



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: February 06, 2025

TIME: 7:56 AM

WSR 25-05-004

Agency: Department of Ecology AO #24-10

Subject of possible rule making: Ecology is beginning a rulemaking to amend Chapters 173-400 Emission standards for combustion and incineration units, -425 Outdoor burning, and -430 Agricultural burning WAC. We intend to add the definition of "flame cap kilns" and modify the definition of "silvicultural burning" to include combustion. We will also address the use of another type of outdoor burning device, air curtain incinerators, and how to obtain a permit for their use from Ecology. This rulemaking may also consider other amendments to these chapters to clarify language and improve regulatory requirements for air quality.

Statutes authorizing the agency to adopt rules on this subject: Chapter 70A.15 RCW, Washington Clean Air Act

Reasons why rules on this subject may be needed and what they might accomplish: The definitions of "flame cap kiln" and "silvicultural burning" are being added and modified, respectively, to align rule language with amendments made to RCW by Substitute Senate Bill 6121, signed into law in the 2024 legislative session. Air curtain incinerators are increasingly being looked at as an alternative to open burning. It may be less emission intensive to use such units, and we will explore streamlining the ability to permit them.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The Washington Department of Natural Resources is the lead agency for issuing silvicultural burn permits.

Local clean air agencies administer both the state and federal Clean Air Act programs in counties which have elected to activate a local air authority or to form a multicounty air authority.

Ecology will consult with these agencies throughout the rule development process and will engage with them throughout this rulemaking.

Process for developing new rule (check all that apply):

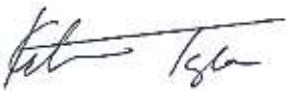
- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (Chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

	(If necessary)
Name: Caitlyn Roehmholdt	Name:
Address: Department of Ecology Air Quality Program P.O. Box 47600 Olympia, WA 98504-7600	Address:
Phone: (360) 742-7554	Phone:
Fax: N/A	Fax:
TTY: For Washington Relay Service or TTY call 711 or 877-833-6341.	TTY:
Email: caitlyn.roehmholdt@ecy.wa.gov	Email:
Web site: https://ecology.wa.gov/WAC-173-425-430-400	Web site:
Other: N/A	Other:

Additional comments: Interested parties can stay informed about the rulemaking and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

Ecology will conduct an Environmental Justice Assessment in accordance with RCW 70A.02.060 as a part of this rulemaking.

Date: 02/04/2025	Signature: 
Name: Kathy Taylor	
Title: Air Quality Program Manager	