

Proposed Revisions to ORCAA Rule 6.2.7c

Summary of issues raised in public comments and ORCAA's response

During the public comment period for the Proposed Revisions to ORCAA Rule 6.2.7c concerning the ban on recreational fires within Lacey, Olympia, and Tumwater, ORCAA received 21 written comments. Those comments raised several issues. ORCAA staff has investigated the concerns and provides the following responses to the issues raised.

Several comments addressed fire danger. Commenters generally were concerned that allowing recreational fires would increase fire danger.

The Olympia and Tumwater Fire Departments, and the Lacey Fire District 3, have been involved with this proposed rule amendment. ORCAA is not a fire agency though we work closely with them to provide messaging to our residents in our counties on responsible burning.

The change would allow small recreational fires in Lacey, Olympia, and Tumwater – just as they are allowed in every other Western Washington city. There are NO changes to any city or county fire codes or building/zoning ordinances. Cities and counties continue to have authority to regulate for fire safety purposes.

Several comments addressed wildfire smoke. Commenters generally were concerned that recreational fires would contribute to unhealthful conditions caused by wildfire smoke.

Western Washington experienced multiple days of regional wildfire smoke the last few years. ORCAA is also concerned about exposure to wildfire smoke, but these events are outside ORCAA's control and are beyond the scope of this rulemaking amendment. ORCAA provides air quality monitoring information, and we work with state and local health departments during these events. In the event of adverse conditions created by wildfire smoke or other factors, ORCAA maintains authority to call Stage 1 burn bans which would shut down all outdoor burning to protect public health and safety, as allowed by Rule 6.2.6.

Air quality is bad locally. Commenters expressed concern that allowing recreational fires will cause localized impacts and unhealthful conditions.

The US Environmental Protection Agency (EPA) requirements for ambient monitoring recognize the monitor located in the City of Lacey as being indicative of air quality in Thurston County. That monitor has shown compliance with all national ambient air quality standards (including the particulate matter standards of PM₁₀ and PM_{2.5}) for more than two decades. ORCAA's nuisance smoke regulations will continue to be enforced to protect local air quality. Additionally, the growing use of personal air monitoring devices, such as the Purple Air sensor,

allows ORCAA staff to ‘crowd-source’ local air quality monitoring to isolate potential problem areas. If problem areas are identified, ORCAA’s compliance and education teams can focus on those areas for targeted responses.

Under Rule 6.2.7, recreational fires must be small (maximum of 3 feet diameter and 2 feet high) and must use dry, seasoned firewood or charcoal. Burning yard waste such as leaves, clippings, prunings, and other yard and gardening debris continues to be prohibited in cities and their urban growth area (UGA) boundaries under Rule 6.2.3. Furthermore, under ORCAA Rule 6.2.5(g), burning recreational fires is unlawful if it 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. In short, there is no change to ORCAA’s nuisance smoke rule 6.2.5(g), which is the rule that has been enforced and allows ORCAA to focus on problem fires, no matter the kind or location.

Potential health impacts. Commenters expressed concerns that allowing recreational fires will have adverse health impacts on neighbors.

There are concerns from those with asthma and other medical issues. This remains a concern for ORCAA as well but is best handled on an individual basis with the those involved. For those that are impacted by smoke, ORCAA has an existing nuisance regulation – Rule 6.2.5(g) – to address those situations.

For those concerned about health impacts of wood combustion, this is usually a summertime activity, the duration is relatively short, and the smoke dispersion is typically good.

Department of Ecology estimates emissions of multiple pollutants from multiple activities at the county level as part of the Air Emissions Inventory. To put the quantity of smoke from a recreational fire in perspective, based on the Department of Ecology’s 2017 Air Emissions Inventory, it’s estimated the amount of PM₁₀ produced by outdoor burning in Thurston County (which includes land clearing, yard debris burning and campfires) is 105 tons per year. For comparison, woodstove use is 381 tons per year of PM₁₀. If all the air emissions source categories are added together, including the top contributors such as road dust, dust from construction activities, and PM₁₀ from wildfires, the total PM₁₀ emissions in Thurston County are 3,194 tons per year. Thus, outdoor burning is less than 4 percent of the county-wide emissions.

The proposed rule is as stringent as the state regulation and regulates recreational burning in Lacey, Olympia, and Tumwater the same as recreational burning in any other city in Western Washington.

Burning garbage and other potential violations. Commenters expressed concerns that allowing recreational fires will increase the burning of garbage.

Under ORCAA’s Rule 6.2.5(a), it continues to be unlawful to burn garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper, cardboard, treated wood, processed wood, construction/ demolition debris, metal, or any substance which when burned releases toxic emissions, dense smoke, or obnoxious odors. Only dry, seasoned firewood or

charcoal and enough clean paper necessary to start a fire may be burned under Rule 6.2.7(b). Trash burning remains a violation of state law and remains a priority for ORCAA's enforcement efforts. ORCAA will continue to respond to complaints regarding burning garbage. ORCAA does issue Notices of Violation for burning garbage, as well as other violations of ORCAA's regulations.

Outdoor burning in homeless camps. Commenters expressed concern about 'survival fires' in homeless camps.

The homeless camp issue is complex. This rulemaking does not specifically address burning by homeless persons, but makes small recreational fires lawful in Lacey, Olympia, and Tumwater. ORCAA supports reduction of burning at these sites, and in the short term this revision allows ORCAA to better focus on eliminating trash burning at the camps. Many of the non-profit organizations and even other government agencies look the other way when it comes to campfires in homeless camps used for cooking and heat – "survival fires" – but at the same time, we are telling homeowners they cannot have a similar campfire. So, the issue is one of uniformity, equal protection of the law and fundamental fairness.

Again, it comes back to where we can best focus our limited resources. This rule amendment will allow ORCAA to focus its resources more effectively on nuisance smoke and trash burning complaints, including areas where unlawful burning is conducted by persons experiencing homelessness, which are impactful on health. The proposed rule change essentially re-emphasizes our strict enforcement of nuisance smoke complaints.

Climate Change Impacts. Commenters suggested that recreational burning will contribute emissions that cause climate change.

As it stands, devices burning fossil fuels – natural gas and propane – are allowed under the existing rule. Though wood burning does create carbon dioxide, the GHG emissions from a campfire is minimal – far less than the GHG emissions from propane or natural gas burning firepits.

Summary

Commenters raised some important issues in response to this rule change. As a Clean Air Agency, ORCAA is focused on reducing air pollution while ensuring residents can enjoy their property and their communities. Recreational fires represent a very small contributor to PM pollution in urban Thurston County. The proposed changes are not expected to affect any measurable impact on the overall PM burden within the community.

ORCAA takes its regulatory role seriously and is not looking to significantly increase the woodsmoke in the air. With Rule 6.2.7(c), ORCAA believes the rule prohibiting recreational burning in Lacey, Olympia, and Tumwater is outdated and provides minimal if any actual reduction in woodsmoke while adding to public confusion.

The proposed rule change would allow recreational fires (i.e., “campfires”) within the city limits of Lacey, Olympia, and Tumwater – making the rules for those cities consistent with all other cities within our jurisdiction and the rules within their own urban growth areas. The air quality regulations regarding nuisance smoke and burning of prohibited materials (i.e., ‘trash’) will remain unchanged. Indeed, the ORCAA compliance efforts would be strengthened in terms of being able to focus more fully on those problem areas of trash burning and nuisance smoke.

As far as fire dangers from this proposal, ORCAA has worked closely with the fire departments of Lacey, Olympia, and Tumwater. They support the proposed rule’s efforts to streamline regulations and focus enforcement on problem areas. The proposed rule change will NOT change local fire safety, zoning, or building code rules. Fire safety will not be impacted by this proposal.

ORCAA’s compliance efforts will continue to focus on enforcement of nuisance smoke and illegal trash burning complaints. ORCAA’s commitment to clean air won’t change, although this proposal will strengthen ORCAA’s ability to focus its resources on problem areas.

Finally, if anyone experiences ANY nuisance smoke or other air quality problems, they should let ORCAA know. As a small agency, ORCAA’s enforcement efforts are driven by complaints – if ORCAA doesn’t hear about problems, it can’t respond to them. By letting ORCAA know about smoke concerns, with as much detail as possible (i.e., when the problem occurs, what the specific problem is, the source of the problem, etc.) ORCAA can respond. People may contact ORCAA by phone at (360) 539-7610, by email at info@orcaa.org, or by using the online complaint form: <https://www.orcaa.org/public-records/online-complaints/>