
Environment Committee

HB 1766

Brief Description: Regarding hydronic heaters.

Sponsors: Representatives Maxwell, Springer, Clibborn, Lias and Anderson.

Brief Summary of Bill

- Permits the sale, installation, and use of hydronic heaters in this state, if certain conditions are met.
- Prohibits the installation and use of hydronic heaters in incorporated areas of an urban growth area, or in an area formally designated as a non-attainment area or maintenance area for particulates.

Hearing Date: 2/11/11

Staff: Courtney Barnes (786-7194).

Background:

Clean Air Act Emissions Standards.

The federal Clean Air Act requires the U.S. Environmental Protection Agency (EPA) to set air quality standards for certain pollutants that harm public health and the environment. One of those pollutants is fine particulate matter. In Washington, wood smoke has been identified as a major source of fine particulate matter that can negatively affect air quality standards in an area.

The EPA may designate an area as an area of nonattainment if there is a pattern of failure to reach and maintain air quality standards over a period of time. When an area is designated as a nonattainment area, the state in which the area is located must submit a plan to reach attainment. This designation can cause additional requirements for all sources emitting fine particulate matter, including industrial and household sources.

Wood Burning Devices.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Washington's Clean Air Act (CAA) contains laws about wood stoves and other wood burning devices. Many states use the EPA emission standards for fine particles to determine which wood burning devices can be sold. To be sold in Washington, all wood burning devices must meet both the EPA standards and Washington's standards. Currently, there are no outdoor wood-fired boilers that meet Washington standards.

A hydronic heater is a solid fuel burning device designed to heat water that is piped to a nearby building, providing both heat and hot water to a structure. An outdoor wood-fired boiler, which is sometimes called an outdoor wood heater, is an example of a hydronic heater. Hydronic heaters can be located inside or outside of the building to be heated.

Summary of Bill:

A hydronic heater is a solid fuel burning device that is an accessory indoor or outdoor structure designed or intended to: (a) burn wood or other approved solid fuels; and (b) heat building space or water via the distribution, typically through pipes, of a fluid heated in the device, typically water or a water and antifreeze mixture.

A hydronic heater may be sold, installed, and used in Washington if:

- testing is conducted using a method approved and used by the EPA or an alternate test method approved by the DOE;
- the hydronic heater meets the requirements of the EPA Phase Two Outdoor Wood-fired Hydronic Heater Program;
- installation meets all applicable state and local building and fire safety codes; and
- the owner or operator of a hydronic heater uses clean dry wood, wood pellets made from clean wood, or fuels recommended by the manufacturer.

If installed outdoors, the hydronic heater must be installed:

- a minimum of 50 feet from the residence it is serving;
- a minimum of 200 feet from the nearest residence or commercial establishment that is not located on the same property as the outdoor hydronic heater; and
- with a minimum chimney height of 15 feet.

Prohibitions.

Hydronic heaters may not be installed, used, or knowingly sold to be installed or used: (a) within incorporated areas of an urban growth area; or (b) in an area formally designated by the EPA as a non-attainment area or maintenance area for particulates.

A city or county may prohibit the installation and use of hydronic heaters within its local jurisdiction by ordinance.

A person may not sell, offer for sale, or knowingly advertise for sale a new or used hydronic heater to a Washington resident unless the hydronic heater meets all the conditions under the bill. A person who sells or purchases, installs, and uses a hydronic heater in violation of the bill is subject to the penalties and enforcement actions under the state's CAA.

Other.

The DOE must adopt rules consistent with any New Source Performance Standard for hydronic heaters promulgated by the EPA. A local air authority may not adopt any emission standard for hydronic heaters other than the statewide standard adopted by the DOE.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.