

# FINAL BILL REPORT

## SHB 1053

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Synopsis as Enacted

**Brief Description:** Changing the limitations on the use of wood stoves.

**Sponsors:** By House Committee on Agriculture & Ecology (originally sponsored by Representatives Horn, Chandler and Sheldon).

**House Committee on Agriculture & Ecology**  
**Senate Committee on Ecology & Parks**

**Background:** Permanent and Temporary Wood Smoke Bans:

Current law allows local air authorities to permanently ban the use of non-certified wood stoves beginning July 1, 1995.

Current law also creates a two-stage system for temporarily banning the use of wood stoves and fireplaces during periods of "impaired air quality". The first stage of impaired air quality occurs when small particulate matter (less than 10 microns in diameter, otherwise known as PM-10) is measured at 75 micrograms per cubic meter or carbon monoxide is measured at eight parts per million over an eight hour period. The second stage of impaired air quality occurs when PM-10 averages 105 micrograms per cubic meter over 24 hours.

Non-certified wood stoves and fireplaces are temporarily banned when a first stage of impaired air quality occurs. All wood stoves and pellet stoves are banned during a second stage of impaired air quality. Temporary bans do not apply to a residence or business that uses wood as its only adequate source of heat.

Current law provides for that only a single stage system of impaired air quality when a local air authority permanently bans non-certified wood stoves. Under a single stage system, all certified wood stoves and pellet stoves are banned when PM-10 levels reach 90 micrograms per hour over a 24 hour period.

Federal Planning Requirements:

The federal Clean Air Act requires the state or local implementing entity to submit an implementation plan for areas that do not meet federal air quality standards. An implementation plan must identify the specific actions that will be taken to bring the area into compliance with federal standards. Section 172(c)(9) of the federal act requires that the implementation plan include specific contingency actions in the event that the actions listed in the implementation plan do not result in attainment of the

federal air standards or in "reasonable further progress" toward the standards. The federal Environmental Protection Agency requires that the state or local implementing entity has specific legal authority to enforce implementation of any action identified in the implementation plan. Permanent and temporary wood smoke bans are actions that the state and local air authorities may include in implementation plans submitted to the federal Environmental Protection Agency.

Sale or Advertising of Non-Certified Wood Stoves:

Current law prohibits the sale of new wood stoves that do not meet the most recent emission standards. It is also illegal to advertise the sale of a new wood stove that does not meet current standards.

**Summary:** A local air authority or the Department of Ecology may permanently ban non-certified stoves only if the EPA makes a written finding that emissions from wood stoves are a contributing factor to the area failing to meet or maintain federal air quality standards, and the ban is identified as a contingency measure in state implementation plans.

The ban does not apply to a person or business that uses wood as its only adequate source of heat. The provision is deleted that provides for a single stage system of impaired quality when non-certified wood stoves are banned. Non-certified wood stoves may be sold, or advertised for sale, to non-state residents.

**Votes on Final Passage:**

House	96	0	
Senate	47	0	(Senate amended)
House	89	0	(House concurred)

**Effective:** July 23, 1995