
SUBSTITUTE SENATE BILL 5745

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Brown and Kohl-Welles)

READ FIRST TIME 02/14/07.

1 AN ACT Relating to use of solid fuel burning devices during
2 impaired air quality conditions; amending RCW 70.94.473; and creating
3 a new section.

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

5 **Sec. 1.** RCW 70.94.473 and 2005 c 197 s 1 are each amended to read
6 as follows:

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

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

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

1 time that a first stage of impaired air quality has been determined, by
2 the department or any authority, for that area. A first stage of
3 impaired air quality is reached when:

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

6 (ii) Forecasted meteorological conditions are not expected to allow
7 levels of fine particulates to decline below thirty-five 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; and

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

15 (i) A first stage of impaired air quality has been in force and not
16 been sufficient to reduce the increasing fine (~~particle~~
17 ~~particulate~~) particulate pollution trend;

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

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

24 (2) Until June 30, 2009, an authority comprised of one county east
25 of the Cascade mountains with a population of equal to or greater than
26 four hundred thousand people, may determine by rule an alternative
27 ambient air level of fine particulates that defines when a first stage
28 and when a second stage of impaired air quality exists under subsection
29 (1) of this section. All other criteria of subsection (1) of this
30 section continue to apply.

31 (3) Actions of the department and local air pollution control
32 authorities under this section shall preempt actions of other state
33 agencies and local governments for the purposes of controlling air
34 pollution from solid fuel burning devices, except where authorized by
35 chapter 199, Laws of 1991.

36 NEW SECTION. Sec. 2. (1) The legislature finds that there are
37 communities in the state that may exceed recently adopted lower

1 national ambient air quality standards for fine particulate and that
2 wood smoke emissions from solid fuel burning devices are a source of
3 fine particulate.

4 (2) The department of ecology shall prepare a report to the
5 governor and the appropriate committees of the senate and house of
6 representatives by December 1, 2007, with recommendations that may
7 include statutory or regulatory changes, incentives, and other
8 strategies that will reduce wood smoke where it is likely to contribute
9 to nonattainment with the new national ambient air quality standards
10 for fine particulates in Washington state. In preparing its report,
11 the department of ecology shall seek input from all regional air
12 quality agencies, the state department of health, local health
13 departments, and the hearth products industries.

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