

WAC 173-433-150 Restrictions on operation of solid fuel burning devices. (1) Stage 1 impaired air quality burn ban:

(a) Except as described in (b) of this subsection, a person must not operate any solid fuel burning device during a stage 1 impaired air quality burn ban when all of the following apply:

- The solid fuel burning device is located in a residence or commercial establishment within the geographical area covered by the stage 1 impaired air quality burn ban.
- The residence or commercial establishment has an adequate source of heat other than a solid fuel burning device.

(b) A person meeting all of the conditions in (a) of this subsection must not operate any solid fuel burning device during a stage 1 impaired air quality burn ban unless the solid fuel burning device is one of the following:

- (i) A nonaffected pellet stove; or
- (ii) A woodstove certified and labeled by the EPA under "40 C.F.R. 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" as amended through July 1, 1990; or
- (iii) A woodstove meeting the "Oregon Department of Environmental Quality Phase 2" emissions standards contained in Subsections (2) and (3) of Section 340-21-115, and certified in accordance with "Oregon Administrative Rules, Chapter 340, Division 21 - Woodstove Certification" dated November 1984.

(c) Except as allowed by (b) of this subsection, a person already operating a solid fuel burning device when a stage 1 impaired air quality burn ban begins must withhold new solid fuel for the duration of the impaired air quality burn ban.

(2) Stage 2 impaired air quality burn ban:

(a) A person must not operate any solid fuel burning device during a stage 2 impaired air quality burn ban when all of the following apply:

- The solid fuel burning device is located in a residence or commercial establishment within the geographical area covered by the stage 2 impaired air quality burn ban.
- The residence or commercial establishment has an adequate source of heat other than a solid fuel burning device.

(b) A person already operating a solid fuel burning device when a stage 2 impaired air quality burn ban begins must withhold any new solid fuel for the duration of the stage 2 impaired air quality burn ban.

(3) Air pollution episodes. Ecology may declare air pollution episodes as defined in chapter 173-435 WAC.

(a) A person must not operate any solid fuel burning device during alert, warning, or emergency air pollution episodes when all of the following apply:

- The solid fuel burning device is located in a residence or commercial establishment within the geographical area covered by the air pollution episode.
- The residence or commercial establishment has an adequate source of heat other than a solid fuel burning device.

(b) A person already operating a solid fuel burning device when an alert, warning, or emergency air pollution episode begins must withhold new solid fuel for the duration of the alert, warning, or emergency air pollution episode.

(4) The following matrix graphically illustrates the applicability of different types of solid fuel burning devices to the provisions of subsections (1) through (3) of this section:

Type of Device	Impaired Air Quality Burn Ban		Episode			
	First Stage	Second Stage	Forecast	Alert	Warning	Emergency
Pellet Stove (nonaffected)	OK	NO	OK	NO	NO	NO
EPA Certified Woodstove	OK	NO	OK	NO	NO	NO
DEQ Phase 2 Woodstove	OK	NO	OK	NO	NO	NO
EPA Exempted Device	NO	NO	OK	NO	NO	NO
All Other Devices	NO	NO	OK	NO	NO	NO

NOTES: "OK" indicates that a person may operate the device
"NO" indicates that a person must withhold new fuel from the device

(5) Smoke visible from a chimney, flue or exhaust duct after three hours has elapsed from the declaration of the episode or impaired air quality burn ban constitutes prima facie evidence of unlawful operation of an applicable solid fuel burning device. A person may refute this presumption with a demonstration that the smoke was not caused by a solid fuel burning device.

(6) Ecology, local air authorities, health departments, fire departments, or local police forces having jurisdiction in the area may enforce compliance with the air pollution episode or impaired air quality burn ban after three hours has elapsed from the declaration of the air pollution episode or impaired air quality burn ban.

[Statutory Authority: Chapter 70.94 RCW. WSR 14-04-013 (Order 12-04), § 173-433-150, filed 1/23/14, effective 2/23/14; WSR 91-07-066 (Order 90-58), § 173-433-150, filed 3/20/91, effective 4/20/91. Statutory Authority: RCW 70.94.331. WSR 90-19-062 (Order 90-10), § 173-433-150, filed 9/17/90, effective 10/18/90. Statutory Authority: Chapters 70.94 and 43.21A RCW. WSR 88-01-056 (Order 87-44), § 173-433-150, filed 12/16/87.]