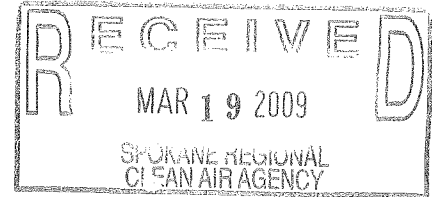




**Memorandum of Understanding (MOU) between
Spokane Regional Clean Air Agency (SRCAA) and the
Spokane County Noxious Weed Board
(Weed Board) for
Noxious Weed Burning in
Spokane County.**



I. Background

The Spokane Regional Clean Air Agency (SRCAA) and the Spokane County Noxious Weed Board (Weed Board) established a working agreement circa 2004 for processing noxious weed burning requests. When completing a weed abatement fire permit application, a landowner or SRCAA employee working on the permit application contacted the Weed Board. Weed Board personnel conducted site inspections to determine if burning was a necessary tool. The Weed Board sent SRCAA a copy of their findings to include with the burn application. SRCAA collected the permit fee, reviewed the application, and issued the permit if the application was approved. The weed abatement fire permit included specific conditions for burning.

II. Authority

Fire may be a necessary tool to preserve the productivity and diversity of natural resources in the most cost efficient manner, from the impact of noxious weeds. A written burning permit and permit fee are required for fires set in the course of weed abatement per RCW 70.94.650(1)(a) and (2), WAC 173-425-060(2)(e), and SRCAA Regulation I, Section 6.01.E.3.

In accordance with RCW 70.94.654, whenever an air pollution control authority finds that a fire protection agency, county, or conservation district is capable of effectively administering the issuance and enforcement of permits for burning and is desirous of doing so, the authority may delegate powers necessary for the issuance or enforcement, or both, of burning permits.

The staff of SRCAA found that the Weed Board was capable and interested in issuing written weed abatement fire permits for noxious weed control. Therefore, the Board of SRCAA adopted SRCAA Regulation I, Section 6.01.E.3 on November 6, 2008 (effective May 1, 2009) to streamline the Spokane County Noxious Weed Burning Program. The Weed Board agrees this MOU results in a more efficient use of public resources.

The Weed Board will consider this MOU for adoption by resolution and forward a copy of the adopted resolution to SRCAA. SRCAA's Board of Directors will then consider this MOU for adoption by resolution and forward a copy of the final resolution to the Weed Board. The MOU is effective on the date it's adopted by both parties unless an alternate effective date is specified.

III. Public Education

SRCAA will coordinate with the Weed Board the preparation and release of public education materials.

IV. Permitting and Fees

- A. **Application.** The permit application method shall be established by the Weed Board.
- B. **Application Processing.** The Weed Board shall perform a field inspection, as necessary, to verify the accuracy of the application and will approve or deny a permit in part or whole. If denied, the reason will be stated.
- C. **Permits.** Written permits will incorporate, at a minimum, the permit conditions included in Appendix A of this MOU.
- D. **Permit Compliance.** The Weed Board may perform a site inspection to verify compliance with the permit conditions and other applicable requirements.
- E. **Fees Charged.** Pursuant to WAC 173-425-060(3), the Weed Board will charge a permit fee provided it does not exceed the level necessary to recover the costs of administering and enforcing the permit program. The Weed Board shall set the fee by rule or resolution. In setting the fee, the Weed Board should indicate what, if any, portion of the fee is non-refundable.

V. Complaint Response and Enforcement

SRCAA will retain the lead role for responding to complaints of burning unless otherwise arranged with the Weed Board. Any decision to issue a Notice of Violation and subsequently assess a civil penalty will be made solely by SRCAA.

VI. Termination

It is acknowledged that this document is solely an agreement to the practices listed in this document and may be terminated by either party by giving ten days written notice to the other of the desire to terminate.

VII. Request and Authorization

A. This proposal is submitted by:

David J. Mundt 3-17-09
Signature of Authorized Official Date
Spokane County Noxious Weed Board

David J. Mundt Coordinator
Print Name Title

B. This proposal is accepted by:

William O. Dameworth 4-2-09
William O. Dameworth, Director Date
Spokane Regional Clean Air Agency

**Appendix A – Minimum Requirements Included in Weed Abatement Fire Permits
for Noxious Weed Control Issued by the Weed Board**

1. The weed burning permit shall be valid for no more than one calendar year (WAC 173-425-060(4)).
2. No burning may take place within Urban Growth Areas, within the No Burn Area as defined by Spokane Regional Clean Air SRCAA (SRCAA), or within any area where outdoor burning is otherwise prohibited by ordinance, regulation, or law (SRCAA Section 6.01.D).
3. The responsible person(s) attending the fire must have a copy of the written permit on-site and make it available to representatives of the Weed Board, SRCAA, the Washington State Department of Natural Resources (DNR), and other federal, state, or local agencies of jurisdiction upon request (WAC 173-425-060(4)).
4. The Weed Board, SRCAA, DNR or their duly authorized representatives shall be given access to the burning location. This includes private roads or access ways under the permit holder's control that are required to access the burning location for evaluating / investigating conditions specific to these burning rules (SRCAA Section 2.02.E).
5. The person responsible for the fire must contact SRCAA's burn information line at 477-4710 prior to burning each day to determine whether burning is allowed based on air quality (WAC 173-425-050(3)(b)).
6. The person responsible for the fire must contact the Fire District in which the burning is occurring, prior to burning, to determine if burn bans are in place due to high fire danger (WAC 173-425-050(3)(b)).
7. A fire may not be ignited, and must be extinguished, if an air pollution episode, impaired air quality condition, or fire danger burn ban that applies to the burning, is declared for the area. Smoke visible after a time period of three (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 (WAC 173-425-050(3)(a)).
8. The fire must be for the purpose of the disposal of weeds (WAC 173-425-030(27)). Only natural vegetation may be burned. Material must be dry and mostly free of dirt and soil (WAC 173-425-060(4)).
9. The fire must not include garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction/demolition debris, metal, or any substance (other than natural

vegetation) that normally releases toxic emissions, dense smoke, or obnoxious odors when burned (WAC 173-425-050(1)).

10. The fire must not include materials hauled from another property (WAC 173-425-050(2)).
11. If any emission from the fire is detrimental to the health, safety, or welfare of any person, if it causes damage to property or business, or if it causes a nuisance, the fire must be extinguished immediately. (WAC 173-425-050(4)).
12. Burning must be done during periods of calm to very light winds (WAC 173-425-060(4)).
13. All burning must take place during daylight hours only Monday through Friday. Burning shall not commence prior to sunrise and all debris burning must be completely extinguished at least one hour prior to sunset (WAC 173-425-060(4)).
14. A person capable of extinguishing the fire must attend it at all times. The fire must be extinguished before leaving it (WAC 173-425-050(6)(a)). The permit holder is responsible for providing adequate fire breaks to prevent fire from spreading to areas not permitted to be burned (WAC 173-425-060(4)).
15. Permission from a landowner, or owner's designated representative, must be obtained before starting an outdoor fire (WAC 173-425-050(6)(c)).
16. If burn piles are present, the burn piles may not exceed ten feet in diameter and five feet in height and only one pile at a time may be burned (WAC 173-425-060(4)).
17. No fires are to be within fifty feet (50') of any structure unless the Weed Board specifies an alternative site-specific setback distance in the written permit (WAC 173-425-050(6)(b)).
18. No fire is permitted within five-hundred feet (500') of forest slash (WAC 173-425-060(4)).
19. Burning shall comply with SRCAA regulations and Washington State Department of Ecology (Ecology) laws and regulations.
20. The applicant, and/or responsible person, is liable for all damages and other consequences that may result from burning, including violations of applicable laws and regulations. Failure to follow the conditions of this permit may result in the issuance of a Notice of Violation (NOV) and civil penalty by SRCAA.
21. Permission to burn under this authorization may be suspended, revoked, or cancelled without notice by the Weed Board or SRCAA.