
SUBSTITUTE HOUSE BILL 1691

State of Washington

61st Legislature

2009 Regular Session

By House Environmental Health (originally sponsored by Representatives Rolfes, Campbell, Kagi, Moeller, Ormsby, Dickerson, Dunshee, Kenney, and Conway)

READ FIRST TIME 02/23/09.

1 AN ACT Relating to limiting the use of certain solid fuel burning
2 devices; and amending RCW 70.94.477.

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

4 **Sec. 1.** RCW 70.94.477 and 1995 c 205 s 2 are each amended to read
5 as follows:

6 (1) Unless allowed by rule, under chapter 34.05 RCW, a person shall
7 not cause or allow any of the following materials to be burned in any
8 residential solid fuel burning device:

9 (a) Garbage;

10 (b) Treated wood;

11 (c) Plastics;

12 (d) Rubber products;

13 (e) Animals;

14 (f) Asphaltic products;

15 (g) Waste petroleum products;

16 (h) Paints; or

17 (i) Any substance, other than properly seasoned fuel wood, which
18 normally emits dense smoke or obnoxious odors.

1 (2) For the (~~sole~~) purpose of (~~a contingency measure to meet the~~
2 ~~requirements of~~) achieving and maintaining attainment in areas of
3 nonattainment for fine particulates in accordance with section
4 172(~~(e)(9)~~) of the federal clean air act, a local authority or the
5 department, after seeking input from any county, city, or local health
6 department affected by a proposal to prohibit the use of solid fuel
7 burning devices, may prohibit the use of solid fuel burning devices,
8 except fireplaces as defined in RCW 70.94.453(3), wood stoves meeting
9 the standards set forth in RCW (~~70.94.457~~) 70.94.473(1)(b) or pellet
10 stoves (~~either certified or issued an exemption by the United States~~
11 ~~environmental protection agency in accordance with Title 40, Part 60 of~~
12 ~~the code of federal regulations, if the United States environmental~~
13 ~~protection agency, in consultation with~~) if the department and the
14 local authority makes written findings that:

15 (a) The area (~~has failed to make reasonable further progress or~~
16 ~~attain or maintain a national ambient air quality standard~~) is
17 designated nonattainment or maintenance status for fine particulate
18 matter by the United States environmental protection agency; (~~and~~)

19 (b) Emissions from solid fuel burning devices from a particular
20 geographic area are a major contributing factor (~~to such failure to~~
21 ~~make reasonable further progress or attain or maintain a~~) for
22 violating the national ambient air quality standard for fine
23 particulates; and

24 (c) The area has an adequately funded program to assist low-income
25 households to secure an adequate source of heat, which may include a
26 wood stove meeting the requirements of RCW 70.94.453(2).

27 (3) Whenever a local authority or the department prohibits the use
28 of solid fuel burning devices as authorized by this section, the
29 cities, counties, and local health districts serving that area shall
30 cooperate with the local authority to implement the prohibition.

31 (4) A prohibition issued by a local authority or the department
32 under this subsection shall not apply to a person in a residence or
33 commercial establishment that does not have an adequate source of heat
34 without burning wood.

--- END ---