
**Fisheries, Ecology & Parks
Committee**

HB 1618

Brief Description: Reducing neighborhood wood smoke pollution.

Sponsors: Representatives Kagi, Cooper, O'Brien and Rockefeller.

Brief Summary of Bill

- Prohibits the burning of wood in any solid fuel burning device if an impaired air quality event is determined.
- Directs the Department of Ecology to set the ambient level of particulates two and one-half microns or smaller in diameter that will signify an impaired air quality event after March 31, 2004.
- Changes the fee on the sale of a solid fuel burning device to \$40.
- Authorizes the revenue generated by the solid fuel burning device fee to be used for a wood stove buy-back program.
- Changes the statewide opacity level, for the purposes of education, to 20 percent.

Hearing Date: 2/14/03

Staff: Jason Callahan (786-7117).

Background:

The Washington Clean Air Act (Act) regulates the use of wood stoves, fireplaces, and other solid fuel burning devices. The Act prohibits the sale of solid fuel burning devices that do not meet certain defined standards (RCW 70.94.460). Use of uncertified burning devices, those devices that do not meet these standards, may generally continue if the device was purchased prior to the sales prohibition.

The Act also establishes a two-phase burn ban (RCW 70.94.473). During a first stage burn ban, residential and commercial buildings are prohibited from burning wood in any stove or fireplace that is not certified. During a second phase burn ban, all buildings are prohibited

from burning wood in both certified and uncertified solid fuel burning devices. Buildings that do not have an adequate source of heat without burning wood are allowed to burn wood during both first and second phase burn bans.

Both the Department of Ecology (Department) and local air agencies have the authority to declare first and second stage impaired air episodes. There are two triggers for a first stage impaired air episode. The first trigger is the measurement of particulates in the air that are ten microns or smaller at an average concentration of sixty micrograms per cubic meter over twenty-four hours. A first stage episode can also be triggered if carbon monoxide is measured at an average ambient level concentration of eight parts per million over an eight hour period. A second stage impaired air quality episode is triggered when the twenty-four hour average concentration for particulates that are ten microns or smaller reach a concentration of 105 micrograms per cubic meter (RCW 70.94.473).

Complaints about a solid fuel burning device may be enforced if a device has an opacity level of twenty percent (RCW 70.94.470). A solid fuel burning device's opacity is expressed as a percentage, and measures the transparency of the device's smoke plume (RCW 70.94.453). The Department is directed to educate the public based on a ten percent opacity (RCW 70.94.470).

Every solid fuel burning device sold in Washington is assessed a flat fee of \$30. The Department has the discretionary authority to raise the fee annually to reflect inflation, but has not exercised this option. All revenue collected by the fee is deposited into the Wood Stove Education and Enforcement Account, and is earmarked to be used for wood stove education and enforcement (RCW 70.94.483). Wood stove education can include explaining the benefits of exchanging inefficient wood stoves with certified stoves (RCW 70.94.480).

Summary of Bill:

No person is permitted to burn wood in any solid fuel burning device if an impaired air quality event is determined, unless that person has no other adequate source of heat. The Department of Ecology (Department) must set the ambient level of particulates two and one-half microns or smaller in diameter that will signify an impaired air quality event after March 31, 2004. In adopting rules for ambient particulate levels, the Department should conform with federal standards, and may alter the rules if the federal standards change or the Department finds that a lower concentration is appropriate to protect human health.

The fee on the sale of a solid fuel burning device is raised from \$30 to \$40. Annual adjustments to the fee to account for inflation must be implemented. Revenue generated by the solid fuel burning device fee is authorized to be used for a wood stove buy-back program. The buy-back program may either be administered by the Department, or local air agencies, and must allow for the exchange of wood stoves for credit towards the purchase of a new gas stove.

The statewide opacity level, for the purposes of education, is changed from 10 percent to 20 percent.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect ninety days after adjournment of session in which bill is passed.