
HOUSE BILL 2768

State of Washington

60th Legislature

2008 Regular Session

By Representatives Campbell, Hunt, and Wood

Read first time 01/16/08. Referred to Committee on Select Committee on Environmental Health.

1 AN ACT Relating to changes in calling burn bans on solid fuel
2 burning devices; and amending RCW 70.94.473.

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

4 **Sec. 1.** RCW 70.94.473 and 2007 c 339 s 1 are each amended to read
5 as follows:

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

8 (a) Not burn wood in any solid fuel burning device whenever the
9 department has determined under RCW 70.94.715 that any air pollution
10 episode exists in that area;

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

1 the department or any authority, for that area. A first stage of
2 impaired air quality is reached when((÷

3 ~~(i) Fine particulates are at an ambient level of thirty five~~
4 ~~micrograms per cubic meter measured on a twenty four hour average; and~~
5 ~~(ii))~~ forecasted meteorological conditions are ((not expected to
6 allow levels of fine particulates to decline below thirty five
7 micrograms per cubic meter for a period of forty eight hours or more
8 from the time that the fine particulates are measured at the trigger
9 level)) predicted to cause fine particulate levels to exceed thirty-
10 five micrograms per cubic meter, measured on a twenty-four hour
11 average, within forty-eight hours; and

12 (c)(i) Not burn wood in any solid fuel burning device in a
13 geographical area and for the period of time that a second stage of
14 impaired air quality has been determined by the department or any
15 authority, for that area. A second stage of impaired air quality is
16 reached when((÷

17 ~~(i))~~ a first stage of impaired air quality has been in force and
18 has not been sufficient to reduce the increasing fine particulate
19 pollution trend((÷))⌋

20 ((~~(ii))~~) fine particulates are at an ambient level of ((~~sixty~~))
21 twenty-five micrograms per cubic meter measured on a twenty-four hour
22 average((÷))⌋ and

23 ((~~(iii))~~) forecasted meteorological conditions are not expected to
24 allow levels of fine particulates to decline below ((~~sixty~~)) twenty-
25 five micrograms per cubic meter for a period of ((~~forty eight~~)) twenty-
26 four hours or more from the time that the fine particulates are
27 measured at the trigger level.

28 (ii) A second stage burn ban may be called without calling a first
29 stage burn ban only when all of the following occur and shall require
30 the department or the local air pollution control authority calling a
31 second stage burn ban under this subsection to comply with the
32 requirements of subsection (4) of this section:

33 (A) Fine particulate levels have reached or exceeded twenty-five
34 micrograms per cubic meter, measured on a twenty-four hour average;

35 (B) Meteorological conditions have caused fine particulate levels
36 to rise rapidly;

37 (C) Meteorological conditions are predicted to cause fine

1 particulate levels to exceed the thirty-five micrograms per cubic
2 meter, measured on a twenty-four hour average, within twenty-four
3 hours; and

4 (D) Meteorological conditions are highly likely to prevent
5 sufficient dispersion of fine particulate.

6 ~~(2) ((Until June 30, 2009, an authority comprised of one county~~
7 ~~east of the crest of the Cascade mountains with a population of equal~~
8 ~~to or greater than four hundred thousand people, may determine by rule~~
9 ~~an alternative ambient air level of fine particulates that defines when~~
10 ~~a first stage and when a second stage of impaired air quality exists~~
11 ~~under subsection (1) of this section. All other criteria of subsection~~
12 ~~(1) of this section continue to apply to a county subject to this~~
13 ~~subsection.~~

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

19 (3) The department or any local air pollution control authority
20 that has called a second stage burn ban under the authority of
21 subsection (1)(c)(ii) of this section shall, within ninety days,
22 prepare a written report describing:

23 (a) The meteorological conditions that resulted in their calling
24 the second stage burn ban;

25 (b) Whether the agency could have taken actions to avoid calling a
26 second stage burn ban without calling a first stage burn ban; and

27 (c) Any changes the department or authority is making to its
28 procedures of calling first stage and second stage burn bans to avoid
29 calling a second stage burn ban without first calling a first stage
30 burn ban.

31 After consulting with affected parties, the department shall
32 prescribe the format of such a report and may also require additional
33 information be included in the report. All reports shall be sent to
34 the department and the department shall keep the reports on file for
35 not less than five years and available for public inspection and
36 copying in accordance with RCW 42.56.090.

37 (4) The department and local air pollution control authorities
38 shall evaluate the effectiveness of the burn ban programs contained in

1 this section in avoiding fine particulate levels to exceed thirty-five
2 micrograms per cubic meter, measured on a twenty-four hour average, and
3 provide a joint report of the results to the legislature by September
4 1, 2011.

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