
HOUSE BILL 1618

State of Washington

58th Legislature

2003 Regular Session

By Representatives Kagi, Cooper, O'Brien and Rockefeller

Read first time 02/03/2003. Referred to Committee on Fisheries,
Ecology & Parks.

1 AN ACT Relating to reducing neighborhood wood smoke pollution;
2 amending RCW 70.94.470, 70.94.473, and 70.94.483; and adding a new
3 section to chapter 70.94 RCW.

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

5 **Sec. 1.** RCW 70.94.470 and 1991 c 199 s 502 are each amended to
6 read as follows:

7 (1) The department shall establish, by rule under chapter 34.05
8 RCW, ~~((a))~~ a statewide opacity level of twenty percent for
9 residential solid fuel burning devices for ~~((the purpose of))~~
10 enforcement on a complaint basis and ~~((b) a statewide opacity of ten~~
11 ~~percent))~~ for ~~((purposes of))~~ public education.

12 (2) Notwithstanding any other provision of this chapter which may
13 allow an authority to adopt a more stringent opacity level, no
14 authority shall adopt or enforce an opacity level for solid fuel
15 burning devices other than established in this section.

16 (3) Actions of the department and local air pollution control
17 authorities under this section shall preempt actions of other state
18 agencies and local governments for the purposes of controlling air

1 pollution from solid fuel burning devices, except where authorized by
2 chapter 199, Laws of 1991.

3 **Sec. 2.** RCW 70.94.473 and 1998 c 342 s 8 are each amended to read
4 as follows:

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

7 (a)) not burn wood in any solid fuel burning device whenever the
8 department has determined under RCW 70.94.715 that any air pollution
9 episode exists in that geographic area((+)

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

21 (2)(a) An impaired air quality event is reached when: (i) Before
22 March 31, 2004, particulates ten microns and smaller in diameter are at
23 an ambient level of sixty micrograms per cubic meter measured on a
24 twenty-four hour average; (ii) after March 31, 2004, particulates two
25 and one-half microns and smaller in diameter are at an ambient level
26 that exceeds the level set by the department pursuant to subsection (3)
27 of this section; or when (iii) carbon monoxide is at an ambient level
28 of eight parts of contaminant per million parts of air by volume
29 measured on an eight-hour average((+and

30 ~~(c) Not burn wood in any solid fuel burning device in a~~
31 ~~geographical area and for the period of time that a second stage of~~
32 ~~impaired air quality has been determined by the department or any~~
33 ~~authority, for that area. A second stage of impaired air quality is~~
34 ~~reached when particulates ten microns and smaller in diameter are at an~~
35 ~~ambient level of one hundred five micrograms per cubic meter measured~~
36 ~~on a twenty four hour average)).~~

1 ~~((+2))~~ (b) The department must adopt in rule the ambient level of
2 particulates two and one-half microns and smaller in diameter that must
3 be measured in order to reach an impaired air quality event after March
4 31, 2004. If possible, the rules adopted under this section should
5 conform to standards adopted by the federal government for ambient
6 particulate matter. The department may amend any rules adopted under
7 this section should federal standards change or the department find
8 that a lower particulate concentration is appropriate for the
9 protection of human health.

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

15 **Sec. 3.** RCW 70.94.483 and 1991 sp.s. c 13 ss 64, 65 are each
16 amended to read as follows:

17 (1) The wood stove education and enforcement account is hereby
18 created in the state treasury. Money placed in the account shall
19 include all money received under subsection (2) of this section and any
20 other money appropriated by the legislature. Money in the account
21 shall be spent for the purposes of the wood stove education program
22 established under RCW 70.94.480, for a wood stove buy-back program
23 pursuant to section 4 of this act, and for enforcement of the wood
24 stove program, and shall be subject to legislative appropriation.

25 (2) The department of ecology, with the advice of the advisory
26 committee, shall set a flat fee of ~~((thirty))~~ forty dollars, on the
27 retail sale, as defined in RCW 82.04.050, of each solid fuel burning
28 device after January 1, 1992. The fee shall be imposed upon the
29 consumer and shall not be subject to the retail sales tax provisions of
30 chapters 82.08 and 82.12 RCW. The fee ~~((may))~~ shall be adjusted
31 annually above ~~((thirty))~~ forty dollars to account for inflation as
32 determined by the state office of the economic and revenue forecast
33 council. The fee shall be collected by the department of revenue in
34 conjunction with the retail sales tax under chapter 82.08 RCW. If the
35 seller fails to collect the fee herein imposed or fails to remit the
36 fee to the department of revenue in the manner prescribed in chapter
37 82.08 RCW, the seller shall be personally liable to the state for the

1 amount of the fee. The collection provisions of chapter 82.32 RCW
2 shall apply. The department of revenue shall deposit fees collected
3 under this section in the wood stove education and enforcement account.

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

6 (1) The department may institute a wood stove buy-back program
7 designed to exchange wood stoves for credit towards the purchase of a
8 new natural gas or propane stove.

9 (2) The department may either directly administer the stove buy-
10 back program, or provide funds for stove buy-back programs that are
11 administered by local air agencies.

12 (3) The department should work with the private sector in
13 establishing a credit system for the purchase of new natural gas or
14 propane stoves.

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