

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1053

54th Legislature
1995 Regular Session

Passed by the House April 18, 1995
Yeas 89 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate April 4, 1995
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1053** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1053

AS AMENDED BY THE SENATE

Passed Legislature - 1995 Regular Session

State of Washington 54th Legislature 1995 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Horn, Chandler and Sheldon)

Read first time 01/27/95.

1 AN ACT Relating to wood burning devices; and amending RCW
2 70.94.473, 70.94.477, 70.94.457, and 70.94.460.

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

4 **Sec. 1.** RCW 70.94.473 and 1991 c 199 s 504 are each amended to
5 read as follows:

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

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

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

1 impaired air quality is reached when particulates ten microns and
2 smaller in diameter are at an ambient level of seventy-five micrograms
3 per cubic meter measured on a twenty-four hour average or when carbon
4 monoxide is at an ambient level of eight parts of contaminant per
5 million parts of air by volume measured on an eight-hour average; and

6 (c) Not burn wood in any solid fuel burning device in a
7 geographical area and for the period of time that a second stage of
8 impaired air quality has been determined by the department or any
9 authority, for that area. A second stage of impaired air quality is
10 reached when particulates ten microns and smaller in diameter are at an
11 ambient level of one hundred five micrograms per cubic meter measured
12 on a twenty-four hour average.

13 ~~(2) ((If a local air authority exercises the limitation on solid
14 fuel burning devices specified under RCW 70.94.477(2), a single stage
15 of impaired air quality applies in the geographical area defined by the
16 authority in accordance with RCW 70.94.477(2) and is reached when
17 particulates ten microns and smaller in diameter are at an ambient
18 level of ninety micrograms per cubic meter measured on a twenty four
19 hour average or when carbon monoxide is at an ambient level of eight
20 parts of contaminant per million parts of air by volume measured on an
21 eight hour average.~~

22 ~~If this single stage of impaired air quality is reached, no person
23 in a residence or commercial establishment that has an adequate source
24 of heat without burning wood shall burn wood in any solid fuel burning
25 device, including those which meet the standards set forth in RCW
26 70.94.457.~~

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

32 **Sec. 2.** RCW 70.94.477 and 1990 c 128 s 3 are each amended to read
33 as follows:

34 (1) Unless allowed by rule, under chapter 34.05 RCW, a person shall
35 not cause or allow any of the following materials to be burned in any
36 residential solid fuel burning device:

- 37 (a) Garbage;
- 38 (b) Treated wood;

- 1 (c) Plastics;
- 2 (d) Rubber products;
- 3 (e) Animals;
- 4 (f) Asphaltic products;
- 5 (g) Waste petroleum products;
- 6 (h) Paints; or
- 7 (i) Any substance, other than properly seasoned fuel wood, which
- 8 normally emits dense smoke or obnoxious odors.

9 (2) ~~((On or after July 1, 1995,))~~ For the sole purpose of a
10 contingency measure to meet the requirements of section 172(c)(9) of
11 the federal clean air act, a local authority or the department may
12 ~~((geographically limit))~~ prohibit the use of solid fuel burning
13 devices, except fireplaces as defined in RCW 70.94.453(3), wood stoves
14 meeting the standards set forth in RCW 70.94.457 or pellet stoves
15 either certified or issued an exemption ((certificate)) by the United
16 States environmental protection agency in accordance with Title 40,
17 Part 60 of the code of federal regulations, if the United States
18 environmental protection agency, in consultation with the department
19 and the local authority makes written findings that:

20 (a) The area has failed to make reasonable further progress or
21 attain or maintain a national ambient air quality standard; and

22 (b) Emissions from solid fuel burning devices from a particular
23 geographic area are a contributing factor to such failure to make
24 reasonable further progress or attain or maintain a national ambient
25 air quality standard.

26 A prohibition issued by a local authority or the department under
27 this subsection shall not apply to a person in a residence or
28 commercial establishment that does not have an adequate source of heat
29 without burning wood. ((An authority shall allow an exemption from
30 this subsection for low income persons who reside in a geographical
31 area affected by this subsection. In the exercise of this limitation,
32 a local authority shall consider the following factors:

33 ~~(a) The contribution of solid fuel burning devices that do not meet~~
34 ~~the standards set forth in RCW 70.94.457 to nonattainment of national~~
35 ~~ambient air quality standards;~~

36 ~~(b) The population density of geographical areas within the local~~
37 ~~authority's jurisdiction giving greater consideration to urbanized~~
38 ~~areas; and~~

1 ~~(c) The public health effects of use of solid fuel burning devices~~
2 ~~which do not meet the standards set forth in RCW 70.94.457.)~~)

3 **Sec. 3.** RCW 70.94.457 and 1991 c 199 s 501 are each amended to
4 read as follows:

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

7 (1) State-wide emission performance standards for new solid fuel
8 burning devices. Notwithstanding any other provision of this chapter
9 which allows an authority to adopt more stringent emission standards,
10 no authority shall adopt any emission standard for new solid fuel
11 burning devices other than the state-wide standard adopted by the
12 department under this section.

13 (a) After January 1, 1995, no solid fuel burning device shall be
14 offered for sale in this state to residents of this state that does not
15 meet the following particulate air contaminant emission standards under
16 the test methodology of the United States environmental protection
17 agency in effect on January 1, 1991, or an equivalent standard under
18 any test methodology adopted by the United States environmental
19 protection agency subsequent to such date: (i) Two and one-half grams
20 per hour for catalytic wood stoves; and (ii) four and one-half grams
21 per hour for all other solid fuel burning devices. For purposes of
22 this subsection, "equivalent" shall mean the emissions limits specified
23 in this subsection multiplied by a statistically reliable conversion
24 factor determined by the department that compares the difference
25 between the emission test methodology established by the United States
26 environmental protection agency prior to May 15, 1991, with the test
27 methodology adopted subsequently by the agency. Subsection (a) of this
28 subsection does not apply to fireplaces.

29 (b) After January 1, 1997, no fireplace, except masonry fireplaces,
30 shall be offered for sale unless such fireplace meets the 1990 United
31 States environmental protection agency standards for wood stoves or
32 equivalent standard that may be established by the state building code
33 council by rule. Prior to January 1, 1997, the state building code
34 council shall establish by rule a methodology for the testing of
35 factory-built fireplaces. The methodology shall be designed to achieve
36 a particulate air emission standard equivalent to the 1990 United
37 States environmental protection agency standard for wood stoves. In
38 developing the rules, the council shall include on the technical

1 advisory committee at least one representative from the masonry
2 fireplace builders and at least one representative of the factory-built
3 fireplace manufacturers.

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

14 (d) Actions of the department and local air pollution control
15 authorities under this section shall preempt actions of other state
16 agencies and local governments for the purposes of controlling air
17 pollution from solid fuel burning devices, except where authorized by
18 this act.

19 (e) Subsection (1)(a) of this section shall not apply to
20 fireplaces.

21 (f) Notwithstanding (a) of this subsection, the department is
22 authorized to adopt, by rule, emission standards adopted by the United
23 States environmental protection agency for new wood stoves sold at
24 retail. For solid fuel burning devices for which the United States
25 environmental protection agency has not established emission standards,
26 the department may exempt or establish, by rule, state-wide standards
27 including emission levels and test procedures for such devices and such
28 emission levels and test procedures shall be equivalent to emission
29 levels per pound per hour burned for other new wood stoves and
30 fireplaces regulated under this subsection.

31 (2) A program to:

32 (a) Determine whether a new solid fuel burning device complies with
33 the state-wide emission performance standards established in subsection
34 (1) of this section; and

35 (b) Approve the sale of devices that comply with the state-wide
36 emission performance standards.

37 **Sec. 4.** RCW 70.94.460 and 1987 c 405 s 7 are each amended to read
38 as follows:

1 After July 1, 1988, no person shall sell, offer to sell, or
2 knowingly advertise to sell a new wood stove in this state to a
3 resident of this state unless the wood stove has been approved by the
4 department under the program established under RCW 70.94.457.

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