of Mechanical Engineers or a state certification plan on or before December 1, 1999.

SECTION 6.18 STANDARDS FOR MARIJUANA PRODUCTION AND MARIJUANA PROCESSING

- (A) Purpose. The production and processing of marijuana emits air contaminants. Section 6.18 establishes standards to minimize air contaminants from stationary sources that produce or process marijuana.
- (B) Applicability. This Section applies to all persons or entities having an active Washington State Liquor and Cannabis Board (LCB) license for marijuana production operations and marijuana processing operations in Spokane County, unless exempted under Section 6.18(H)(1).
- (C) Definitions. All definitions in Regulation I, Article I, Section 1.04 apply to Section 6.18, unless otherwise defined in this Section. Unless a different meaning is clearly required by context, words and phrases used in this Section will have the following meaning:
- (1) Control of environmental conditions means modifying surroundings to facilitate plant growth, may include, but is not limited to; lighting, temperature, relative humidity, and carbon dioxide levels. For implementation of Section 6.18, watering plants and short term covering of plants for a portion of each day as needed for frost protection are not considered control of environmental conditions.
 - (2) Indoor marijuana production and indoor marijuana processing means production or processing occurring in a fully enclosed building that is permanently affixed to the ground, has permanent rigid walls, a roof that is permanent and non-retractable, and doors. The building is equipped to maintain control of environmental conditions. Hoop houses, temporary structures, or other similar structures are not considered indoor.
 - (3) Joint producers and processors means multiple marijuana production and processing operations on the same parcel.
 - (4) Marijuana means all parts of the cannabis plant, as defined in Chapter 69.50 RCW as it now exists or as amended.
 - (5) Marijuana concentrates means substances created by extracting oils from marijuana plant material.
 - (6) Other marijuana production means production that is not indoor or outdoor as defined in this Section. Examples of other marijuana production include production in hoop houses, temporary structures, or other similar structures.
 - (7) Outdoor marijuana production means production occurring on an expanse of open or cleared ground (no structure of any kind), during Spokane County's customary outdoor growing season, without control of environmental conditions.
 - (8) Processor (process, processing) means LCB licensed operations that dry, cure, extract, compound, convert, package, and label usable marijuana, marijuana concentrates, and marijuana-infused products.

- (9) Producer (production, producing) means LCB licensed operations that propagate, grow, harvest, and trim marijuana to be processed.
 - (10) Responsible person means any person who owns or controls property on which Section 6.18 is applicable.
- (D) Requirements. All persons or entities subject to the requirements of Section 6.18 must comply with the following:
- (1) Production must occur indoors or outdoors, as defined in 6.18(C), unless the operation has an Agency granted production exemption under Section 6.18(H)(2).
 - (2) All processing must occur indoors as defined in Section 6.18(C).
 - (3) Indoor production and processing requirements:
 - (a) Control equipment and facility design:
 - 1. Operations must be equipped with air pollution control equipment that is properly sized for the air flow to be controlled. Air pollution control equipment may include, but is not limited to, carbon adsorption within the facility, carbon filtration on facility exhaust points, vertical exhaust stacks. Air pollution control equipment is not required for windows, doors, or other openings, provided these openings are kept closed except as needed for active ingress or egress; or
 - 2. Operations must be designed to prevent exhaust from production and processing operations directly to the outside; or
 - 3. Both.
 - (b) Operations must meet Regulation I, Article VI, Section 6.04.
 - (4) Outdoor production requirements:
 - (a) Operations must meet Regulation I, Article VI, Section 6.04.
 - (5) Other marijuana production requirements:
 - (a) Other marijuana production, in-operation prior to Section 6.18 effective date (03/01/2018), must have an Agency granted production exemption under Section 6.18(H)(2), and comply with the conditions of the exemption.
 - (b) Other marijuana production operations with an Agency granted production exemption must meet the odor standard in Article VI, Section 6.04(D)(1), at the property line and beyond. This requirement applies to all marijuana production and processing operations at the facility.
 - (6) Operation and maintenance plan. Air pollution control equipment must be operated and maintained in accordance with the manufacturer's recommendations. An operation and maintenance plan for the air pollution control equipment must be available on-site. The plan must include written operating instructions and maintenance schedules. Records shall be kept of the dates and description of all maintenance and repair performed on the air pollution control equipment. Records must be kept on-site for the previous 24 months and provided to the Agency upon request.

- (7) Notification of change in operations. Written notification must be submitted to the Agency no later than thirty (30) days after operational changes occur. Operational changes include: change in registration information provided under Article IV, new installation of air pollution control equipment, modification or replacement of existing air pollution control equipment, or change in facility design to control air contaminant emissions.
 - (8) Harvest schedule. Written notification from outdoor producers and other marijuana producers must be submitted to the Agency no later than thirty (30) days prior to the start of harvest. The written notification must include harvest dates and locations.
- (E) Compliance with Other Laws and Regulations. Compliance with Regulation I, Article VI, Section 6.18, does not constitute an exemption from compliance with other Sections of Regulation I, or other laws or regulations.
- (F) Joint Producers, Processors and Responsible Persons. If there is a violation of Regulation I, Article VI, Section 6.04, a Notice of Violation may be issued to all joint producers and processors on the parcel, and all responsible persons.
- (G) Compliance Schedule. All persons or entities subject to the requirements of Article VI, Section 6.18 must be in compliance with Section 6.18 requirements as follows:
- (1) Existing producers and processors in-operation before the Section 6.18 effective date (03/01/2018), have twelve (12) months from the effective date to achieve compliance with Section 6.18 requirements. Requirements of Article VI, Section 6.04 remain applicable during this twelve (12) month period.
 - (2) New producers and processors or expansion at existing producers and processors, that begin or expand operations after 03/01/2018, must be in full compliance with Section 6.18 requirements before production and/or processing begins.
- (H) Exemptions.
- (1) Processing exemption. Processors that purchase only marijuana concentrates (e.g. marijuana oil) to manufacture marijuana-infused products may apply for an exemption to the standards given in Section 6.18. Production and direct processing of marijuana plants and plant material is not allowed at a processor with an Agency granted processing exemption.
 - (a) A complete processing exemption application must be submitted using Agency forms.
 - (b) The Agency will review the processing exemption application once all information the Agency deems necessary for a determination is received. The Agency may request additional information necessary to complete the review. Upon completion of the review,

- the Agency will make a determination to grant or deny the processing exemption in writing. If denied, compliance with Section 6.18 is required.
- (c) Once a processing exemption is granted, the processor must comply with the exemption conditions.
 - (d) Failure to comply with the processor exemption conditions may result in revocation of the processor exemption, issuance of a Notice of Violation, or both. If the processor exemption is revoked, compliance with Section 6.18 is required.
- (2) Production exemption. Other marijuana producers, in-operation prior to the Section 6.18 effective date (03/01/2018), may apply for an exemption from Section 6.18(D)(1). The exemption is not available to producers that begin or expand operations after 03/01/2018.
- (a) A production exemption application must be submitted within one hundred-eighty (180) days of the Section 6.18 effective date, using Agency forms. Each application must include the application fee, as listed in the Fee Schedule.
 - (b) Within thirty (30) days of receipt of a production exemption application the Agency will perform a completeness review. The Agency may request additional information necessary to complete the application. Once the application is determined to be complete, the Agency has sixty (60) days to grant or deny the production exemption in writing, unless the applicant is notified that additional time is needed. If a production exemption is denied, compliance with Section 6.18(D)(1) is required.
 - (c) Once a production exemption is granted, the producer must comply with the production exemption conditions.
 - (d) Failure to comply with the production exemption conditions may result in revocation of the exemption, issuance of a Notice of Violation, or both. If the production exemption is revoked, compliance with Section 6.18(D)(1) is required.