



Solid Fuel Burning Devices Update

The Department of Ecology proposes to adopt amendments to its Solid Fuel Burning Devices rule, Chapter 173-433 WAC. Solid fuel burning devices include wood stoves, fireplaces, pellet stoves, and masonry heaters.

The rule proposal will be published in the Washington State Register on October 16, 2013. If the rule amendments are adopted, Ecology proposes to submit this rule to the Environmental Protection Agency (EPA) for inclusion into the Washington State Implementation Plan (SIP). The SIP is a statewide plan for meeting air quality standards.

What is the purpose of the rule proposal?

Solid Fuel Burning Devices (Chapter 173-433 WAC) helps to reduce Washington's wood smoke emissions to meet federal air quality standards. The focus of this rule making is to:

- Modify trigger levels for calling burn bans in areas at risk for nonattainment as outlined in statute.
- Align the rule with other statutory changes.
- Meet EPA requirements.
- Help Washington's efforts to improve air quality in areas affected by pollution from wood stoves.
- Include housekeeping-type changes to the rule identified during rule making.

What is the purpose of the SIP revision?

The purpose of the SIP revision is to incorporate the updated Solid Fuel Burning Device rule into the SIP to meet federal Clean Air Act requirements. If the rule is adopted, Ecology will then submit the updated rule to EPA for inclusion in the Washington State Implementation Plan with the following exceptions:

- WAC 173-433-130, General Emissions Standards
- WAC 173-433-170, Retail Sales Fee
- WAC 173-433-200, Regulatory Actions and Penalties

Even though the SIP will not include WAC 173-433-200, Regulatory Actions and Penalties, Ecology is providing this provision to EPA. This demonstrates that Ecology has adequate enforcement authority to implement the rule. However, rules describing agency enforcement authority are not put into the SIP to avoid potential conflict with the EPA's independent authorities.

MORE INFORMATION

Formal comment period from October 2, 2013 through November 15, 2013

Public Hearing:

Ecology will hold two consecutive public hearings the first for the rule proposal and the second for the SIP revision.

Date:

Thursday, November 7, 2013
7:00 p.m.

Location:

Department of Ecology HQ
300 Desmond Drive SE
Lacey, WA 98503

Join via webinar:

[Webinar Log-in](#)

More information online:

<http://www.ecy.wa.gov/laws-rules/wac173433/1204.html>

Contact information:

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Special accommodations:

For special accommodations or documents in alternate format, call 360-407-6800, 711 (relay service), or 877-833-6341 (TTY).

Including the revised Solid Fuel Burning Devices rule in the SIP will:

- Support the maintenance plan for the Tacoma-Pierce County Nonattainment Area. The maintenance plan outlines how Washington will ensure that the area continues to meet the national ambient air quality standard for fine particles.
- Help reduce levels of fine particle pollution in other areas of Washington.

Public hearing information

Ecology will hold two consecutive public hearings:

November 7, 2013
7:00 p.m.

Department of Ecology
Headquarters Building
300 Desmond Drive SE
Lacey, WA 98503

A presentation and question and answer session will begin at 7:00 p.m. and will be followed by the formal public hearings.

During the first hearing, Ecology will explain the updated rule, answer questions, and then invite comments on the proposed rule. Immediately after the close of the rule proposal hearing, a second hearing will begin. At this hearing, Ecology invites comments on the proposal to submit the revised rule (except subsection 130, 170, and 200) to EPA for inclusion in the SIP. The rule revisions are intended to meet the requirements of Section 110(a)(2), Parts A, C and D, of the federal Clean Air Act.

Webinar

Ecology is also offering this presentation, question and answer session and formal public hearing via webinar. Webinars are an online meeting forum that you can attend from any computer using internet access. For more information and instructions, go to www.ecy.wa.gov/programs/air/rules/webinars.htm.

Click to [Join the Webinar](#)

Comments

Ecology will accept formal comments at the Ecology location through the phone at (1-877-668-4493/access code 922 294 309). For more information and instructions, go to www.ecy.wa.gov/programs/air/rules/webinars.htm.

What documents are available for review and comment?

The following documents are now available for review and comment:

Rule documents including:

- Proposed rule language
- Determination of Nonsignificance (DNS) under the State Environmental Policy Act
Proposed SIP language

You can download these documents at <http://www.ecy.wa.gov/laws-rules/wac173433/1204.html>



Submit your comments

The comment period ends November 15, 2013. We request that comments clearly identify whether they are addressing the rule, the proposed SIP action, or both.

You can give us your official comments in the following ways:

1. Testify or submit written comments at public hearings.
2. Testify via webinar by phone at the public hearings.
3. Email your comments to: AQComments@ecy.wa.gov
4. Mail comments to:
Department of Ecology
Richelle Perez
PO Box 47600
Olympia, WA 98504-7600
5. FAX comments to: (360) 407-7534

Ecology's response to your comments

All of the comments we receive will become part of the official record. For the rule proposal, we will publish responses to comments in a document called a Concise Explanatory Statement (CES). The CES is required by the Administrative Procedure Act (RCW 34.05) and is available after the rule is adopted. For the SIP proposal we will include a response to comments in the final submittal to EPA. You will find your name listed in the document with a reference to where, in the document, Ecology responded your comments.

Expected adoption date

Ecology expects to adopt this rule no earlier than January 9, 2014.

