

# SENATE BILL REPORT

## SB 5745

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As Reported By Senate Committee On:  
Water, Energy & Telecommunications, February 13, 2007

**Title:** An act relating to use of solid fuel burning devices during impaired air quality conditions.

**Brief Description:** Regarding the use of solid fuel burning devices during impaired air quality conditions.

**Sponsors:** Senators Brown and Kohl-Welles.

**Brief History:**

**Committee Activity:** Water, Energy & Telecommunications: 2/02/07, 2/13/07 [DPS].

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### SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

**Majority Report:** That Substitute Senate Bill No. 5745 be substituted therefor, and the substitute bill do pass.

Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Honeyford, Ranking Minority Member; Delvin, Fraser, Holmquist, Marr, Morton, Oemig, Pridemore and Regala.

**Staff:** Jan Odano (786-7486)

**Background:** In 1991, the Legislature found that ambient air pollution was a serious environmental threat and caused significant harm to human health and damaged the environment. To that end, the Legislature developed statutes to address wood smoke from wood stoves and solid fuel burning devices.

For all new residential and commercial construction, all wood stoves must meet Washington emission standards. The sale of used wood stoves or wood stoves that do not meet emission standards is prohibited. As of January 1, 1992, all new and substantially remodeled residential and commercial construction within an urban growth area and areas designated by the Environmental Protection Agency as having poor air quality (being in non-attainment for particulate matter) are required to have an adequate source of heat other than wood stoves.

Commercial and residential establishments that have adequate sources of heat without burning wood may not burn wood during first or second stage air pollution episodes. A first stage of impaired air quality means that particulates in the ambient air have reached a certain level (35 micrograms/cubic meter) and the weather conditions are not expected to let the level of particulates to decline within a set time period. A second stage of impaired air quality is when a first stage of impaired air quality has been in effect and has not been enough to reduce increasing levels of particulates, particulate levels are at a higher ambient level (60

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micrograms/cubic meter) within a set time period, and the weather conditions are not expected to allow the particulate level to decrease below the higher ambient level.

**Summary of Bill:** An air pollution control authority comprised of one county, with a population of equal to or greater than 400,000 people, may determine an alternative ambient air level of fine particulates that defines a first or second stage of impaired air quality.

The Department of Ecology is required to convene and chair a workgroup to study the impacts of wood smoke from wood stoves, and make recommendations to the Legislature on cost-effective opportunities to reduce public health threats from wood smoke exposure. The work group must include all regional air quality agencies, Department of Health, local health departments, and hearth products industries.

The workgroup study must include consideration of communities with elevated levels of particulates, contribution of pollution from wood burning stoves, potential violations of federal air quality standards, wood smoke pollution strategies used in other states and regions, and state laws and policies that may affect the reduction of emissions from wood burning stoves or the use of cleaner burning devices.

**EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Water, Energy & Telecommunications):** The Spokane air pollution control authority may, by rule, establish alternate ambient air level of fine particulates that define first or second stage impaired air quality. The Department of Ecology must prepare a report, in consultation with all regional air quality agencies, the Department of Health, local health departments, and hearth product industries, with recommendations to reduce wood smoke where it is likely to contribute to nonattainment with national ambient air quality standards. The provision for a workgroup is removed.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: EPA's newly adopted requirements for air particulates may cause many cities to become out of compliance with air quality standards. This bill will give Spokane the opportunity to find other methods to achieve EPA requirements.

OTHER: The work group will be useful in finding alternatives for reducing particulates. The study requirements need to be less prescriptive so that the participants can develop a workable plan.

**Persons Testifying:** PRO: Bill Dameworth, Spokane County Air Pollution Control Agency.

OTHER: Leah Haver, Spokane Fireplace; Marshall Taylor, Department of Ecology; Marcia Fromhold, Puget Sound Clean Air Agency.