

SENATE BILL REPORT

ESHB 1302

As Reported By Senate Committee On:
Water, Energy & Environment, March 23, 2005

Title: An act relating to burn ban triggers.

Brief Description: Modifying burn ban triggers.

Sponsors: House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Kagi, Jarrett and B. Sullivan).

Brief History: Passed House: 3/10/05, 64-32.

Committee Activity: Water, Energy & Environment: 3/22/05, 3/23/05 [DP, DNP].

SENATE COMMITTEE ON WATER, ENERGY & ENVIRONMENT

Majority Report: Do pass.

Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala.

Minority Report: Do not pass.

Signed by Senators Hewitt, Honeyford and Mulliken.

Staff: Richard Rodger (786-7461)

Background: The Washington Clean Air Act (Act) regulates the use of wood stoves, fireplaces, and other solid fuel burning devices. The Act also establishes a two-phase burn ban. 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 exempt from these 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 a recorded measurement of particulates in the air that are 10 microns or smaller at an average concentration of 60 micrograms per cubic meter over 24 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 24-hour average concentration for particulates that are 10 microns or smaller reach a concentration of 105 micrograms per cubic meter.

Summary of Bill: First Stage Burn Bans. The formula for declaring a first stage ban is changed to measuring particulates sized 2.5 microns or smaller at a concentration of 35 micrograms per cubic meter. In addition, a first state burn ban can not be called unless the

meteorological forecast predicts that the conditions for the following 48 hours will not allow the levels of fine particulates to decline below a concentration of 35 micrograms per cubic meter.

The carbon monoxide standard for allowing a first stage burn ban is removed.

Second Stage Burn Bans. The formula for declaring a second stage ban is changed to measuring particulates sized 2.5 microns or smaller at a concentration of 60 micrograms per cubic meter. In addition, a second stage burn ban can not be given effect unless a first stage 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 48 hours will not allow the levels of fine particulates to decline below the necessary trigger level.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Wood smoke is very dangerous to people with chronic respiratory problems. The control of wood smoke is a very important part of the state's clean air programs. Wood smoke burn bans are only a reality in the state's most densely populated counties, and a phase two burn ban has not been instated since 1991.

The bill protects the rights of citizens to use their existing stoves and fireplaces. Washington is a model for balancing the right to use wood heat with the necessary protection of air quality. This bill does not change that balance because it is primarily a technical change to remain consistent with a recently amended federal law.

Testimony Against: None.

Who Testified: PRO: Representative Ruth Kagi, prime sponsor; Dick Sowell, Olympia Fireplace and Spa, North West Hearth, Patio and Barbeque Association; James Nolan, Puget Sound Clean Air Agency; and Marshall Taylor, Department of Ecology.