
SENATE BILL 5022

State of Washington

61st Legislature

2009 Regular Session

By Senators Honeyford, Parlette, Morton, McCaslin, Schoesler, Swecker, Brandland, and Holmquist

Read first time 01/12/09. Referred to Committee on Environment, Water & Energy.

1 AN ACT Relating to outdoor wood-fired boilers; amending RCW
2 70.94.453 and 70.94.457; adding new sections to chapter 70.94 RCW;
3 creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that outdoor wood-
6 fired boilers can provide a convenient, safe, and environmentally
7 responsible way to heat homes and hot water. Outdoor wood-fired
8 boilers using newer technology are cleaner and can provide high heating
9 efficiency. The legislature also finds that outdoor wood-fired boilers
10 provide an economical and more cost-effective source of heat than
11 traditional gas or electric heat, use abundant, locally available,
12 sustainable fuel, which can lower heating costs, and fill an
13 alternative energy need for many households struggling with home
14 heating costs.

15 **Sec. 2.** RCW 70.94.453 and 1987 c 405 s 2 are each amended to read
16 as follows:

17 (~~Unless the context clearly requires otherwise,~~) The definitions

1 in this section apply throughout RCW 70.94.453 through ~~((70.94.487-))~~
2 70.94.483 and sections 3 through 5 of this act unless the context
3 clearly required otherwise.

4 (1) "Department" means the department of ecology.

5 (2) "Wood stove" means a solid fuel burning device other than a
6 fireplace not meeting the requirements of RCW 70.94.457, including any
7 fireplace insert, wood stove, wood burning heater, wood stick boiler,
8 coal-fired furnace, coal stove, or similar device burning any solid
9 fuel used for aesthetic or space-heating purposes in a private
10 residence or commercial establishment, which has a heat input less than
11 one million British thermal units per hour. The term "wood stove" does
12 not include wood cook stoves or an outdoor wood-fired boiler.

13 (3) "Fireplace" means: (a) Any permanently installed masonry
14 fireplace; or (b) any factory-built metal solid fuel burning device
15 designed to be used with an open combustion chamber and without
16 features to control the air to fuel ratio.

17 (4) "New wood stove" means: (a) A wood stove that is sold at
18 retail, bargained, exchanged, or given away for the first time by the
19 manufacturer, the manufacturer's dealer or agency, or a retailer; and
20 (b) has not been so used to have become what is commonly known as
21 "secondhand" within the ordinary meaning of that term.

22 (5) "Outdoor wood-fired boiler" means an outdoor wood-fired
23 hydronic heater or outdoor wood-fired furnace that is an accessory
24 outdoor structure, designed and intended, through the burning of wood,
25 for the purpose of heating the principal structure or any other site,
26 building, or structure on the premises.

27 (6) "Solid fuel burning device" means any device for burning wood,
28 coal, or any other nongaseous and nonliquid fuel, including a wood
29 stove and fireplace.

30 ~~((+6))~~ (7) "Authority" means any air pollution control agency
31 whose jurisdictional boundaries are coextensive with the boundaries of
32 one or more counties.

33 ~~((+7))~~ (8) "Opacity" means the degree to which an object seen
34 through a plume is obscured, stated as a percentage. The methods
35 approved by the department in accordance with RCW 70.94.331 shall be
36 used to establish opacity for the purposes of this chapter.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.94 RCW
2 to read as follows:

3 An outdoor wood-fired boiler, which meets the United States
4 environmental protection agency method 28 requirement for outdoor wood-
5 fired hydronic heaters and has a maximum emission level of 0.60 pounds
6 of particle pollution per one million British thermal units heat input,
7 may be installed and used only in accordance with the following
8 provisions:

9 (1) The outdoor wood-fired boiler must be installed:

10 (a) For use outside urban growth areas as defined in chapter 36.70A
11 RCW;

12 (b) A minimum of fifty feet from the residence it is serving;

13 (c) A minimum of two hundred feet from the nearest residence or
14 commercial establishment that is not located on the same property as
15 the outdoor wood-fired boiler; and

16 (d) With a minimum chimney height of fifteen feet. If there is a
17 residence that is not located on the same property within five hundred
18 feet of the outdoor wood-fired boiler, the chimney must extend at least
19 as high above the ground surfaces as the height of the roofs of all
20 such residences.

21 (2) The owner or operator of an outdoor wood-fired boiler shall
22 only use clean dry wood, wood pellets made from clean wood, or fuels
23 recommended by the manufacturer of the outdoor wood-fired boiler. The
24 owner or operator of an outdoor wood-fired boiler shall follow
25 manufacturer-recommended fuel loading times and amounts.

26 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.94 RCW
27 to read as follows:

28 A person may not sell, offer to sell, or knowingly advertise to
29 sell a new outdoor wood-fired boiler in this state to a resident of
30 this state unless the outdoor wood-fired boiler meets the United States
31 environmental protection agency method 28 requirement for outdoor wood-
32 fired hydronic heaters and has a maximum emission level of 0.60 pounds
33 of particle pollution per one million British thermal units heat input.

34 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.94 RCW
35 to read as follows:

36 A person who sells, offers to sell, or knowingly advertises to sell

1 an outdoor wood-fired boiler in this state in violation of section 4 of
2 this act is subject to the penalties and enforcement actions under this
3 chapter.

4 **Sec. 6.** RCW 70.94.457 and 1995 c 205 s 3 are each amended to read
5 as follows:

6 The department of ecology shall establish by rule under chapter
7 34.05 RCW:

8 (1) Statewide emission performance standards for new solid fuel
9 burning devices and outdoor wood-fired boilers meeting the requirements
10 of section 3 of this act. Notwithstanding any other provision of this
11 chapter which allows an authority to adopt more stringent emission
12 standards, no authority shall adopt any emission standard for new solid
13 fuel burning devices other than the statewide standard adopted by the
14 department under this section.

15 (a) After January 1, 1995, no solid fuel burning device shall be
16 offered for sale in this state to residents of this state that does not
17 meet the following particulate air contaminant emission standards under
18 the test methodology of the United States environmental protection
19 agency in effect on January 1, 1991, or an equivalent standard under
20 any test methodology adopted by the United States environmental
21 protection agency subsequent to such date: (i) Two and one-half grams
22 per hour for catalytic wood stoves; and (ii) four and one-half grams
23 per hour for all other solid fuel burning devices. For purposes of
24 this subsection, "equivalent" shall mean the emissions limits specified
25 in this subsection multiplied by a statistically reliable conversion
26 factor determined by the department that compares the difference
27 between the emission test methodology established by the United States
28 environmental protection agency prior to May 15, 1991, with the test
29 methodology adopted subsequently by the agency. (~~Subsection (a) of~~)
30 This subsection (1)(a) does not apply to fireplaces or outdoor wood-
31 fired boilers meeting the United States environmental protection agency
32 method 28 requirement for outdoor wood-fired hydronic heaters and has
33 a maximum emission level of 0.60 pounds of particle pollution per one
34 million British thermal units heat input.

35 (b) After January 1, 1997, no fireplace, except masonry fireplaces,
36 shall be offered for sale unless such fireplace meets the 1990 United
37 States environmental protection agency standards for wood stoves or

1 equivalent standard that may be established by the state building code
2 council by rule. Prior to January 1, 1997, the state building code
3 council shall establish by rule a methodology for the testing of
4 factory-built fireplaces. The methodology shall be designed to achieve
5 a particulate air emission standard equivalent to the 1990 United
6 States environmental protection agency standard for wood stoves. In
7 developing the rules, the council shall include on the technical
8 advisory committee at least one representative from the masonry
9 fireplace builders and at least one representative of the factory-built
10 fireplace manufacturers.

11 (c) Prior to January 1, 1997, the state building code council shall
12 establish by rule design standards for the construction of new masonry
13 fireplaces in Washington state. In developing the rules, the council
14 shall include on the technical advisory committee at least one
15 representative from the masonry fireplace builders and at least one
16 representative of the factory-built fireplace manufacturers. It shall
17 be the goal of the council to develop design standards that generally
18 achieve reductions in particulate air contaminant emissions
19 commensurate with the reductions being achieved by factory-built
20 fireplaces at the time the standard is established.

21 (d) Actions of the department and local air pollution control
22 authorities under this section shall preempt actions of other state
23 agencies and local governments for the purposes of controlling air
24 pollution from solid fuel burning devices, except where authorized by
25 chapter 199, Laws of 1991.

26 ~~(e) ((Subsection (1)(a) of this section shall not apply to~~
27 ~~fireplaces.~~

28 ~~(f))~~) Notwithstanding (a) of this subsection, the department is
29 authorized to adopt, by rule, emission standards adopted by the United
30 States environmental protection agency for new wood stoves sold at
31 retail. For solid fuel burning devices for which the United States
32 environmental protection agency has not established emission standards,
33 the department may exempt or establish, by rule, statewide standards
34 including emission levels and test procedures for such devices and such
35 emission levels and test procedures shall be equivalent to emission
36 levels per pound per hour burned for other new wood stoves and
37 fireplaces regulated under this subsection.

38 (2) A program to:

1 (a) Determine whether a new solid fuel burning device complies with
2 the statewide emission performance standards established in subsection
3 (1) of this section; and
4 (b) Approve the sale of devices that comply with the statewide
5 emission performance standards.

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