

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5565

Chapter 282, Laws of 2009

61st Legislature
2009 Regular Session

SOLID FUEL BURNING DEVICES--PROHIBITION OF USE--PROCEDURES

EFFECTIVE DATE: 07/26/09

Passed by the Senate April 20, 2009
YEAS 30 NAYS 18

BRAD OWEN

President of the Senate

Passed by the House April 9, 2009
YEAS 66 NAYS 31

FRANK CHOPP

Speaker of the House of Representatives

Approved April 29, 2009, 10:47 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5565** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

April 29, 2009

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5565

AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

State of Washington **61st Legislature** **2009 Regular Session**

By Senate Environment, Water & Energy (originally sponsored by
Senator Rockefeller)

READ FIRST TIME 02/25/09.

1 AN ACT Relating to limiting the use of certain solid fuel burning
2 devices; and amending RCW 70.94.477.

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

4 **Sec. 1.** RCW 70.94.477 and 1995 c 205 s 2 are each amended to read
5 as follows:

6 (1) Unless allowed by rule((7)) under chapter 34.05 RCW, a person
7 shall not cause or allow any of the following materials to be burned in
8 any residential solid fuel burning device:

- 9 (a) Garbage;
- 10 (b) Treated wood;
- 11 (c) Plastics;
- 12 (d) Rubber products;
- 13 (e) Animals;
- 14 (f) Asphaltic products;
- 15 (g) Waste petroleum products;
- 16 (h) Paints; or
- 17 (i) Any substance, other than properly seasoned fuel wood, which
18 normally emits dense smoke or obnoxious odors.

1 ~~((For the sole purpose of a contingency measure to meet the~~
2 ~~requirements of))~~ To achieve and maintain attainment in areas of
3 nonattainment for fine particulates in accordance with section
4 172~~((e)(9))~~ of the federal clean air act, a local air pollution
5 control authority or the department may, after meeting requirements in
6 subsection (3) of this section, prohibit the use of solid fuel burning
7 devices, except:

8 (a) Fireplaces as defined in RCW 70.94.453(3)((7));

9 (b) Wood stoves meeting the standards set forth in RCW
10 ~~((70.94.457))~~ 70.94.473(1)(b); or

11 (c) Pellet stoves ~~((either certified or issued an exemption by the~~
12 ~~United States environmental protection agency in accordance with Title~~
13 ~~40, Part 60 of the code of federal regulations, if the United States~~
14 ~~environmental protection agency, in consultation with))~~.

15 (3) Prior to prohibiting the use of solid fuel burning devices
16 under subsection (2) of this section, the department ~~((and))~~ or the
17 local air pollution control authority ~~((makes))~~ must:

18 (a) Seek input from any city, county, or jurisdictional health
19 department affected by the proposal to prohibit the use of solid fuel
20 burning devices; and

21 (b) Make written findings that:

22 ~~((a))~~ (i) The area ~~((has failed to make reasonable further~~
23 ~~progress or attain or maintain a national ambient air quality~~
24 ~~standard))~~ is designated as an area of nonattainment for fine
25 particulate matter by the United States environmental protection
26 agency, or is in maintenance status under that designation; ~~((and~~

27 ~~(b))~~ (ii) Emissions from solid fuel burning devices ~~((from a~~
28 ~~particular geographic))~~ in the area are a major contributing factor
29 ~~((to such failure to make reasonable further progress or attain or~~
30 ~~maintain a))~~ for violating the national ambient air quality standard
31 for fine particulates; and

32 (iii) The area has an adequately funded program to assist low-
33 income households to secure an adequate source of heat, which may
34 include wood stoves meeting the requirements of RCW 70.94.453(2).

35 (4) If and only if the nonattainment area is within the
36 jurisdiction of the department and the legislative authority of a city
37 or county within the area of nonattainment formally expresses concerns
38 with the department's written findings, then the department must

1 publish on the department's web site the reasons for prohibiting the
2 use of solid fuel burning devices under subsection (2) of this section
3 that includes a response to the concerns expressed by the city or
4 county legislative authority.

5 (5) When a local air pollution control authority or the department
6 prohibits the use of solid fuel burning devices as authorized by this
7 section, the cities, counties, and jurisdictional health departments
8 servng the area shall cooperate with the department or local air
9 pollution control authority as the department or the local air
10 pollution control authority implements the prohibition. However,
11 cooperation shall not include enforcement of this prohibition. The
12 responsibility for actual enforcement of the prohibition shall reside
13 solely with the department or the local air pollution control
14 authority.

15 (6) A prohibition issued by a local air pollution control authority
16 or the department under this ((subsection)) section shall not apply to
17 a person in a residence or commercial establishment that does not have
18 an adequate source of heat without burning wood.

19 (7) As used in this section, "jurisdictional health department"
20 means a city, county, city-county, or district public health
21 department.

Passed by the Senate April 20, 2009.

Passed by the House April 9, 2009.

Approved by the Governor April 29, 2009.

Filed in Office of Secretary of State April 29, 2009.