

SENATE BILL REPORT

ESHB 2479

As of February 20, 2004

Title: An act relating to setting pm 2.5 burn ban triggers and enforcement.

Brief Description: Concerning burn bans for solid fuel burning devices.

Sponsors: House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Kagi, Hinkle, Cooper and Upthegrove).

Brief History:

Committee Activity: Natural Resources, Energy & Water: 2/25/04.

SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

Staff: Richard Rodger (786-7461)

Background: The Washington Clean Air 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. Use of uncertified burning devices may be used if the device was purchased prior to the sales prohibition.

The act also establishes a two-phase burn ban. 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 (DOE) 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 in diameter at an average concentration of 60 micrograms per cubic meter over 24 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 24 hour average concentration for particulates that are ten microns or smaller in diameter reach a concentration of 105 micrograms per cubic meter.

Complaints about a solid fuel burning device may be enforced if a device has an opacity level of 20 percent. A solid fuel burning device's opacity is expressed as a percentage, and measures the transparency of the device's smoke plume. DOE is directed to educate the public based on a 10 percent opacity.

Summary of Bill: The formula for declaring a first stage ban is changed to measuring particulates with a diameter of 2.5 microns or smaller at a concentration of 35 micrograms per cubic meter. A first stage burn ban can not be called unless the meteorological forecast

predicts that the conditions for the following 48 hours will not allow the levels of fine particulates to decline below the necessary trigger level. The carbon monoxide standard for allowing a first stage burn ban is removed.

The formula for declaring a second stage ban is changed to measuring particulates with a diameter of 2.5 microns or smaller at a concentration of 60 micrograms per cubic meter. In addition, a second stage burn ban can not be given effect unless a first stage burn ban has been in force and proven insufficient to reduce the rate of increase in the concentration of fine particulates in the air. Also, the meteorological forecast must predict that the conditions for the following 48 hours will not allow the levels of fine particulates to decline below the necessary trigger level

In addition to the statewide opacity level of 20 percent, it is unlawful for emissions from a solid fuel burning device to visibly enter that portion of a neighboring property that immediately surrounds a house, if that property is located in a wood smoke concentration area. These areas are neighborhoods with historic problems with high wood smoke concentrations, and can only be identified by a multi-county clean air agency that has within its borders a county of greater than 500,000 residents. The only exception is for emissions entering a neighboring property that is composed solely of uncombined water vapor. This restriction is applicable regardless of the existing air quality designation.

Three hours after an impaired air quality episode or period is declared, visible emissions from a chimney will be considered prima facie evidence that a solid fuel burning device is being used unlawfully. The only exception is for visible uncombined water vapor.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.