

SENATE BILL REPORT

SB 5432

As of February 15, 2011

Title: An act relating to reducing pollution from wood stoves.

Brief Description: Reducing pollution from wood stoves.

Sponsors: Senators Regala, Chase, Fraser, Rockefeller and Nelson; by request of Department of Ecology.

Brief History:

Committee Activity: Environment, Water & Energy: 1/25/11.

SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

Staff: Sam Thompson (786-7413)

Background: Use of wood stoves, fireplaces, and other solid fuel burning devices in residences and commercial establishments is restricted. Persons with other adequate heat sources may not burn wood during a:

- first stage of impaired air quality (fine particulates will exceed 35 micrograms per cubic meter for 24 hours, within 48 hours), as determined by the Department of Ecology (Ecology) or a local air authority, except that certain approved devices may be used;
- second stage of impaired air quality (fine particulates are at 25 micrograms per cubic meter for 24 hours, and conditions are not expected to improve for at least 24 hours or will worsen within 24 hours), as determined by Ecology or a local air authority; and an
- air pollution episode (contaminants or conditions that require actions to prevent significant harm to public health), as determined by Ecology.

In addition, Ecology or a local air authority may prohibit use of wood stoves, fireplaces, and other solid fuel burning devices in a fine particulate nonattainment area designated by the U.S. Environmental Protection Agency (EPA) when emissions from the devices are a major contributing factor and the area has a program assisting low-income households to secure adequate heat.

Summary of Bill: Restricting Use of Wood Stoves in Nonattainment Areas. Persons may not burn wood in solid fuel burning devices when a second stage of impaired air quality has been determined by Ecology or a local air authority in a fine particulate nonattainment area. A second stage of impaired air quality in a fine particulate nonattainment area occurs when

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particulates are at 20 micrograms per cubic meter for 24 hours and conditions are not expected to improve for at least 24 hours or will worsen within 24 hours.

Removal of Wood Stoves Upon Sale of Residences. All used solid fuel burning devices in residences must be removed and destroyed when residences are sold. To the extent practical, materials in the devices must be recycled. This requirement does not apply to:

- solid fuel burning devices certified by EPA or Ecology;
- pellet stoves certified or exempt by EPA;
- wood cook stoves;
- fireplaces (i.e., masonry fireplaces or factory-built metal devices using open combustion chambers); or
- home sellers with household incomes less than 125 percent of a federal poverty guideline.

Sellers are responsible for removing and destroying the devices, and must do so prior to closing. Buyers may accept responsibility for doing so; if so, they must remove and destroy the devices within 30 days after closing. In any event, responsible parties must confirm removal and destruction of the devices to Ecology or local air authorities. Responsible parties failing to remove and destroy the devices are subject to penalties and enforcement actions. However, failure to comply with the requirement does not invalidate conveyances.

To achieve and maintain federal air quality standards in fine particulate nonattainment areas, local governments may require installing adequate heat sources other than solid fuel burning devices upon sales of residences in the areas.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

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