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HOUSE BILL 2384

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State of Washington

55th Legislature

1998 Regular Session

By Representatives Pennington, Regala, Koster, Linville, Anderson and  
Dunn

Prefiled 01/09/98. Read first time 01/12/98. Referred to Committee on  
Agriculture & Ecology.

1 AN ACT Relating to solid fuel burning devices; amending RCW  
2 70.94.473; adding a new section to chapter 70.94 RCW; and providing an  
3 expiration date.

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

5 **Sec. 1.** RCW 70.94.473 and 1995 c 205 s 1 are each amended to read  
6 as follows:

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

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

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

1 the department or any authority, for that area. A first stage of  
2 impaired air quality is reached when particulates ten microns and  
3 smaller in diameter are at an ambient level of ((~~seventy-five~~)) sixty  
4 micrograms per cubic meter measured on a twenty-four hour average or  
5 when carbon monoxide is at an ambient level of eight parts of  
6 contaminant per million parts of air by volume measured on an eight-  
7 hour average; and

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

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

20 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.94 RCW  
21 to read as follows:

22 (1) New federal air quality standards for particulates were adopted  
23 by the United States environmental protection agency in July 1997. The  
24 new standards are based on measuring particulates of two and one-half  
25 microns and smaller in addition to the current standard which measures  
26 particulates of ten microns and smaller. The department, in  
27 cooperation with local air pollution control agencies and  
28 representatives from the hearth products industry and other appropriate  
29 stakeholders shall analyze the new federal standards and make  
30 recommendations to the legislature regarding changes in the state's  
31 laws related to determining stage one or stage two impaired air quality  
32 due to solid fuel burning devices. The department and other parties  
33 shall recommend how to incorporate the new federal standard in  
34 determining first and second stage impaired air quality so as to  
35 minimize the likelihood that particulate levels in any area of the  
36 state will be in violation of the new federal air quality standard for  
37 particulates due to solid fuel burning devices. The department shall  
38 submit its report and recommendations in writing by December 1, 2000,

1 to the senate agriculture and environment committee and the house of  
2 representatives agriculture and ecology committee, or their successors.  
3 (2) This section expires July 1, 2001.

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