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HOUSE BILL 1053

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State of Washington

54th Legislature

1995 Regular Session

By Representatives Horn, Chandler and Sheldon

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1 AN ACT Relating to wood burning devices; and amending RCW 70.94.473  
2 and 70.94.477.

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

4 **Sec. 1.** RCW 70.94.473 and 1991 c 199 s 504 are each amended to  
5 read as follows:

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

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

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

1 impaired air quality is reached when particulates ten microns and  
2 smaller in diameter are at an ambient level of seventy-five micrograms  
3 per cubic meter measured on a twenty-four hour average or when carbon  
4 monoxide is at an ambient level of eight parts of contaminant per  
5 million parts of air by volume measured on an eight-hour average; and

6 (c) Not burn wood in any solid fuel burning device in a  
7 geographical area and for the period of time that a second stage of  
8 impaired air quality has been determined by the department or any  
9 authority, for that area. A second stage of impaired air quality is  
10 reached when particulates ten microns and smaller in diameter are at an  
11 ambient level of one hundred five micrograms per cubic meter measured  
12 on a twenty-four hour average.

13 ~~(2) ((If a local air authority exercises the limitation on solid  
14 fuel burning devices specified under RCW 70.94.477(2), a single stage  
15 of impaired air quality applies in the geographical area defined by the  
16 authority in accordance with RCW 70.94.477(2) and is reached when  
17 particulates ten microns and smaller in diameter are at an ambient  
18 level of ninety micrograms per cubic meter measured on a twenty four  
19 hour average or when carbon monoxide is at an ambient level of eight  
20 parts of contaminant per million parts of air by volume measured on an  
21 eight hour average.~~

22 ~~If this single stage of impaired air quality is reached, no person  
23 in a residence or commercial establishment that has an adequate source  
24 of heat without burning wood shall burn wood in any solid fuel burning  
25 device, including those which meet the standards set forth in RCW  
26 70.94.457.~~

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

32 **Sec. 2.** RCW 70.94.477 and 1990 c 128 s 3 are each amended to read  
33 as follows:

34 (1) Unless allowed by rule, under chapter 34.05 RCW, a person shall  
35 not cause or allow any of the following materials to be burned in any  
36 residential solid fuel burning device:

37 (a) Garbage;

38 (b) Treated wood;

- 1 (c) Plastics;
- 2 (d) Rubber products;
- 3 (e) Animals;
- 4 (f) Asphaltic products;
- 5 (g) Waste petroleum products;
- 6 (h) Paints; or
- 7 (i) Any substance, other than properly seasoned fuel wood, which
- 8 normally emits dense smoke or obnoxious odors.

9 (2) ~~((On or after July 1, 1995,))~~ For the sole purpose of a  
10 contingency measure to meet the requirements of section 172(c)(9) of  
11 the federal clean air act, a local authority or the department may  
12 ~~((geographically limit))~~ prohibit the use of solid fuel burning  
13 devices, except fireplaces as defined in RCW 70.94.453(3), wood stoves  
14 meeting the standards set forth in RCW 70.94.457 or pellet stoves  
15 issued an exemption certificate by the United States environmental  
16 protection agency in accordance with Title 40, Part 60 of the code of  
17 federal regulations, if the United States environmental protection  
18 agency, in consultation with the department and the local authority  
19 makes written findings that:

20 (a) The area has failed to make reasonable further progress or  
21 attain or maintain a national ambient air quality standard; and

22 (b) Emissions from solid fuel burning devices from a particular  
23 geographic area are a contributing factor to such failure to make  
24 reasonable further progress or attain or maintain a national ambient  
25 air quality standard. ~~((An authority shall allow an exemption from~~  
26 ~~this subsection for low income persons who reside in a geographical~~  
27 ~~area affected by this subsection. In the exercise of this limitation,~~  
28 ~~a local authority shall consider the following factors:~~

29 ~~(a) The contribution of solid fuel burning devices that do not meet~~  
30 ~~the standards set forth in RCW 70.94.457 to nonattainment of national~~  
31 ~~ambient air quality standards;~~

32 ~~(b) The population density of geographical areas within the local~~  
33 ~~authority's jurisdiction giving greater consideration to urbanized~~  
34 ~~areas; and~~

35 ~~(c) The public health effects of use of solid fuel burning devices~~  
36 ~~which do not meet the standards set forth in RCW 70.94.457.))~~

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