

SHB 2261 - S COMM AMD

By Committee on Water, Energy & Telecommunications

ADOPTED 04/05/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 70.94.473 and 2005 c 197 s 1 are each amended to read
4 as follows:

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

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

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

20 (i) Fine particulates are at an ambient level of thirty-five
21 micrograms per cubic meter measured on a twenty-four hour average; and

22 (ii) Forecasted meteorological conditions are not expected to allow
23 levels of fine particulates to decline below thirty-five micrograms per
24 cubic meter for a period of forty-eight hours or more from the time
25 that the fine particulates are measured at the trigger level; and

26 (c) Not burn wood in any solid fuel burning device in a
27 geographical area and for the period of time that a second stage of
28 impaired air quality has been determined by the department or any
29 authority, for that area. A second stage of impaired air quality is
30 reached when:

1 (i) A first stage of impaired air quality has been in force and not
2 been sufficient to reduce the increasing fine (~~particle~~
3 ~~[particulate]~~) particulate pollution trend;

4 (ii) Fine particulates are at an ambient level of sixty micrograms
5 per cubic meter measured on a twenty-four hour average; and

6 (iii) Forecasted meteorological conditions are not expected to
7 allow levels of fine particulates to decline below sixty micrograms per
8 cubic meter for a period of forty-eight hours or more from the time
9 that the fine particulates are measured at the trigger level.

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

18 (3) 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 chapter 199, Laws of 1991.

23 NEW SECTION. Sec. 2. A new section is added to chapter 70.94 RCW
24 to read as follows:

25 The legislature finds that there are some communities in the state
26 in which the national ambient air quality standards for PM 2.5 are
27 exceeded, primarily due to wood smoke emissions, and that current
28 strategies are not sufficient to reduce wood smoke emissions to levels
29 that comply with the federal standards or adequately protect public
30 health. The legislature finds that it is in the state's interest and
31 to the benefit of the people of the state to evaluate additional
32 measures to reduce wood smoke emissions and update the state wood smoke
33 control program.

34 NEW SECTION. Sec. 3. A new section is added to chapter 70.94 RCW
35 to read as follows:

36 (1) The department shall convene and chair a work group to study

1 the impacts of wood smoke from solid fuel burning devices on
2 communities in Washington and make recommendations to the legislature
3 on practical and cost-effective opportunities to reduce exposure to
4 wood smoke from solid fuel burning devices and meet the new national
5 air quality standards for fine particulates in Washington state. The
6 work group shall be established by the director and include
7 representatives from the department, the state department of health,
8 regional air quality agencies, local health departments, related
9 industry representatives, and nongovernmental health organizations.
10 Recommendations may include statutory or regulatory changes,
11 incentives, and other strategies that will reduce ambient PM 2.5
12 pollution. Recommendations should be presented to the governor and to
13 the legislature by December 1, 2007.

14 (2) In carrying out its assignment the work group shall include,
15 but not be limited to, the following considerations:

16 (a) Communities in the state that have elevated levels of PM 2.5
17 pollution;

18 (b) The contribution of pollution from solid fuel burning devices
19 to potential violations of federal air quality standards;

20 (c) Strategies used in other states, regions, or cities to reduce
21 wood smoke pollution levels and effectiveness of these strategies;

22 (d) State laws, rules, fees, utility regulations, and other
23 policies that may affect the ability to reduce emissions from solid
24 fuel burning devices or encourage the use of cleaner burning devices;
25 and

26 (e) Potential financial incentives and sources of funding to change
27 out older solid fuel burning devices to cleaner burning devices."

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28 On page 1, line 2 of the title, after "program;" strike the
29 remainder of the title and insert "amending RCW 70.94.473; and adding
30 new sections to chapter 70.94 RCW."

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