
SENATE BILL 5745

State of Washington

60th Legislature

2007 Regular Session

By Senators Brown and Kohl-Welles

Read first time 01/30/2007. Referred to Committee on Water, Energy & Telecommunications.

1 AN ACT Relating to use of solid fuel burning devices during
2 impaired air quality conditions; amending RCW 70.94.473; and creating
3 a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 70.94.473 and 2005 c 197 s 1 are each amended to read
6 as follows:

7 (1) Any person in a residence or commercial establishment which has
8 an adequate source of heat without burning wood shall:

9 (a) Not burn wood in any solid fuel burning device whenever the
10 department has determined under RCW 70.94.715 that any air pollution
11 episode exists in that area;

12 (b) Not burn wood in any solid fuel burning device except those
13 which are either Oregon department of environmental quality phase II or
14 United States environmental protection agency certified or certified by
15 the department under RCW 70.94.457(1) or a pellet stove either
16 certified or issued an exemption by the United States environmental
17 protection agency in accordance with Title 40, Part 60 of the code of
18 federal regulations, in the geographical area and for the period of

1 time that a first stage of impaired air quality has been determined, by
2 the department or any authority, for that area. A first stage of
3 impaired air quality is reached when:

4 (i) Fine particulates are at an ambient level of thirty-five
5 micrograms per cubic meter measured on a twenty-four hour average; and

6 (ii) Forecasted meteorological conditions are not expected to allow
7 levels of fine particulates to decline below thirty-five micrograms per
8 cubic meter for a period of forty-eight hours or more from the time
9 that the fine particulates are measured at the trigger level; and

10 (c) Not burn wood in any solid fuel burning device in a
11 geographical area and for the period of time that a second stage of
12 impaired air quality has been determined by the department or any
13 authority, for that area. A second stage of impaired air quality is
14 reached when:

15 (i) A first stage of impaired air quality has been in force and not
16 been sufficient to reduce the increasing fine (~~particle~~
17 ~~particulate~~) particulate pollution trend;

18 (ii) Fine particulates are at an ambient level of sixty micrograms
19 per cubic meter measured on a twenty-four hour average; and

20 (iii) Forecasted meteorological conditions are not expected to
21 allow levels of fine particulates to decline below sixty micrograms per
22 cubic meter for a period of forty-eight hours or more from the time
23 that the fine particulates are measured at the trigger level.

24 (2) Until June 30, 2009, an authority comprised of one county, with
25 a population of equal to or greater than four hundred thousand people,
26 may determine, when all other criteria of subsection (1) of this
27 section are applied, an alternative ambient air level of fine
28 particulates that defines when a first or second stage of impaired air
29 quality exists under subsection (1) of this section.

30 (3) Actions of the department and local air pollution control
31 authorities under this section shall preempt actions of other state
32 agencies and local governments for the purposes of controlling air
33 pollution from solid fuel burning devices, except where authorized by
34 chapter 199, Laws of 1991.

35 NEW SECTION. Sec. 2. (1) The legislature finds that there are
36 communities in the state that exceed the national ambient air quality
37 standards for fine particulates primarily due to wood smoke emissions

1 from solid fuel burning devices, and that current strategies are not
2 sufficient to reduce wood smoke emissions to levels that comply with
3 the federal standards or adequately protect public health. The
4 legislature finds that it is in the state's interest and to the benefit
5 of the people of the state to evaluate additional measures to reduce
6 wood smoke emissions and update the state wood smoke control program.

7 (2) The department of ecology shall convene and chair a work group
8 to study the impacts of wood smoke from solid fuel burning devices on
9 communities in Washington and make recommendations to the legislature
10 on practical and cost-effective opportunities to reduce public health
11 threats from exposure to wood smoke from solid fuel burning devices.
12 The work group must be appointed by the director of the department of
13 ecology and include all regional air quality agencies, the state
14 department of health, local health departments, and the hearth products
15 industries.

16 (3) In carrying out its assignment the work group shall consider,
17 but not be limited to:

18 (a) Communities in the state that have elevated levels of fine
19 particulates;

20 (b) The contribution of pollution from solid fuel burning devices
21 to potential violations of federal air quality standards;

22 (c) Strategies used in other states, regions, or cities to reduce
23 wood smoke pollution levels and effectiveness of these strategies;

24 (d) State laws, rules, tariffs, and policies that may affect the
25 ability to reduce emissions from solid fuel burning devices or
26 encourage the use of cleaner burning devices; and

27 (e) Potential financial incentives and sources of funding to change
28 out older solid fuel burning devices with cleaner burning devices.

29 (4) Recommendations from the work group may include statutory or
30 regulatory changes, incentives, and other strategies that will reduce
31 ambient fine particulates to levels sufficient to protect public
32 health. The recommendations must be provided to the governor and to
33 the policy committees of the senate and house of representatives that
34 deal with air quality issues by December 1, 2007.

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