

# Rulemaking for Flame Cap Kilns and Air Curtain Incinerators

Chapters 173-425, -430, -400 WAC

June 5, 2025

# Agenda

- 1** Welcome and Zoom functionality
- 2** Introduction and recap
- 3** Flame cap kilns draft rule language
- 4** Air curtain incinerators draft rule language
- 5** Discussion
- 6** Next steps

# Recap of April Meeting

## Summary

- Overview of intended rulemaking
- High-level explanation of flame cap kilns/air curtain incinerators
- Possible areas of interest in this rulemaking
- Environmental justice concerns
- Anticipated timeline
- How to make informal comments

# Recap of April Meeting (continued)

## Why rulemaking?

- Flame cap kilns = Substitute Senate Bill 6121, 2024 session
- Air curtain incinerators = efforts to decrease smoke from outdoor burning and protect Washington's air

# Flame Cap Kilns

## Chapter 173-425 WAC

- Sentence added to Section 5, “Burning in outdoor containers”
  - “Any use of flame cap kilns is regulated under chapter 173-430 WAC.”

# Flame Cap Kilns (continued 1)

## Chapter 173-430 WAC

- WAC 173-430-030 Definition of terms; add statutory definition (RCW 70A.15.1030)

"Flame cap kiln" means an outdoor container used for the combustion of natural vegetation from silvicultural or agricultural activities that meets the following requirements:

- (a) Has a solid or sealed bottom including, but not limited to, mineral soils, so that all air for combustion comes from above;
- (b) Is completely open on top with no restrictions;
- (c) Is a shallow container where the width is greater than the height; and
- (d) Has a volume of 10 cubic meters or less.

# Flame Cap Kilns (continued 2)

## Chapter 173-430 WAC

- WAC 173-430-040 – Agricultural burning requirements
  - “The use of a flame cap kiln as defined in WAC 173-430-030 is acceptable as long as permitting processes and fee requirements are followed.”
- No other changes related to flame cap kilns are anticipated in this rulemaking.

# Flame Cap Kilns (continued 3)

- Discussion/questions/comments



# Air Curtain Incinerators

## WAC 173-400-050 Emission standards for combustion and incineration units

(1) Combustion and incineration emissions units must meet all requirements of WAC 173-400-040 and, in addition, no person shall cause or allow emissions of particulate matter in excess of 0.23 gram per dry cubic meter at standard conditions (0.10 grain/dscf), except for

- a. An emissions unit combusting waste wood for the production of steam.
- b. **An air curtain incinerator disposing of waste wood that would otherwise be legal for silvicultural, agricultural, or open burning.**

No person shall allow the emission of particulate matter in excess of 0.46 gram per dry cubic meter at standard conditions (0.20 grain/dscf), as measured by 40 C.F.R. Part 60, Appendix A, Test Method 5 (in effect on the date in WAC 173-400-025), **including the use of emissions units described in (1)(a) and (1)(b).**

# Air Curtain Incinerators (continued 1)

- We are looking into the possibility of a general order for air curtain incinerators.
- This will take time, but will potentially alleviate air curtain incinerator permitting concerns.

# Air Curtain Incinerators (continued 2)

- Discussion/questions/comments

# Environmental Justice Work Continues

- Seeking feedback or concerns related to disproportionate impacts in overburdened communities
- Continuous environmental justice process during rulemaking

# Next Steps

## Tentative timeline of upcoming rulemaking steps

### Summer 2025

- More public meeting(s) as needed



### Fall 2025

- Propose rule, hold public comment period and public hearing



### Winter 2025-Spring 2026

- Adopt rule

# Comment

- Informal public comment period

<https://aq.ecology.commentinput.com/?id=PjNaietgQ>

- Please submit your comments!
- Link also available via email and on rulemaking web page

## Interested in:

- Companies/organizations/individuals interested in using air curtain incinerators
- Any possible small business impacts

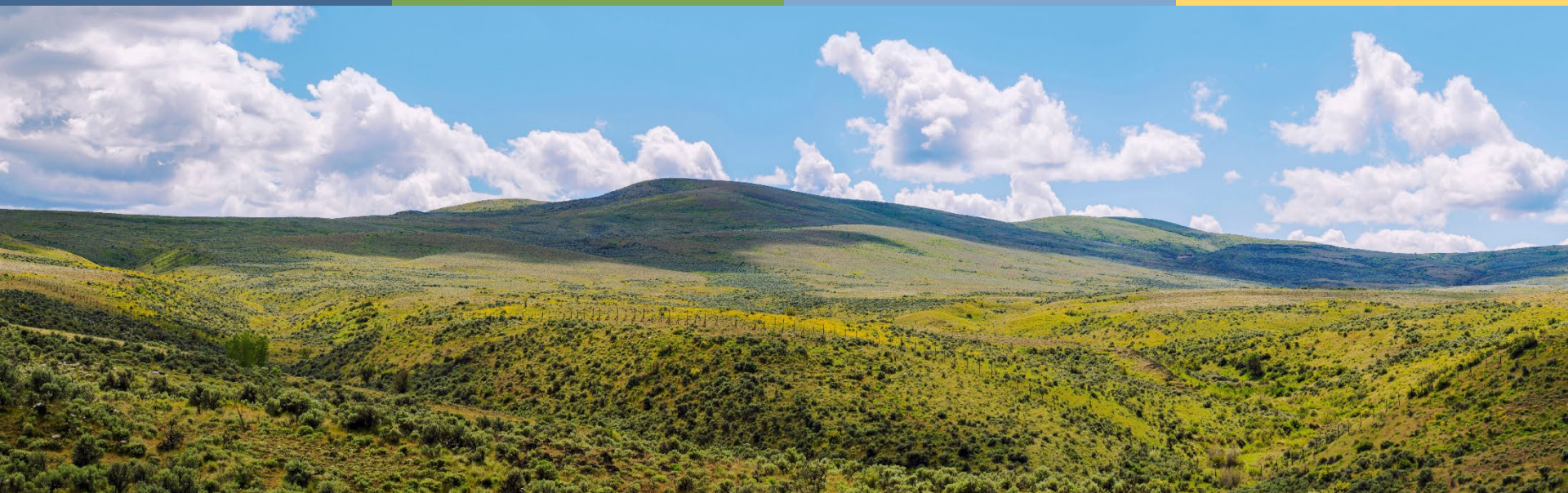
# More Information

## Rulemaking web page

<https://ecology.wa.gov/wac-173-425-430-400>

## Contact

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# Thank you

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