

CERTIFICATION OF ENROLLMENT

**SENATE BILL 6753**

Chapter 40, Laws of 2008

60th Legislature  
2008 Regular Session

BURN BANS--SOLID FUEL BURNING DEVICES

EFFECTIVE DATE: 06/12/08

Passed by the Senate February 19, 2008  
YEAS 48 NAYS 0

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Passed by the House March 4, 2008  
YEAS 93 NAYS 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Approved March 17, 2008, 3:02 p.m.

CHRISTINE GREGOIRE

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6753** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

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**Secretary**

FILED

March 18, 2008

**Secretary of State  
State of Washington**

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SENATE BILL 6753

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Passed Legislature - 2008 Regular Session

State of Washington                      60th Legislature                      2008 Regular Session

By Senators Fraser, Swecker, Rockefeller, and Pridemore

Read first time 01/23/08. Referred to Committee on Water, Energy & Telecommunications.

1            AN ACT Relating to changes in calling burn bans on solid fuel  
2 burning devices; and amending RCW 70.94.473.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 70.94.473 and 2007 c 339 s 1 are each amended to read  
5 as follows:

6            (1) Any person in a residence or commercial establishment which has  
7 an adequate source of heat without burning wood shall:

8            (a) Not burn wood in any solid fuel burning device whenever the  
9 department has determined under RCW 70.94.715 that any air pollution  
10 episode exists in that area;

11            (b) Not burn wood in any solid fuel burning device except those  
12 which are either Oregon department of environmental quality phase II or  
13 United States environmental protection agency certified or certified by  
14 the department under RCW 70.94.457(1) or a pellet stove either  
15 certified or issued an exemption by the United States environmental  
16 protection agency in accordance with Title 40, Part 60 of the code of  
17 federal regulations, in the geographical area and for the period of  
18 time that a first stage of impaired air quality has been determined, by

1 the department or any authority, for that area. A first stage of  
2 impaired air quality is reached when(~~(+~~  
3 ~~(i)~~ ~~Fine particulates are at an ambient level of thirty five~~  
4 ~~micrograms per cubic meter measured on a twenty four hour average; and~~  
5 ~~(ii))~~ forecasted meteorological conditions are ((not expected to  
6 allow levels of fine particulates to decline below thirty five  
7 micrograms per cubic meter for a period of forty eight hours or more  
8 from the time that the fine particulates are measured at the trigger  
9 level)) predicted to cause fine particulate levels to exceed thirty-  
10 five micrograms per cubic meter, measured on a twenty-four hour  
11 average, within forty-eight hours; and  
12 (c)(~~i~~) Not burn wood in any solid fuel burning device in a  
13 geographical area and for the period of time that a second stage of  
14 impaired air quality has been determined by the department or any  
15 authority, for that area. A second stage of impaired air quality is  
16 reached when(~~(+~~  
17 ~~(i)~~) a first stage of impaired air quality has been in force and  
18 has not been sufficient to reduce the increasing fine particulate  
19 pollution trend((~~+~~)),  
20 ((~~(ii)~~)) fine particulates are at an ambient level of ((~~sixty~~))  
21 twenty-five micrograms per cubic meter measured on a twenty-four hour  
22 average((~~+~~)), and  
23 ((~~(iii)~~)) forecasted meteorological conditions are not expected to  
24 allow levels of fine particulates to decline below ((~~sixty~~)) twenty-  
25 five micrograms per cubic meter for a period of ((~~forty eight~~)) twenty-  
26 four hours or more from the time that the fine particulates are  
27 measured at the trigger level.  
28 (ii) A second stage burn ban may be called without calling a first  
29 stage burn ban only when all of the following occur and shall require  
30 the department or the local air pollution control authority calling a  
31 second stage burn ban under this subsection to comply with the  
32 requirements of subsection (4) of this section:  
33 (A) Fine particulate levels have reached or exceeded twenty-five  
34 micrograms per cubic meter, measured on a twenty-four hour average;  
35 (B) Meteorological conditions have caused fine particulate levels  
36 to rise rapidly;  
37 (C) Meteorological conditions are predicted to cause fine

1 particulate levels to exceed the thirty-five micrograms per cubic  
2 meter, measured on a twenty-four hour average, within twenty-four  
3 hours; and

4 (D) Meteorological conditions are highly likely to prevent  
5 sufficient dispersion of fine particulate.

6 ~~(2) ((Until June 30, 2009, an authority comprised of one county~~  
7 ~~east of the crest of the Cascade mountains with a population of equal~~  
8 ~~to or greater than four hundred thousand people, may determine by rule~~  
9 ~~an alternative ambient air level of fine particulates that defines when~~  
10 ~~a first stage and when a second stage of impaired air quality exists~~  
11 ~~under subsection (1) of this section. All other criteria of subsection~~  
12 ~~(1) of this section continue to apply to a county subject to this~~  
13 ~~subsection.~~

14 ~~(3))~~ Actions of the department and local air pollution control  
15 authorities under this section shall preempt actions of other state  
16 agencies and local governments for the purposes of controlling air  
17 pollution from solid fuel burning devices, except where authorized by  
18 chapter 199, Laws of 1991.

19 (3) The department or any local air pollution control authority  
20 that has called a second stage burn ban under the authority of  
21 subsection (1)(c)(ii) of this section shall, within ninety days,  
22 prepare a written report describing:

23 (a) The meteorological conditions that resulted in their calling  
24 the second stage burn ban;

25 (b) Whether the agency could have taken actions to avoid calling a  
26 second stage burn ban without calling a first stage burn ban; and

27 (c) Any changes the department or authority is making to its  
28 procedures of calling first stage and second stage burn bans to avoid  
29 calling a second stage burn ban without first calling a first stage  
30 burn ban.

31 After consulting with affected parties, the department shall  
32 prescribe the format of such a report and may also require additional  
33 information be included in the report. All reports shall be sent to  
34 the department and the department shall keep the reports on file for  
35 not less than five years and available for public inspection and  
36 copying in accordance with RCW 42.56.090.

37 (4) The department and local air pollution control authorities  
38 shall evaluate the effectiveness of the burn ban programs contained in

1 this section in avoiding fine particulate levels to exceed thirty-five  
2 micrograms per cubic meter, measured on a twenty-four hour average, and  
3 provide a joint report of the results to the legislature by September  
4 1, 2011.

Passed by the Senate February 19, 2008.

Passed by the House March 4, 2008.

Approved by the Governor March 17, 2008.

Filed in Office of Secretary of State March 18, 2008.