

# SENATE BILL REPORT

## SB 5565

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As of February 18, 2009

**Title:** An act relating to limiting the use of certain solid fuel burning devices.

**Brief Description:** Regarding the use of certain solid fuel burning devices.

**Sponsors:** Senator Rockefeller.

**Brief History:**

**Committee Activity:** Environment, Water & Energy: 2/18/09.

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### SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

**Staff:** Sam Thompson (786-7413)

**Background:** The federal Clean Air Act requires the Environmental Protection Agency (EPA) to set air quality standards for certain pollutants, including fine particulate matter. Wood smoke has been identified as a major source of fine particulate matter. During the winter, more than half of Washington's fine particulate matter comes from smoke from fireplaces and inserts, wood stoves, and pellet stoves.

EPA may designate an area as a nonattainment area if there has been a pattern of failure to reach and maintain air quality standards over a certain period. The affected state must then submit a plan to reach attainment. EPA's designation can trigger additional requirements for sources emitting pollutants, including fine particulate matter. Under Washington law, local air agencies or the Department of Ecology (DOE) may prohibit use of solid fuel burning devices, except fireplaces or wood or pellet stoves meeting certain standards, as a contingency measure to meet EPA air quality standards. Before doing so, local air agencies or DOE must issue findings that an area has failed to make progress toward achieving air quality standards and that emissions from solid fuel burning devices are a contributing factor.

**Summary of Bill:** A local air authority or DOE may prohibit use of solid fuel burning devices, except fireplaces or wood stoves meeting heightened certification requirements or pellet stoves, as an additional measure to meet federal air quality standards if DOE and the authority make findings that:

- the area is designated as a nonattainment area for fine particular matter by the EPA;
- emissions from solid fuel burning devices are a major contributing factor for violating federal air quality standards for fine particulate matter; and

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- the area has an adequately funded program to help low-income households obtain an adequate source of heat.

Before issuing a prohibition, a local air authority or DOE must seek input from local governments or the local health department in the affected area, and these entities must later cooperate with local air authorities to implement the prohibition.

**Appropriation:** None.

**Fiscal Note:** Requested on February 17, 2009.

**Committee/Commission/Task Force Created:** No.

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