

SENATE BILL REPORT

ESB 5074

As Passed Senate, March 10, 1995

Title: An act relating to wood burning devices.

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

Sponsors: Senator Fraser.

Brief History:

Committee Activity: Ecology & Parks: 1/17/95, 1/19/95 [DP].
Passed Senate, 3/10/95, 46-0.

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: Do pass.

Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

Staff: Gary Wilburn (786-7453)

Background: Washington's air pollution control laws regulate wood stoves and fireplaces as air pollution sources in a number of ways: (1) New wood stoves sold at retail must meet emission performance standards; (2) opacity levels for purposes of education and enforcement are specified in statute; (3) certain materials are prohibited from being burned in such devices; (4) an education program to encourage efficient and proper use of such devices is maintained; and (5) operational limitations are imposed upon such devices during periods of impaired air quality.

In 1990 the laws restricting operation during impaired air quality periods were amended to provide for a two-stage wood stove and fire place "ban." The first stage is reached when particulate levels in the outdoor air reach 75 micrograms per cubic meter. When a first stage is declared, all noncertified wood stoves must cease operation. A second stage is reached at 105 micrograms, and when declared, all wood stoves and fireplaces must cease operation. An exception is made at both stages for persons who do not have an adequate source of heat without burning wood.

The 1990 legislation also authorized local air pollution control authorities, on or after July 1, 1995, to geographically limit the use of noncertified wood stoves. In exercising this limitation the authority must consider the following factors: (1) contribution of such stoves to nonattainment of air quality standards; (2) population density; and (3) public health effects. An authority exercising this limitation was authorized to declare a "single stage" ban on the use of both certified and noncertified stoves when particulate levels reached 90 micrograms.

The two-stage burn ban has proven effective in curtailing particulate from wood stoves and fireplaces, and only rarely have particulate levels approached the second stage level. It is suggested that a single stage ban in an area may allow peak levels to reach higher than a two-stage system, because curtailment actions will not occur until a higher level is reached.

Federal air pollution laws impose deadlines and specific planning requirements upon states to achieve attainment with federal ambient air quality standards. State plans to achieve attainment must include contingency measures to be implemented if the state fails to reach attainment or to make reasonable further progress as defined under federal law.

Summary of Bill: The provisions of existing law authorizing a single stage burn ban are deleted. The provisions authorizing a geographical limitation on the use of noncertified stoves are limited to the sole purpose of a contingency measure to meet federal clean air law requirements. The limitation may only be imposed where the United States Environmental Protection Agency makes written findings that the area has failed to attain, maintain, or make reasonable further progress toward attainment of federal standards, and that wood stove emissions are a contributing factor to the failure. The prohibition on sales of noncertified stoves and the advertising of sales of stoves that are not certified is limited to sales to residents within this state.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: A single-stage burn ban will likely not be as effective in limiting pollutant levels during impaired air quality periods. It should not be an option by air pollution control agencies.

Testimony Against: None.

Testified: PRO: Michael Duval, Northwest Hearth Products Assn.; Jim Nolan, Puget Sound Air Pollution Control; Stu Clark, Dept. of Ecology.