

5 On page 3, after line 36, 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
37 council shall establish by rule a methodology for the testing of

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

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

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

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

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

35 (2) A program to:

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

39 (b) Approve the sale of devices that comply with the state-wide

