
Environmental Health Committee

HB 1691

Brief Description: Regarding the use of certain solid fuel burning devices.

Sponsors: Representatives Rolfes, Campbell, Kagi, Moeller, Ormsby, Dickerson, Dunshee, Kenney and Conway.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Allows local air authorities or the Department of Ecology to prohibit the use of non-certified solid fuel burning devices under certain circumstances as a measure to meet air quality standards in an attainment plan.

Hearing Date: 2/11/09

Staff: Pam Madson (786-7111)

Background:

The federal Clean Air Act requires the Environmental Protection Agency (EPA) to set air quality standards for certain pollutants that harm public health and the environment. One of those pollutants is fine particulate matter. In Washington, wood smoke has been identified as a major source of fine particulate matter that can negatively affect air quality standards in an area. The EPA lowered the standard for this pollutant by 46 percent in 2006.

In 2007 the Legislature directed the Department of Ecology (DOE) to convene a work group to recommend practical and cost-effective measures to reduce effects of wood smoke. The group made recommendations to update laws allowing curtailment of activities that increase wood smoke pollution. The Legislature adopted updates to the law in 2008. A longer term recommendation of the group was to reduce the number of uncertified solid fuel burning devices in use in the state. The work group's report also identified areas of the state that were likely to violate the standards for fine particulate matter in 2008-09.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The EPA may designate an area as an area of nonattainment if there is a pattern of failure to reach and maintain air quality standards over a period of time. When an area is designated as a nonattainment area, the state in which the area is located must submit a plan to reach attainment. This designation can cause additional requirements for all sources emitting fine particulate matter, including industrial and household sources.

During the winter months, more than half of Washington's statewide fine particulate matter comes from fireplaces and inserts, wood stoves, and pellet stoves. Newer certified wood burning devices are much cleaner burning than older devices. Local air agencies and the DOE may prohibit the use of non-certified fireplace inserts and wood stoves as a contingency measure to meet the air quality standards set by the EPA after issuing findings that an area is failing to make further progress toward achieving attainment and emissions from solid fuel burning devices are a contributing factor to the failure to make further progress.

Summary of Bill:

A local air authority or the DOE may prohibit the use of solid fuel burning devices, except fireplaces and wood stoves that meet certain certification requirements and pellet stoves, as an additional measure to meet federal air quality standards in an attainment plan based on written findings that:

- the area is designated as a nonattainment area for fine particulate matter by the EPA;
- the emissions from wood burning devices are the major reason for violating federal air quality standards for fine particulate matter; and
- the area has an adequately funded program to help low-income households obtain an adequate source of heat including wood stoves that meet certification standards.

Before issuing a prohibition, a local air authority must seek input from local governments and the local health department in the affected area. Cities, counties, and local health districts will cooperate with local air authorities to implement a prohibition on use of uncertified wood burning devices when a prohibition is declared.

Appropriation: None.

Fiscal Note: Requested on February 6, 2009.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.