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## ARTICLE 5

### Outdoor Burning

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**ADOPTED:** 17-Feb-2005

**AMENDED:** 1-Nov-2021

[Statutory Authority: RCW 70A.15.5000, RCW 70A.15.5220]

**PURPOSE:** This Article establishes controls on outdoor burning in Benton County in order to reduce particulate emissions and public exposure to Toxic Air Pollutants as listed in Chapter 173-460 WAC, in Benton County.

#### Section 5.01 Definitions

Definitions of all terms in this article, unless otherwise defined below, are as defined in WAC 173-425-030.

- A. "Burn day" means a day, as determined by the Agency, during which outdoor burning may take place in areas where outdoor burning is allowed. The length of the burn day is defined as the period from 9:00 AM until one hour before sunset.
- B. "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.
- C. "Urban Growth Area" or "UGA" means land, generally including and associated with an incorporated city, designated by a county for urban growth under RCW 36.70A.030.

#### Section 5.02 Special Burning Permits

- A. All types of outdoor burning require a special burning permit, unless exempted in Section 5.02.F or 5.03 of this Regulation.
- B. A request for special burning permit application for a special burning permit must be submitted at least five (5) working days before the proposed burning dates. Special burning permits are subject to a fee as described in the Benton Clean Air Agency fee schedule, Table 6: Burning Fees, and payable at the time of application. Payment of the application fee does not guarantee the applicant that a special burning permit will be approved.
- C. Any special burning permit issued by the Agency will specify restrictions and conditions on a case-by-case basis.
- D. Permit holders must comply with all conditions listed in the permit.
- E. Special burning permits are valid for a period not to exceed one (1) year.
- F. The Agency will approve with conditions, or deny, any outdoor burning permits as needed to comply with state and local air pollution rules and regulations. All permits will include conditions to satisfy the requirements in WAC 173-425-050, and may require other conditions, such as restricting the time period for burning, restricting permissible hours of burning, imposing requirements for good combustion practice, and restricting burning to specified weather

conditions. The Agency may also include conditions to comply with other state and local air pollution rules and regulations pertaining to outdoor burning.

- G. A special burning permit will not be required by fire protection districts for firefighting instruction fires for training to fight:
1. Structural fires by fire protection districts outside the UGAs provided that the Agency Form *Fire Training Notification Outside Urban Growth Areas* is submitted and approved prior to conducting the training fire as provided in RCW 52.12.150;
  2. Aircraft crash rescue fires as provided in RCW 70A.15.5180(2); or
  3. Forest fires as provided in RCW 70A.15.5180(4).

### Section 5.03 **Outdoor Burning Requirements**

- A. The person responsible for the fire must contact the Agency to determine if the type of burning to be conducted is permitted for the day and may not burn when the type of burning to be conducted is prohibited.
- B. Inside Urban Growth Areas.  
Residential and land clearing burning is prohibited inside all UGAs of Benton County, which include but are not limited to Kennewick, Richland, West Richland, Prosser, and Benton City.
- C. Outside Urban Growth Areas.
1. Residential burning may be conducted without obtaining a permit, if such burning can be conducted in accordance with the requirements of Section 5.03.E of this Regulation and the following:
    - a. Residential burning may only occur during permitted hours on a burn day;
    - b. Residential burns may contain only material that was generated at the residence where the burn occurs;
    - c. The pile may not be larger than four feet by four feet by three feet (4 ft. x 4 ft. x 3 ft.);
    - d. Only one pile at a time may be burned, and each pile must be extinguished before lighting another; and
    - e. No outdoor fire is permitted within five hundred (500) feet of forest slash.
- D. Inside and Outside Urban Growth Areas.
1. A permit is not required to burn tumbleweeds that have been blown by the wind.
  2. A permit is not required for recreational fires with a total fuel area that is less than three feet in diameter and/or two feet in height.
- E. General Requirements.
1. All outdoor burning is subject to the following:
    - a. The following materials may not be burned in any outdoor fire:
      - 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.
- b. No outdoor fire may contain material (other than firewood) that has been hauled from inside the UGA to a location outside the UGA;
  - c. If material is transferred from multiple locations outside the UGA to a single location outside the UGA, a special burning permit must be obtained before burning the material;
  - d. No outdoor fire may be ignited:
    - i. When the Benton County Fire Marshall has declared a ban on burning due to fire safety; or
    - ii. On a day when burning is not permitted by the Agency, during any stage of impaired air quality conditions, or during a forecast, alert, warning, or emergency air pollution episode declared under RCW 70A.15.6010.
  - e. 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, that causes damage to property or business, or that causes a nuisance.
  - f. The use of an outdoor container for burning, such as a "burn barrel", for burning, unless regulated under WAC 173-400-070(1), is prohibited throughout Benton County;
  - g. A person capable of extinguishing the fire must attend it at all times, and the fire must be extinguished before leaving it;
  - h. No fires are to be within fifty (50) feet of structures; and
  - i. Permission from a landowner, or owner's designated representative, must be obtained before starting an outdoor fire.
  - j. Agricultural heating devices that otherwise meet the requirements of chapter 70A.15 RCW will not be considered outdoor fires under this article.
2. Outdoor burning is not allowed on any construction or demolition site. However, Section 5.02.G of this Regulation provides requirements for demolition of a structure by a fire protection district for firefighting instructional purposes.
  3. Material, other than firewood, may not be hauled or transferred from inside the UGA to an area outside the UGA for the purposes of burning.

#### Section 5.04 **Benton Clean Air Agency Requirements**

The Agency will make a daily decision determining the restriction on all types of outdoor burning.