

SENATE BILL REPORT

ESHB 2785

As Reported by Senate Committee On:
Energy, Environment & Telecommunications, February 25, 2016

Title: An act relating to ensuring that restrictions on the use of solid fuel burning devices do not prohibit the installation or replacement of solid fuel burning devices or the use of these devices during temporary outages of other sources of heat.

Brief Description: Ensuring that restrictions on the use of solid fuel burning devices do not prohibit the installation or replacement of solid fuel burning devices or the use of these devices during temporary outages of other sources of heat.

Sponsors: House Committee on Environment (originally sponsored by Representatives Shea, Short, Schmick, Taylor, Scott and McCaslin).

Brief History: Passed House: 2/15/16, 97-0.

Committee Activity: Energy, Environment & Telecommunications: 2/24/16, 2/25/16 [DP, DNP].

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

Majority Report: Do pass.

Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown, Habib, Honeyford and Ranker.

Minority Report: Do not pass.

Signed by Senators McCoy, Ranking Minority Member; Cleveland.

Staff: Jan Odano (786-7486)

Background: Under the federal Clean Air Act, the U.S. Environmental Protection Agency (EPA) establishes national air quality standards, which are pollution limits for criteria pollutants of concern to public health and the environment. The EPA uses the following pollutants as indicators of air quality: carbon monoxide, lead, nitrogen dioxide, particulate matter 10 (PM10), particulate matter 2.5 (PM 2.5), ozone, and sulfur oxides.

A local air agency or the Department of Ecology (Ecology) may call a burn ban when it determines that the air quality is impaired or that the forecast for fine particulates will fail to meet national standards. The local air authority and Ecology are solely responsible for

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.

enforcing burn bans. Cities, counties and local health jurisdictions must cooperate with the local air authority or department to implement burn bans, except with enforcement.

A first stage of impaired air quality is when the fine particulates exceed 35 micrograms per cubic meter for 24 hours, within 48 hours. Persons with an adequate source of heat are prohibited from using any uncertified wood-heating devices during a first-stage burn ban.

The second stage of impaired air quality occurs when a first-stage burn ban has not been sufficient to reduce increasing fine particulates. Second-stage impaired air quality occurs when 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.

A second-stage burn ban may be called without calling a first-stage burn ban when fine particulates have exceeded 25 micrograms per cubic meter on a 24-hour average; meteorological conditions have caused levels to rise rapidly; meteorological conditions are predicted to cause fine particulate levels to reach or exceed 35 micrograms per cubic meter measured on a 24-hour average within 24 hours; and meteorological conditions are highly likely to prevent sufficient dispersion of fine particulates. When a second-stage burn ban is called, persons with an adequate source of heat are prohibited from using any wood heating devices.

In areas of nonattainment for fine particulates, a local air agency or Ecology may prohibit the use of solid fuel burning devices except fireplaces, certified solid fuel burning devices, and pellet stoves, where the emissions from wood smoke are a major contributing factor, and the area has a program that assists low-income households to secure an adequate source of heat. A person may not burn certain materials in a solid fuel-burning device. These materials include plastic, rubber products, treated wood, animals, paints, and any substance other than properly seasoned fuel wood.

The Governor may declare a state of emergency in the area of the state affected by a riot, energy emergency, public disorder, or disaster that affects life, health, property, or the public peace. A state of emergency must be issued by a written proclamation and applies only to the geographic area specified in the proclamation. An emergency proclamation enables the Governor to prohibit specific activities, such as public gatherings, transfer of combustible materials, public possession of firearms, and the use of public streets at any time during the state of emergency. In a state of emergency, the Governor may also prohibit activities as the Governor reasonably believes are necessary to help preserve and maintain life, health, property, or the public peace.

Summary of Bill: Whether or not a burn ban has been called, a person is not restricted from:

- installing or repairing a certified solid fuel burning devices or replacing an uncertified solid fuel burning device with certified solid fuel burning device; or
- burning wood in a solid fuel burning device, or temporarily installing, repairing, or replacing a solid fuel burning device, in the event of an emergency power outage.

An emergency power outage means any natural or human-caused event beyond the control of a person that leaves a home or business temporarily without an adequate alternative source of

heat; or an emergency declared by the Governor for an area on the basis of disaster, public disorder, or an energy emergency.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: None.

Persons Testifying: No one.

Persons Signed In To Testify But Not Testifying: No one.