

SENATE BILL REPORT

SSB 5432

As Passed Senate, March 3, 2011

Title: An act relating to reducing fine particle pollution from solid fuel burning devices and fireplaces.

Brief Description: Reducing pollution from solid fuel burning devices and fireplaces.

Sponsors: Senate Committee on Environment, Water & Energy (originally sponsored by Senators Regala, Chase, Fraser, Rockefeller and Nelson; by request of Department of Ecology).

Brief History:

Committee Activity: Environment, Water & Energy: 1/25/11, 2/15/11 [DPS, DNP, w/oRec].

Passed Senate: 3/03/11, 28-19.

SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

Majority Report: That Substitute Senate Bill No. 5432 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rockefeller, Chair; Nelson, Vice Chair; Honeyford, Ranking Minority Member; Chase, Fraser and Ranker.

Minority Report: Do not pass.

Signed by Senators Delvin and Holmquist Newbry.

Minority Report: That it be referred without recommendation.

Signed by Senator Morton.

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;

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- 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 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 Substitute Bill: 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 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.

Ecology must convene a stakeholder group to develop strategies to reduce fine particle pollution in communities that violate or risk violating federal air quality standards due to pollution from solid fuel burning devices and fireplaces. The group must report to Ecology and the Legislature by December 1, 2011, with recommended strategies to reduce emissions, funding options, and any necessary implementing legislation.

Provisions in current law are deleted that require:

- Ecology or a local air authority to prepare reports, with specified analysis, if either call a second stage burn ban without initially calling a first stage burn ban, and
- Ecology and local air authorities to evaluate effectiveness of burn bans in avoiding elevated fine particulate levels and jointly report to the Legislature by September 1, 2011.

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.

Staff Summary of Public Testimony on Original Bill: PRO: The Tacoma area's status as a nonattainment area for fine particulates is largely due to use of wood stoves. Many people rely on wood stoves as their sole source of heat. Fine particulate levels must be reduced to reduce significant negative public health impacts. Wood stove manufacturers have worked with Ecology to develop this legislation, and will work to improve it. Proposed changes regarding use of open fireplaces should be addressed. Diesel trucks and marine traffic are

also major contributors to fine particulate pollution. This legislation provides essential tools to address air quality concerns in nonattainment areas.

CON: Provisions requiring replacement of used solid fuel burning devices upon sale of residences are onerous and should not be enacted. Only 5 percent of housing inventory turns over annually. This bill imposes more regulations on farmers and ranchers, many of whom rely on wood stoves for heat, and effectively imposes a tax increase on rural Washington.

Persons Testifying: PRO: Senator Regala, prime sponsor; Rudy Kerkvliet, Kip Rumens, Northwest Hearth Patio & Barbeque Association; Edward Hosack, Northwest Hearth Producers; Marshall Taylor, Department of Ecology; Craig Kenworthy, Puget Sound Clean Air Agency; Gary Smith, Independent Business Association.

CON: Jeanette McKague, Washington Realtors; Scott Dilley, Washington Farm Bureau.