WAC 173-425-050 Other prohibitions/requirements that apply to all outdoor burning. No person may cause or allow an outdoor fire in an area where the type of burning involved is prohibited under WAC 173-425-040, or where it requires a permit under WAC 173-425-060(2), unless a permit has been issued and is in effect. In addition, the following general requirements apply to all outdoor burning regulated by this chapter, including any outdoor burning allowed without a permit under WAC 173-425-060(2), unless a specific exception is stated in this section:

(1) **Prohibited materials.** 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, except that: (RCW 70A.15.5010(1) and Attorney General Opinion 1993 #17)

(a) Firefighting instruction fires for aircraft crash rescue training fires approved and conducted in compliance with RCW 70A.15.5090(5) may contain uncontaminated petroleum products. (RCW 70A.15.5090(6))

(b) Ecology or a local air authority may allow the limited burning of prohibited materials for other firefighting instruction fires, including those that are exempt from permits under WAC 173-425-060(2)(f), and other outdoor burning necessary to protect public health and safety. (RCW 70A.15.5090(7))

(2) **Hauled material.** No outdoor fire may contain material (other than firewood) that has been hauled from an area where outdoor burning of the material is prohibited under WAC 173-425-040. Any outdoor burning of material hauled from areas where outdoor burning of the material is allowed requires an appropriate permit under WAC 173-425-060(2), and any use of property for this purpose on an on-going basis, must be limited to the types of burning listed in WAC 173-351-200 (5)(b) (criteria for municipal solid waste landfills) and approved in accordance with other laws, including chapter 173-304 WAC (Minimum functional standards for solid waste handling) and chapter 173-400 WAC (General regulations for air pollution sources). (RCW 70A.15.5070(6))

(3) **Curtailments.**

(a) No outdoor fire may be ignited in a geographical area where:

(i) Ecology has declared an air pollution episode; (RCW 70A.15.5010(2) and 70A.15.5030)

(ii) Ecology or a local air authority has declared impaired air quality; or (RCW 70A.15.5010(2) and 70A.15.5030)

(iii) The appropriate fire protection authority has declared a fire danger burn ban, unless that authority grants an exception.

(b) 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.

(c) The person responsible for an outdoor fire 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 land clearing burning, after a time period of three 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 land clearing burning after a time period of eight 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) **Unlawful outdoor burning:** 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. (RCW 70A.15.1070, 70A.15.5080(1), and 70A.15.5030)

(a) Any person affected by outdoor burning may file a complaint with the permitting agency or other designated enforcing agency.

(b) Any agency responding to an outdoor burning complaint should attempt to determine if the burning on any particular property is unlawful. This may include, but is not limited to, considering whether the burning has caused an emission of smoke or any other air contaminant in sufficient quantity to be unlawful.

(c) Any person responsible for such unlawful outdoor burning must immediately extinguish the fire.

(5) **Burning in outdoor containers.** Outdoor containers (such as burn barrels and other incinerators not regulated under WAC 173-400-070(1)) used for outdoor burning, 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 not larger than one-half inch, and they may only be used in compliance with this chapter. Use of flame cap kilns is exclusively regulated under chapter 173-430 WAC for use in agricultural burning and chapter 332-24 WAC for use in silvicultural burning.

(6) **Other general requirements:**

(a) A person capable of extinguishing the fire must attend it at all times, and the fire must be extinguished before leaving it.

(b) No fires are to be within 50 feet of structures.

(c) Permission from a landowner, or owner's designated representative, must be obtained before starting an outdoor fire.

[Statutory Authority: Chapter 70A.15 RCW and RCW 70A.02.060. WSR 26-12-056 (Order 24-10), s 173-425-050, filed 6/1/26, effective 7/2/26. Statutory Authority: RCW 70.94.700, [70.94.]755 and Governor's Executive Order 97-02. WSR 00-07-066 (Order 97-39), § 173-425-050, filed 3/13/00, effective 4/13/00. Statutory Authority: Chapter 70.94 RCW.WSR 92-24-077 (Order 91-57), § 173-425-050, filed 12/1/92, effective 1/1/93.]