
HOUSE BILL 2479

State of Washington 58th Legislature 2004 Regular Session

By Representatives Kagi, Hinkle, Cooper and Upthegrove

Read first time 01/14/2004. Referred to Committee on Fisheries,
Ecology & Parks.

1 AN ACT Relating to setting pm 2.5 burn ban triggers and
2 enforcement; and amending RCW 70.94.470 and 70.94.473.

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

4 **Sec. 1.** RCW 70.94.470 and 1991 c 199 s 502 are each amended to
5 read as follows:

6 (1) The department shall establish(~~(7)~~) by rule (~~under chapter~~
7 ~~34.05 RCW,~~); (a) A statewide opacity level of twenty percent for
8 (~~residential~~) solid fuel burning devices (~~for the purpose of~~
9 ~~enforcement on a complaint basis~~); and (b) a statewide opacity of ten
10 percent for purposes of public education.

11 (2) For the purpose of enforcement on a complaint basis, it is
12 unlawful for emissions, other than uncombined water vapor, from a solid
13 fuel burning device to visibly enter a neighboring property.

14 (3) Notwithstanding any other provision of this chapter which may
15 allow an authority to adopt a more stringent opacity level, no
16 authority shall adopt or enforce an opacity level for solid fuel
17 burning devices other than established in this section.

18 (~~(3)~~) (4) Actions of the department and local air pollution
19 control authorities under this section shall preempt actions of other

1 state agencies and local governments for the purposes of controlling
2 air pollution from solid fuel burning devices, except where authorized
3 by chapter 199, Laws of 1991.

4 **Sec. 2.** RCW 70.94.473 and 1998 c 342 s 8 are each amended to read
5 as follows:

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

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

11 ((+b)) (ii) Not burn wood in any solid fuel burning device except
12 those which are either Oregon department of environmental quality phase
13 II or United States environmental protection agency certified or
14 certified by the department under RCW 70.94.457(1) or a pellet stove
15 either certified or issued an exemption by the United States
16 environmental protection agency in accordance with Title 40, Part 60 of
17 the code of federal regulations, in the geographical area and for the
18 period of time that a first stage of impaired air quality has been
19 determined, by the department or any authority, for that area. A first
20 stage of impaired air quality is reached when particulates ((+ten)) two
21 and one-half microns and smaller in diameter (fine particulates) are at
22 an ambient level of ((+sixty)) thirty-five micrograms per cubic meter
23 measured on a twenty-four hour average ((or when carbon monoxide is at
24 an ambient level of eight parts of contaminant per million parts of air
25 by volume measured on an eight hour average)) and forecasted
26 meteorological conditions are not expected to allow levels of fine
27 particulates to decline for a period of forty-eight hours or more; and

28 ((+c)) (iii) Not burn wood in any solid fuel burning device in a
29 geographical area and for the period of time that a second stage of
30 impaired air quality has been determined by the department or any
31 authority, for that area. A second stage of impaired air quality is
32 reached when ((particulates ten microns and smaller in diameter are at
33 an ambient level of one hundred five micrograms per cubic meter
34 measured on a twenty four hour average)) the stage one burn ban has
35 been in force and not been sufficient to reduce the increasing fine
36 particle pollution trend and particulates two and one-half microns and
37 smaller in diameter are at an ambient level of sixty micrograms per

1 cubic meter measured on a twenty-four hour average and forecasted
2 meteorological conditions are not expected to allow levels of fine
3 particulates to decline for a period of forty-eight hours or more.

4 (b) Visible emissions, other than uncombined water vapor, from a
5 chimney, flue, or similar exhaust outlet three hours or more after the
6 declaration of the episode or period of impaired air quality
7 constitutes prima facie evidence of unlawful operation of a solid fuel
8 burning device prohibited under (a)(i), (ii), or (iii) of this
9 subsection.

10 (2) Actions of the department and local air pollution control
11 authorities under this section shall preempt actions of other state
12 agencies and local governments for the purposes of controlling air
13 pollution from solid fuel burning devices, except where authorized by
14 chapter 199, Laws of 1991.

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