

SENATE BILL REPORT

SSB 5745

As Passed Senate, March 13, 2007

Title: An act relating to use of solid fuel burning devices during impaired air quality conditions.

Brief Description: Regarding the use of solid fuel burning devices during impaired air quality conditions.

Sponsors: Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Brown and Kohl-Welles).

Brief History:

Committee Activity: Water, Energy & Telecommunications: 2/02/07, 2/13/07 [DPS].
Passed Senate: 3/13/07, 46-0.

SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

Majority Report: That Substitute Senate Bill No. 5745 be substituted therefor, and the substitute bill do pass.

Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Honeyford, Ranking Minority Member; Delvin, Fraser, Holmquist, Marr, Morton, Oemig, Pridemore and Regala.

Staff: Jan Odano (786-7486)

Background: In 1991, the Legislature found that ambient air pollution was a serious environmental threat and caused significant harm to human health and damaged the environment. To that end, the Legislature developed statutes to address wood smoke from wood stoves and solid fuel burning devices.

For all new residential and commercial construction, all wood stoves must meet Washington emission standards. The sale of used wood stoves or wood stoves that do not meet emission standards is prohibited. As of January 1, 1992, all new and substantially remodeled residential and commercial construction within an urban growth area and areas designated by the Environmental Protection Agency as having poor air quality (being in non-attainment for particulate matter) are required to have an adequate source of heat other than wood stoves.

Commercial and residential establishments that have adequate sources of heat without burning wood may not burn wood during first or second stage air pollution episodes. A first stage of impaired air quality means that particulates in the ambient air have reached a certain level (35 micrograms/cubic meter) and the weather conditions are not expected to let the level of particulates to decline within a set time period. A second stage of impaired air quality is when a first stage of impaired air quality has been in effect and has not been enough to reduce

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increasing levels of particulates, particulate levels are at a higher ambient level (60 micrograms/cubic meter) within a set time period, and the weather conditions are not expected to allow the particulate level to decrease below the higher ambient level.

Summary of Substitute Bill: An air pollution control authority comprised of one county, with a population greater than or equal to 400,000 people, may by rule determine an alternative ambient air level of fine particulates that defines a first or second stage of impaired air quality.

The Department of Ecology must prepare a report to the Governor and the appropriate committees of the Legislature with recommendations to reduce wood smoke where it is likely to contribute to nonattainment with national ambient air quality standards. The report must be developed in consultation with all regional air quality agencies, the Department of Health, local health departments, and hearth product industries.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: EPA's newly adopted requirements for air particulates may cause many cities to become out of compliance with air quality standards. This bill will give Spokane the opportunity to find other methods to achieve EPA requirements.

OTHER: The work group will be useful in finding alternatives for reducing particulates. The study requirements need to be less prescriptive so that the participants can develop a workable plan.

Persons Testifying: PRO: Bill Dameworth, Spokane County Air Pollution Control Agency.

OTHER: Leah Haver, Spokane Fireplace; Marshall Taylor, Department of Ecology; Marcia Fromhold, Puget Sound Clean Air Agency.