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Authorizing the use of outdoor wood-fired boilers.				

BILL REQ. #: S-3797.1

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**SENATE BILL 6439**

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**State of Washington**

**61st Legislature**

**2010 Regular Session**

**By Senators Honeyford and Shin**

Read first time 01/14/10. Referred to Committee on Environment, Water & Energy.

AN ACT Relating to outdoor wood-fired boilers; amending RCW 70.94.453 and 70.94.457; adding new sections to chapter 70.94 RCW; creating a new section; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**NEW SECTION. Sec. 1** The legislature finds that outdoor wood-fired boilers can provide a convenient, safe, and environmentally responsible way to heat homes and hot water. Outdoor wood-fired boilers using newer technology are cleaner and can provide high heating efficiency. The legislature also finds that outdoor wood-fired boilers provide an economical and more cost-effective source of heat than traditional gas or electric heat, use abundant, locally available, sustainable fuel, which can lower heating costs, and fill an alternative energy need for many households struggling with home heating costs.

**Sec. 2** RCW 70.94.453 and 1987 c 405 s 2 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout RCW 70.94.453 through ~~((70.94.487.))~~ 70.94.483 and sections 3 through 5 of this act unless the context clearly required otherwise.

(1) "Department" means the department of ecology.

(2) "Wood stove" means a solid fuel burning device other than a fireplace not meeting the requirements of RCW 70.94.457, including any fireplace insert, wood stove, wood burning heater, wood stick boiler, coal-fired furnace, coal stove, or similar device burning any solid fuel used for aesthetic or space-heating purposes in a private residence or commercial establishment, which has a heat input less than one million British thermal units per hour. The term "wood stove" does not include wood cook stoves or an outdoor wood-fired boiler.

(3) "Fireplace" means: (a) Any permanently installed masonry fireplace; or (b) any factory-built metal solid fuel burning device designed to be used with an open combustion chamber and without features to control the air to fuel ratio.

(4) "New wood stove" means: (a) A wood stove that is sold at retail, bargained, exchanged, or given away for the first time by the manufacturer, the manufacturer's dealer or agency, or a retailer; and (b) has not been so used to have become what is commonly known as "secondhand" within the ordinary meaning of that term.

(5) "Outdoor wood-fired boiler" means an outdoor wood-fired hydronic heater or outdoor wood-fired furnace that is an accessory outdoor structure, designed and intended, through the burning of wood, for the purpose of heating the principal structure or any other site, building, or structure on the premises.

(6) "Solid fuel burning device" means any device for burning wood, coal, or any other nongaseous and nonliquid fuel, including a wood stove and fireplace.

~~((6))~~ (7) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

~~((7))~~ (8) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage. The methods approved by the department in accordance with RCW 70.94.331 shall be used to establish opacity for the purposes of this chapter.

**NEW SECTION. Sec. 3** A new section is added to chapter 70.94 RCW to read as follows:

An outdoor wood-fired boiler, which meets the United States environmental protection agency method 28 requirement for outdoor wood-fired hydronic heaters and has a maximum emission level of 0.32 pounds of particle pollution per one million British thermal units heat input, may be installed and used only in accordance with the following provisions:

(1) The outdoor wood-fired boiler must be installed:

(a) For use outside urban growth areas as defined in chapter 36.70A RCW;

(b) A minimum of fifty feet from the residence it is serving;

(c) A minimum of two hundred feet from the nearest residence or commercial establishment that is not located on the same property as the outdoor wood-fired boiler; and

(d) With a minimum chimney height of fifteen feet. If there is a residence that is not located on the same property within five hundred feet of the outdoor wood-fired boiler, the chimney must extend at least as high above the ground surfaces as the height of the roofs of all such residences.

(2) The owner or operator of an outdoor wood-fired boiler shall only use clean dry wood, wood pellets made from clean wood, or fuels recommended by the manufacturer of the outdoor wood-fired boiler. The owner or operator of an outdoor wood-fired boiler shall follow manufacturer-recommended fuel loading times and amounts.

**NEW SECTION. Sec. 4** A new section is added to chapter 70.94 RCW to read as follows:

A person may not sell, offer to sell, or knowingly advertise to sell a new outdoor wood-fired boiler in this state to a resident of this state unless the outdoor wood-fired boiler meets the United States environmental protection agency method 28 requirement for outdoor wood-fired hydronic heaters and has a maximum emission level of 0.32 pounds of particle pollution per one million British thermal units heat input.

**NEW SECTION. Sec. 5** A new section is added to chapter 70.94 RCW to read as follows:

A person who sells, offers to sell, or knowingly advertises to sell an outdoor wood-fired boiler in this state in violation of section 4 of this act is subject to the penalties and enforcement actions under this chapter.

**Sec. 6** RCW 70.94.457 and 1995 c 205 s 3 are each amended to read as follows:

The department of ecology shall establish by rule under chapter 34.05 RCW:

(1) Statewide emission performance standards for new solid fuel burning devices and outdoor wood-fired boilers meeting the requirements of section 3 of this act. Notwithstanding any other provision of this chapter which allows an authority to adopt more stringent emission standards, no authority shall adopt any emission standard for new solid fuel burning devices other than the statewide standard adopted by the department under this section.

(a) After January 1, 1995, no solid fuel burning device shall be offered for sale in this state to residents of this state that does not meet the following particulate air contaminant emission standards under the test methodology of the United States environmental protection agency in effect on January 1,

1991, or an equivalent standard under any test methodology adopted by the United States environmental protection agency subsequent to such date: (i) Two and one-half grams per hour for catalytic wood stoves; and (ii) four and one-half grams per hour for all other solid fuel burning devices. For purposes of this subsection, "equivalent" shall mean the emissions limits specified in this subsection multiplied by a statistically reliable conversion factor determined by the department that compares the difference between the emission test methodology established by the United States environmental protection agency prior to May 15, 1991, with the test methodology adopted subsequently by the agency.

~~((Subsection (a) of))~~ This subsection (1)(a) does not apply to fireplaces or outdoor wood-fired boilers meeting the United States environmental protection agency method 28 requirement for outdoor wood-fired hydronic heaters and has a maximum emission level of 0.32 pounds of particle pollution per one million British thermal units heat input.

(b) After January 1, 1997, no fireplace, except masonry fireplaces, shall be offered for sale unless such fireplace meets the 1990 United States environmental protection agency standards for wood stoves or equivalent standard that may be established by the state building code council by rule. Prior to January 1, 1997, the state building code council shall establish by rule a methodology for the testing of factory-built fireplaces. The methodology shall be designed to achieve a particulate air emission standard equivalent to the 1990 United States environmental protection agency standard for wood stoves. In developing the rules, the council shall include on the technical advisory committee at least one representative from the masonry fireplace builders and at least one representative of the factory-built fireplace manufacturers.

(c) Prior to January 1, 1997, the state building code council shall establish by rule design standards for the construction of new masonry fireplaces in Washington state. In developing the rules, the council shall include on the technical advisory committee at least one representative from the masonry fireplace builders and at least one representative of the factory-built fireplace manufacturers. It shall be the goal of the council to develop design standards that generally achieve reductions in particulate air contaminant emissions commensurate with the reductions being achieved by factory-built fireplaces at the time the standard is established.

(d) Actions of the department and local air pollution control authorities under this section shall preempt actions of other state agencies and local governments for the purposes of controlling air pollution from solid fuel burning devices, except where authorized by chapter 199, Laws of 1991.

(e) ~~((Subsection (1)(a) of this section shall not apply to fireplaces.~~

~~(f))~~ Notwithstanding (a) of this subsection, the department is authorized to adopt, by rule, emission standards adopted by the United States environmental protection agency for new wood stoves sold at retail. For solid fuel burning devices for which the United States environmental protection agency has not established emission standards, the department may exempt or establish, by rule, statewide standards including emission levels and test procedures for such devices and such emission levels and test procedures shall be equivalent to emission levels per pound per hour burned for other new wood stoves and fireplaces regulated under this subsection.

(2) A program to:

(a) Determine whether a new solid fuel burning device complies with the statewide emission performance standards established in subsection (1) of this section; and

(b) Approve the sale of devices that comply with the statewide emission performance standards.

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