

2 **SHB 1053** - S COMM AMD  
3 By Committee on Ecology & Parks

4 ADOPTED 4/4/95

5 On page 4, after line 2, insert the following:

6 "Sec. 3. RCW 70.94.457 and 1991 c 199 s 501 are each amended to  
7 read as follows:

8 The department of ecology shall establish by rule under chapter  
9 34.05 RCW:

10 (1) State-wide emission performance standards for new solid fuel  
11 burning devices. Notwithstanding any other provision of this chapter  
12 which allows an authority to adopt more stringent emission standards,  
13 no authority shall adopt any emission standard for new solid fuel  
14 burning devices other than the state-wide standard adopted by the  
15 department under this section.

16 (a) After January 1, 1995, no solid fuel burning device shall be  
17 offered for sale in this state to residents of this state that does not  
18 meet the following particulate air contaminant emission standards under  
19 the test methodology of the United States environmental protection  
20 agency in effect on January 1, 1991, or an equivalent standard under  
21 any test methodology adopted by the United States environmental  
22 protection agency subsequent to such date: (i) Two and one-half grams  
23 per hour for catalytic wood stoves; and (ii) four and one-half grams  
24 per hour for all other solid fuel burning devices. For purposes of  
25 this subsection, "equivalent" shall mean the emissions limits specified  
26 in this subsection multiplied by a statistically reliable conversion  
27 factor determined by the department that compares the difference  
28 between the emission test methodology established by the United States  
29 environmental protection agency prior to May 15, 1991, with the test  
30 methodology adopted subsequently by the agency. Subsection (a) of this  
31 subsection does not apply to fireplaces.

32 (b) After January 1, 1997, no fireplace, except masonry fireplaces,  
33 shall be offered for sale unless such fireplace meets the 1990 United  
34 States environmental protection agency standards for wood stoves or  
35 equivalent standard that may be established by the state building code  
36 council by rule. Prior to January 1, 1997, the state building code

1 council shall establish by rule a methodology for the testing of  
2 factory-built fireplaces. The methodology shall be designed to achieve  
3 a particulate air emission standard equivalent to the 1990 United  
4 States environmental protection agency standard for wood stoves. In  
5 developing the rules, the council shall include on the technical  
6 advisory committee at least one representative from the masonry  
7 fireplace builders and at least one representative of the factory-built  
8 fireplace manufacturers.

9 (c) Prior to January 1, 1997, the state building code council shall  
10 establish by rule design standards for the construction of new masonry  
11 fireplaces in Washington state. In developing the rules, the council  
12 shall include on the technical advisory committee at least one  
13 representative from the masonry fireplace builders and at least one  
14 representative of the factory-built fireplace manufacturers. It shall  
15 be the goal of the council to develop design standards that generally  
16 achieve reductions in particulate air contaminant emissions  
17 commensurate with the reductions being achieved by factory-built  
18 fireplaces at the time the standard is established.

19 (d) Actions of the department and local air pollution control  
20 authorities under this section shall preempt actions of other state  
21 agencies and local governments for the purposes of controlling air  
22 pollution from solid fuel burning devices, except where authorized by  
23 this act.

24 (e) Subsection (1)(a) of this section shall not apply to  
25 fireplaces.

26 (f) Notwithstanding (a) of this subsection, the department is  
27 authorized to adopt, by rule, emission standards adopted by the United  
28 States environmental protection agency for new wood stoves sold at  
29 retail. For solid fuel burning devices for which the United States  
30 environmental protection agency has not established emission standards,  
31 the department may exempt or establish, by rule, state-wide standards  
32 including emission levels and test procedures for such devices and such  
33 emission levels and test procedures shall be equivalent to emission  
34 levels per pound per hour burned for other new wood stoves and  
35 fireplaces regulated under this subsection.

36 (2) A program to:

37 (a) Determine whether a new solid fuel burning device complies with  
38 the state-wide emission performance standards established in subsection  
39 (1) of this section; and

1 (b) Approve the sale of devices that comply with the state-wide  
2 emission performance standards.

3 **Sec. 4.** RCW 70.94.460 and 1987 c 405 s 7 are each amended to read  
4 as follows:

5 After July 1, 1988, no person shall sell, offer to sell, or  
6 knowingly advertise to sell a new wood stove in this state to a  
7 resident of this state unless the wood stove has been approved by the  
8 department under the program established under RCW 70.94.457."

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12 On page 1, beginning on line 1 of the title, after "RCW" strike the  
13 remainder of the title and insert "70.94.473, 70.94.477, 70.94.457, and  
14 70.94.460."

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