
SUBSTITUTE SENATE BILL 5565

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) When a local air pollution control authority or the department
36 prohibits the use of solid fuel burning devices as authorized by this
37 section, the cities, counties, and jurisdictional health departments

1 servicing the area shall cooperate with the local air pollution control
2 authority to implement the prohibition.

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

7 (6) As used in this section, "jurisdictional health department"
8 means a city, county, city-county, or district public health
9 department.

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