

**WAC 173-433-110 Opacity standards. (1) Statewide opacity standard.**

(a) A person must not cause or allow emission of a smoke plume from any solid fuel burning device to exceed an average of twenty percent opacity for six consecutive minutes in any one-hour period.

(b) A local air authority must not adopt or enforce an opacity level for solid fuel burning devices that is more stringent than the statewide standard.

(2) **Test method and procedures.** Methods and procedures specified by the EPA in "40 C.F.R. 60 Appendix A reference method 9 - VISUAL DETERMINATION OF THE OPACITY OF EMISSIONS FROM STATIONARY SOURCES" as amended through July 1, 1990, must be used to determine compliance with subsection (1) of this section.

(3) **Enforcement.** Smoke visible from a chimney, flue or exhaust duct in excess of the opacity standard constitutes prima facie evidence of unlawful operation of an applicable solid fuel burning device. This presumption may be refuted by demonstration that the smoke was not caused by an applicable solid fuel burning device. The provisions of this requirement shall:

(a) Be enforceable on a complaint basis.

(b) Not apply during the starting of a new fire for a period not to exceed twenty minutes in any four-hour period.

(4) **Education.** Any person or retailer providing information on the operation of solid fuel burning devices, such as brochures, demonstrations, and public education programs, should include information that opacity levels of ten percent or less are attainable through proper operation.

[Statutory Authority: Chapter 70.94 RCW. WSR 14-04-013 (Order 12-04), § 173-433-110, filed 1/23/14, effective 2/23/14. Statutory Authority: Chapter 70.94 RCW and 501-506 ESHB 1028, 1991. WSR 93-04-105 (Order 91-55), § 173-433-110, filed 2/3/93, effective 3/6/93. Statutory Authority: Chapter 70.94 RCW. WSR 91-07-066 (Order 90-58), § 173-433-110, filed 3/20/91, effective 4/20/91. Statutory Authority: RCW 70.94.331. WSR 90-19-062 (Order 90-10), § 173-433-110, filed 9/17/90, effective 10/18/90. Statutory Authority: Chapters 70.94 and 43.21A RCW. WSR 88-01-056 (Order 87-44), § 173-433-110, filed 12/16/87.]