

FINAL BILL REPORT

SSB 5565

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Synopsis as Enacted

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

Sponsors: Senate Committee on Environment, Water & Energy (originally sponsored by Senator Rockefeller).

Senate Committee on Environment, Water & Energy
House Committee on Environmental Health

Background: In Washington, air pollution laws are generally administered by regional air pollution control authorities (local authorities) or by the Department of Ecology (DOE) in areas where local authorities have not been established.

Pursuant to the federal Clean Air Act, the federal Environmental Protection Agency (EPA) sets limits for pollutants, including fine particulate matter. Wood smoke from fireplaces and wood or pellet stoves is a major source of fine particulate matter.

EPA may designate an area as a "nonattainment area" if it fails to attain air quality standards over a certain period. EPA's designation can trigger additional requirements for sources emitting pollutants, including fine particulate matter.

To meet EPA air quality standards, state law authorizes DOE or local authorities to prohibit use of "solid fuel burning devices" – any device for burning wood, coal, or any other nongaseous and nonliquid fuel, including wood stoves and fireplaces. Exceptions are provided for persons that do not have an adequate source of heat without burning wood, and for use of fireplaces and wood or pellet stoves meeting certain standards. Before imposing a use ban, DOE and a local authority must issue findings that an area has failed to make progress toward achieving air quality standards and that emissions from solid fuel burning devices are a contributing factor.

Summary: The procedure for DOE or a local authority to prohibit use of solid fuel burning devices in an area to meet federal air quality standards is clarified and revised. DOE or the local authority must first:

- seek input from local governments or the jurisdictional health department in the area; and

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- make findings that (1) the area is designated as a nonattainment area for fine particulate matter by the EPA, or is in maintenance status under that designation; (2) emissions from solid fuel burning devices are a major contributing factor; and (3) the area has an adequately funded program to assist low-income households to secure an adequate source of heat, which may include wood stoves.

Exceptions to a use ban are retained for persons that do not have an adequate source of heat without burning wood, and for use of fireplaces and wood or pellet stoves meeting certain standards.

Cities, counties, and health departments serving the area must cooperate with DOE or the local authority as DOE or the local authority implements a use ban. However, cooperation does not include enforcement of a use ban, responsibility for which resides solely with DOE or the local authority.

If a nonattainment area is within DOE's jurisdiction and the city or county within the area formally expresses concerns with DOE's findings supporting a use ban, DOE must publish, on its web site, its reasons for imposing a use ban that includes a response to the concerns.

Votes on Final Passage:

Senate	38	10	
House	66	31	(House amended)
Senate	30	18	(Senate concurred)

Effective: July 26, 2009