
HOUSE BILL 1302

State of Washington 59th Legislature 2005 Regular Session

By Representatives Kagi, Jarrett and B. Sullivan

Read first time 01/20/2005. Referred to Committee on Natural Resources, Ecology & Parks.

1 AN ACT Relating to burn ban triggers; and amending RCW 70.94.473.

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

3 **Sec. 1.** 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 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 impaired air quality has been determined, by
18 the department or any authority, for that area. A first stage of
19 impaired air quality is reached when:

1 ~~(i) Fine particulates ((ten microns and smaller in diameter))~~ are
2 at an ambient level of ~~((sixty))~~ thirty-five micrograms per cubic meter
3 measured on a twenty-four hour average ~~((or when carbon monoxide is at~~
4 ~~an ambient level of eight parts of contaminant per million parts of air~~
5 ~~by volume measured on an eight 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 ~~((particulates ten microns and smaller in diameter are at~~
15 ~~an ambient level of one hundred five micrograms per cubic meter~~
16 ~~measured on a twenty four hour average))~~:

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

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

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

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

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