

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2261

60th Legislature
2007 Regular Session

Passed by the House April 16, 2007
Yeas 67 Nays 28

Speaker of the House of Representatives

Passed by the Senate April 5, 2007
Yeas 36 Nays 12

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2261** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2261

AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Select Committee on Environmental Health
(originally sponsored by Representatives Campbell, Hudgins, Morrell,
Hunt and Ormsby)

READ FIRST TIME 2/28/07.

1 AN ACT Relating to an evaluation of the state wood smoke reduction
2 program; amending RCW 70.94.473; and adding new sections to chapter
3 70.94 RCW.

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

5 **Sec. 1.** RCW 70.94.473 and 2005 c 197 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

1 time that a first stage of impaired air quality has been determined, by
2 the department or any authority, for that area. A first stage of
3 impaired air quality is reached when:

4 (i) Fine particulates are at an ambient level of thirty-five
5 micrograms per cubic meter measured on a twenty-four hour average; and

6 (ii) Forecasted meteorological conditions are not expected to allow
7 levels of fine particulates to decline below thirty-five micrograms per
8 cubic meter for a period of forty-eight hours or more from the time
9 that the fine particulates are measured at the trigger level; and

10 (c) Not burn wood in any solid fuel burning device in a
11 geographical area and for the period of time that a second stage of
12 impaired air quality has been determined by the department or any
13 authority, for that area. A second stage of impaired air quality is
14 reached when:

15 (i) A first stage of impaired air quality has been in force and not
16 been sufficient to reduce the increasing fine (~~particle~~
17 ~~particulate~~) particulate pollution trend;

18 (ii) Fine particulates are at an ambient level of sixty micrograms
19 per cubic meter measured on a twenty-four hour average; and

20 (iii) Forecasted meteorological conditions are not expected to
21 allow levels of fine particulates to decline below sixty micrograms per
22 cubic meter for a period of forty-eight hours or more from the time
23 that the fine particulates are measured at the trigger level.

24 (2) Until June 30, 2009, an authority comprised of one county east
25 of the crest of the Cascade mountains with a population of equal to or
26 greater than four hundred thousand people, may determine by rule an
27 alternative ambient air level of fine particulates that defines when a
28 first stage and when a second stage of impaired air quality exists
29 under subsection (1) of this section. All other criteria of subsection
30 (1) of this section continue to apply to a county subject to this
31 subsection.

32 (3) Actions of the department and local air pollution control
33 authorities under this section shall preempt actions of other state
34 agencies and local governments for the purposes of controlling air
35 pollution from solid fuel burning devices, except where authorized by
36 chapter 199, Laws of 1991.

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

3 The legislature finds that there are some communities in the state
4 in which the national ambient air quality standards for PM 2.5 are
5 exceeded, primarily due to wood smoke emissions, and that current
6 strategies are not sufficient to reduce wood smoke emissions to levels
7 that comply with the federal standards or adequately protect public
8 health. The legislature finds that it is in the state's interest and
9 to the benefit of the people of the state to evaluate additional
10 measures to reduce wood smoke emissions and update the state wood smoke
11 control program.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.94 RCW
13 to read as follows:

14 (1) The department shall convene and chair a work group to study
15 the impacts of wood smoke from solid fuel burning devices on
16 communities in Washington and make recommendations to the legislature
17 on practical and cost-effective opportunities to reduce exposure to
18 wood smoke from solid fuel burning devices and meet the new national
19 air quality standards for fine particulates in Washington state. The
20 work group shall be established by the director and include
21 representatives from the department, the state department of health,
22 regional air quality agencies, local health departments, related
23 industry representatives, and nongovernmental health organizations.
24 Recommendations may include statutory or regulatory changes,
25 incentives, and other strategies that will reduce ambient PM 2.5
26 pollution. Recommendations should be presented to the governor and to
27 the legislature by December 1, 2007.

28 (2) In carrying out its assignment the work group shall include,
29 but not be limited to, the following considerations:

30 (a) Communities in the state that have elevated levels of PM 2.5
31 pollution;

32 (b) The contribution of pollution from solid fuel burning devices
33 to potential violations of federal air quality standards;

34 (c) Strategies used in other states, regions, or cities to reduce
35 wood smoke pollution levels and effectiveness of these strategies;

36 (d) State laws, rules, fees, utility regulations, and other

1 policies that may affect the ability to reduce emissions from solid
2 fuel burning devices or encourage the use of cleaner burning devices;
3 and

4 (e) Potential financial incentives and sources of funding to change
5 out older solid fuel burning devices to cleaner burning devices.

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