

**WAC 173-433-155 Criteria for prohibiting solid fuel burning devices that are not certified.** (1) After January 1, 2015, and after meeting the requirements in subsection (3) of this section, ecology or the local air authority may prohibit the use of solid fuel burning devices in a nonattainment area or an area with an approved PM-2.5 maintenance plan.

(2) Except as provided in subsection (3) of this section, the prohibition will prohibit the use of solid fuel burning devices that are not certified, even in the absence of an air quality episode or impaired air quality burn ban.

(3) Before prohibiting the use of solid fuel burning devices as allowed in subsections (1) and (2) of this section, ecology or a local air authority must:

(a) Allow exemptions from this subsection as described in RCW 70.94.477(2) and 70.94.477(6).

(b) Seek input from any city, county, or jurisdictional health department affected by the proposal to prohibit the use of solid fuel burning devices.

(c) Make the following written findings:

(i) The EPA has designated the area nonattainment for PM-2.5 or has approved a PM-2.5 maintenance plan for the area.

(ii) Emissions from solid fuel burning devices in the area are a major contributing factor for violating the national ambient air quality standard for PM-2.5.

(iii) The area has an adequately funded program to assist low-income households to secure an adequate source of heat.

(4) When both of the following are true:

- The area is in ecology's jurisdiction.
- The legislative authority of a city or county for the area formally expresses concerns with the written findings required in subsection (3)(c) of this section.

Ecology will publish all of the following on the agency website:

(a) The reasons for prohibiting the use of solid fuel burning devices.

(b) The agency's responses to the concerns expressed by the city or county legislative authority.

(5) The responsibility for enforcement of the prohibition of the use of solid fuel burning devices resides solely with ecology or the local air authority.

(6) A city, county, or jurisdictional health department serving the area may agree to assist with enforcement activities.

(7) On or after June 7, 2012, and before January 1, 2015, ecology or the local air authority must provide assistance to households using solid fuel burning devices to reduce the emissions from those devices or change out to a lower emission device.

(8) Before the effective date of any prohibition, ecology or the local air authority must provide public education in the area regarding all of the following:

(a) How households can reduce their emissions through cleaner burning practices.

(b) The importance of respecting impaired air quality burn bans.

(c) Opportunities for assistance in obtaining a cleaner device.

(9) In an area where the EPA has approved a PM-10 maintenance plan, ecology or the local air authority may prohibit the use of solid fuel burning devices when all of the following are true:

(a) The PM-10 maintenance plan contained a prohibition on the use of solid fuel burning devices as a contingency measure.

(b) The area has violated the PM-10 national ambient air quality standard.

(c) The emissions from solid fuel burning devices are a major contributing factor to the violation of the PM-10 national ambient air quality standard.

[Statutory Authority: Chapter 70.94 RCW. WSR 14-04-013 (Order 12-04), § 173-433-155, filed 1/23/14, effective 2/23/14.]