
**Fisheries, Ecology & Parks
Committee**

HB 2479

Brief Description: Concerning burn bans for solid fuel burning devices.

Sponsors: Representatives Kagi, Hinkle, Cooper and Upthegrove.

Brief Summary of Bill

- Changes the size of particulates measured when determining if restrictions on the use of solid fuel burning devices should be instituted.
- Makes it unlawful for visible emissions from a solid fuel burning device to enter a neighboring property.

Hearing Date: 1/22/04

Staff: Jason Callahan (786-7117).

Background:

The Washington Clean Air Act (Act) regulates the use of wood stoves, fireplaces, and other solid fuel burning devices. The Act prohibits the sale of solid fuel burning devices that do not meet certain defined standards (RCW 70.94.460). Use of uncertified burning devices, those devices that do not meet these standards, may generally continue if the device was purchased prior to the sales prohibition.

The Act also establishes a two-phase burn ban (RCW 70.94.473). During a first stage burn ban, residential and commercial buildings are prohibited from burning wood in any stove or fireplace that is not certified. During a second phase burn ban, all buildings are prohibited from burning wood in both certified and uncertified solid fuel burning devices. Buildings that do not have an adequate source of heat without burning wood are allowed to burn wood during both first and second phase burn bans.

Both the Department of Ecology (Department) and local air agencies have the authority to declare first and second stage impaired air episodes. There are two triggers for a first stage impaired air episode. The first trigger is the measurement of particulates in the air that are ten microns or smaller in diameter at an average concentration of 60 micrograms per cubic meter over twenty-four hours. A first stage episode can also be triggered if carbon monoxide is measured at an average ambient level concentration of eight parts per million over an eight hour period. A second stage impaired air quality episode is triggered when the twenty-four hour average concentration

for particulates that are ten microns or smaller in diameter reach a concentration of 105 micrograms per cubic meter (RCW 70.94.473).

Complaints about a solid fuel burning device may be enforced if a device has an opacity level of twenty percent (RCW 70.94.470). A solid fuel burning device's opacity is expressed as a percentage, and measures the transparency of the device's smoke plume (RCW 70.94.453). The Department is directed to educate the public based on a ten percent opacity (RCW 70.94.470).

Summary of Bill:

First Stage Burn Bans

The triggers for establishing a first and second stage burn ban are altered. The formula for declaring a first stage ban is changed from measuring particulates sized 10 microns or smaller at a concentration of greater than 60 micrograms per cubic meter, to measuring particulates with a diameter of 2.5 microns or smaller at a concentration of 35 micrograms per cubic meter. In addition to measuring the necessary concentration of 2.5 micron particulates, a first state burn ban can not be called unless the meteorological forecast predicts that the conditions for the following forty-eight hours will not allow the levels of fine particulates to decline.

The carbon monoxide standard for allowing a first stage burn ban is removed. Only the fine particulate measurements can trigger a burn ban.

Second Stage Burn Bans

The formula for declaring a second stage ban is changed from measuring particulates sized 10 microns or smaller at a concentration of greater than 105 micrograms per cubic meter, to measuring particulates with a diameter of 2.5 microns or smaller at a concentration of 60 micrograms per cubic meter. In addition to the measurement of fine particulates, a second stage burn ban can not be given effect unless a first state burn ban has been in force and proven insufficient to reduce the rate of increase in the concentration of fine particulates in the air. Also, the meteorological forecast must predict that the conditions for the following forty-eight hours will not allow the levels of fine particulates to decline.

Chimney Opacity

In addition to the statewide opacity level of 20%, it is unlawful for emissions from a solid fuel burning device to visibly enter a neighboring property. The only exception is for uncombined water vapor. This restriction is applicable regardless of the existing air quality designation.

Three hours after an impaired air quality episode or period is declared, visible emissions from a chimney will be considered prima facie evidence that a solid fuel burning device is being used unlawfully. The only exception is for visible uncombined water vapor.

Appropriation: None.

Fiscal Note: Not requested.

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