

DEPARTMENT OF
ECOLOGY
State of Washington

Concise Explanatory Statement

Chapter 173-433 WAC

Solid Fuel Burning Devices

*Summary of rule making, State Implementation
Plan Revision, and response to comments*

January 2014
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Publication and Contact Information

This publication is available on the Department of Ecology's website at <https://fortress.wa.gov/publications/SummaryPages/1302036.html>

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Ecology publishes this document to meet the requirements of the Washington State Administrative Procedure Act (RCW 34.05.325) and to meet Environmental Protection Agency requirements for responding to public comments related to State Implementation Plan revisions.

To ask about the availability of this document in a version for the visually impaired, call the Air Quality Program at 360-407-6800.

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Concise Explanatory Statement

Chapter 173-433 WAC Solid Fuel Burning Devices – Rule making and State Implementation Plan Revision

Air Quality Program
Washington State Department of Ecology
Olympia, Washington 98504-7600

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Introduction

The purpose of this Concise Explanatory Statement is to:

- Meet the Administrative Procedure Act (APA) requirements for agencies to prepare a Concise Explanatory Statement (RCW 34.05.325).
- Provide reasons for adopting the rule.
- Describe any differences between the proposed rule and the adopted rule.
- Describe any differences between the proposed State Implementation Plan (SIP) revision and the adopted SIP revision.
- Provide Ecology's response to public comments.

This Concise Explanatory Statement provides information on the Washington State Department of Ecology's (Ecology) rule adoption and adoption of a SIP revision for:

Title: Solid Fuel Burning Devices

WAC Chapter(s): Chapter 173-433 WAC

Adopted date: January 23, 2014

Rule effective date: February 23, 2014

**SIP revision
effective date:** January 23, 2014

To see more information related to this rule making or other Ecology rule makings please visit our web site: <http://www.ecy.wa.gov/laws-rules/index.html>

Reasons for Adopting the Rule and SIP Revision

The Environmental Protection Agency (EPA) requires us to update Chapter 173-433 WAC Solid Fuel Burning Devices with recent changes to state law before they will approve our maintenance plan and re-designation request for the Tacoma-Pierce County Nonattainment Area. If EPA cannot approve a re-designation request for the Tacoma-Pierce County Nonattainment Area, then additional stricter requirements will be imposed on the area. This also means economic constraints imposed under federal nonattainment status will continue longer than necessary.

Specifically, we need to adjust the thresholds for calling impaired air quality burn bans in areas at risk for nonattainment so they match the thresholds in law. Additionally, we must submit the revised rule to EPA for inclusion in Washington's State Implementation Plan. The changes will support the maintenance plan for the Tacoma-Pierce County Nonattainment Area.

Differences Between the Proposed Rule and Adopted Rule

RCW 34.05.325(6)(a)(ii) requires Ecology to describe the differences between the text of the proposed rule as published in the *Washington State Register* and the text of the rule as adopted, other than editing changes, stating the reasons for the differences.

There are no differences between the proposed rule filed on October 2, 2013 and the adopted rule filed on January 23, 2014.

Differences Between the Proposed SIP Revision and Adopted SIP Revision

Ecology published the proposed SIP revision on its website on October 2, 2013. There are no differences between the proposed SIP revisions and the SIP revision adopted on January 23, 2014.

Summary of Public Involvement Process

Ecology held concurrent public comment periods for the rule-making process and the SIP revision. Ecology accepted comments from October 2, 2013 through November 15, 2013. Ecology held consecutive public hearings on November 7, 2013. At the first hearing Ecology invited comments on the proposed rule. At the second hearing Ecology invited comments on the proposal to incorporate the proposed rule updates into Washington's SIP.

Response to Comments

Ecology accepted comments from October 2, 2013 through November 15, 2013. This section provides a summary of comments that we received during the public comment period and our responses. Ecology provided shorter comments verbatim and summarized longer comments. Appendix A contains copies of all of the comments received in their entirety. Appendix B contains a copy of the hearing transcript including comments received as testimony at the hearing.

Commenter Index

The table below lists the names of organizations or individuals who submitted a comment on the rule proposal or SIP revision. Column one shows the location of comments in Appendix A, column three shows the number assigned to the comments. For each person, column four shows on what page to find Ecology’s response to the comment(s).

Individuals and Organizations Providing Written Comments

Document Location in Appendix A	Name and Affiliation	Comment Number(s)	Location of Ecology’s Response
p. 8	Robert Hill	1, 2, 3, 4	p. 3-4
p. 9	Leah Hauer, Northwest Hearth, Patio & Barbecue Association	5	p. 4
p. 10	Craig T. Kenworthy, Puget Sound Clean Air Agency	6	p. 5
p. 11	Steve Webber	7	p. 5
p. 12 and hearing testimony on p. 26-28	Deborah and Steve Marchant	8	p. 6

Comment #1:

For those “coal trains” that will be coming to Longview and/or Bellingham, what are the choices of car cover to keep the dust down?

Ecology Response:

Thank you for submitting your comment letter. Your comments are outside the scope of this rule. No changes were made to this rule in response to this comment. However, a copy of your letter was shared with Ecology staff working on the Millennium Bulk Terminals-Longview coal export and the Gateway Pacific Terminal Project proposals. For more information on these proposals, the following links:

- Gateway Pacific Terminal - <http://www.eisgatewaypacificwa.gov/>
- Millennium Bulk Terminals-Longview - <http://www.millenniumbulkeiswa.gov/>

Comment #2:

Does the “1100 pound per megawatt” limit on greenhouse gas emission (now 970) apply equally to EACH gas, or cumulatively to all?

Ecology Response:

Thank you for your comment. The limit applies cumulatively to all greenhouse gases emitted by the combustion units at a power plant. Your question falls outside the scope of the proposal, so we did not make any changes as a result of your comment.

Comment #3:

How effective are the Carbon Capture scrubbers that EPA is proposing?

Ecology Response:

In general, carbon capture scrubbers are effective at removing carbon dioxide (CO₂). Some smaller scale systems have achieved removal rates of 90% during testing. However, the removal rate is limited by the concentration of CO₂ in the exhaust gas. If there is less CO₂, then there is less removal. You can find additional information at the following resources:

- EPA’s website - <http://www.epa.gov/climatechange/ccs/>
- Department of Energy’s website - <http://energy.gov/carbon-capture-sequestration>
- Electric Power Research Institute website - Use search terms “CO₂ Scrubbing” and “Carbon Capture and Sequestration” at www.epric.com/Pages/Default.aspx.
- Environmental Defense Fund website - <http://www.edf.org/energy/carbon-storage>

Comment #4

What is the mailing address for the Puget Sound EPA office?

Ecology Response:

The mailing address for EPA is:

U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Comment #5

On behalf of the Northwest Hearth Patio and Barbecue Association, we want to express our support for the adoption of the proposed rules contained in WSR 13-20-129 as proposed by the Department of Ecology to implement HB 2326 passed by the 2012 Legislature.

Ecology Response:

Thank you for your support.

Comment #6

I'm writing to express the Puget Sound Clean Air Agency's support for the proposed amendments to Chapter 173-433, Solid Fuel Burning Devices, and their inclusion in Washington's state implementation plan (SIP).

The proposed amendments align the WAC Chapter 173-433 with statutory changes, serving to reduce any confusion about revised air quality burn ban trigger levels and the criteria for prohibiting uncertified wood stoves.

Importantly, the inclusion of 433 in the SIP will help to pave the way for re-designation of the Tacoma-Pierce County PM2.5 nonattainment area. We look forward to working closely with you and Ecology staff to submit a re-designation request and maintenance plan to EPA Region 10. The updating and aligning of WAC Chapter 173-433 is an important step towards EPA's ultimate approval of that re-designation request.

Ecology Response:

Thank you for your comments and support. We agree that the inclusion of 433 in the SIP provides important support for the re-designation request and maintenance plan. We also look forward to working closely with you and your staff.

Comment #7

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 10 percent or less are obtainable through proper operation.

I guess my question is this: Is there a protocol that the hearth industry will follow in providing information on the proper operation of solid fuel burning devices, such as brochures, demonstrations and public education programs to the consumer/end user of a new solid fuel burning device as it relates to the 10% or less opacity levels?

Will it include how to operate the wood burning device as efficiently as possible? The explanation of what 10% opacity looks like as it relates to chimney emissions? The guidelines for 20% moisture or less, in firewood? Anything that will effect the goal of reaching the 10% or less opacity levels?

Ecology Response:

Thank you for your idea. We agree information about how to properly operate wood stoves help improve air quality. Ecology is focusing on increasing their outreach about proper burning practices. As mentioned in the implementation plan for this rule making, we will consider working with wood stove retailers as part of this effort.

Comment #8

I have witnessed and made complaints to PSCAA regarding 30 different indoor wood burners in my neighborhood in the last two weeks.

I have and am experiencing the inflammatory effects of toxic wood smoke and fume exposure. These include headaches, itching skin, watery eyes, lack of breath, and unable to deep breath easily. In the evening last night, the outdoor air here was intolerable to breathe, and we expect the same tonight.

I am a clean air advocate on behalf of phasing out wood burning throughout our state. The government is currently compromising public health by supporting the use of current policies and opinions that allow for wood burning. I advocate for policies that permanently keep the global and national air wood smoke-free, including the following:

- Remove any government reference that there are ‘cleaner’ ways to heat the home than burning wood, when burning wood is not ‘clean’ heating. Save our tax money to fine instead of educate.
- Create fully funded and effective enforceable laws with strict fines
- Fund and support announcing that wood smoke can be hazardous to wild and domestic animal and publically announce this information through mainstream television and billboards as PSAs.
- Look into how wood smoke poisons more than the air.
- Publically announce the new research that wood smoke emits greater toxins than burning coal. Clearly explain to the public how wood smoke is a contributor to global warming.
- Publically announce that a wood smoke-free nation, state, county, and city IS sustainable.
- Remove all and any government claims that wood is a sustainable, renewable and a “green” source of energy that the public can safely use to their homes
- Begin the process of outlawing and phasing out wood burning altogether in America, and fully fund ways of enforcing these new clean air laws effectively with strict fines.

Ecology Response:

Thank you for your comment and expressing your concerns and ideas about how to reduce wood smoke in Washington State. Ecology agrees that wood smoke has harmful effects on health. Among other efforts, Ecology uses the publication “How Wood Smoke Harms Your Health” to educate the public about the health effects of wood smoke. This publication is available online at <https://fortress.wa.gov/ecy/publications/summarypages/91br023.html>.

Ecology also encourages citizens to remove or replace their wood stoves through several grant programs. Some of these programs offer monetary incentives to scrap a wood stove while others help cover the cost of replacing an older, uncertified wood stove with an alternative heat source.

When citizens do burn, we want them to reduce their wood smoke as much as possible. So, our outreach and education efforts include information about how to burn properly.

Ecology and the local air agencies do not have the legislative authority to ban all wood burning in Washington State. Ecology and the local air agencies can only restrict all wood burning during periods of poor air quality through an impaired air quality burn ban. Washington Administrative Code 173-433-140 outlines the criteria for when Ecology and the local air agencies may call an impaired air quality burn ban. We did not make any changes to the final rule as a result of your comments.

In your area, the Puget Sound Clean Air Agency (PSCAA) implements and enforces rules related to solid fuel burning devices. We forwarded your comments to PSCAA.

Appendix A: Copies of all written comments

SUNDAY,
October 5th,
A.D. 2013

To →

Perez, R

From →

Mr. Robert Hill

910 Tacoma AVE S

Tacoma 98402-2104

For these "coal trains" that will be coming to Longview and/or Bellingham, what are the chances of car-covers to keep the dust down?

Does the "1100 pound per megawatt" limit on greenhouse gas emissions (now 970) apply equally to EACH gas, or cumulatively to all?

How effective are the Carbon Capture scrubbers that EPA is proposing? What is the mailing address for Puget Sound EPA office?

Thank you.



November 14, 2013

Ms. Richelle Perez
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

e-mail AQComments@ECY.WA.GOV, fax (360) 407-7534,

Dear Ms Perez:

On behalf of the Northwest Hearth Patio and Barbecue Association, we want to express our support for the adoption of the proposed rules contained in WSR 13-20-129 as proposed by the Department of Ecology to implement HB 2326 passed by the 2012 Legislature.

Thank you,

Leah Hauer
Executive Director
PO Box 13041
Spokane Valley WA 99213
509-474-1403
nwhpba@comcast.net

November 7, 2013

Ms. Richelle Perez
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Re: Amendments to Solid Fuel Burning Devices, WAC Chapter 173-433

Dear Ms.Perez:

I'm writing to express the Puget Sound Clean Air Agency's support for the proposed amendments to Chapter 173-433, Solid Fuel Burning Devices, and their inclusion in Washington's state implementation plan (SIP).

The proposed amendments align the WAC Chapter 173-433 with statutory changes, serving to reduce any confusion about revised air quality burn ban trigger levels and the criteria for prohibiting uncertified wood stoves.

Importantly, the inclusion of 433 in the SIP will help to pave the way for redesignation of the Tacoma-Pierce County PM2.5 nonattainment area. We look forward to working closely with you and Ecology staff to submit a redesignation request and maintenance plan to EPA Region 10. The updating and aligning of WAC Chapter 173-433 is an important step towards EPA's ultimate approval of that redesignation request.

If you have any questions, you may reach me at 206-689-4004 or by email at CraigK@pscleanair.org. You may also contact Kathy Strange at 206-689-4095 or KathyS@pscleanair.org.

Sincerely,



Craig T. Kenworthy
Executive Director

jwc

cc: Stu Clark

EXECUTIVE DIRECTOR
Craig T. Kenworthy

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From: Steve Webber [mailto:steve@stevesorganizing.com]
Sent: Thursday, November 14, 2013 1:38 PM
To: Perez, Richelle (ECY)
Subject: RE: Your question from Thursday evening's hearing

Hi Richelle,

((5)) (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 10 percent or less are obtainable through proper operation.

I guess my question is this: Is there a protocol that the hearth industry will follow in providing information on the proper operation of solid fuel burning devices, such as brochures, demonstrations and public education programs to the consumer/end user of a new solid fuel burning device as it relates to the 10% or less opacity levels?

Will it include how to operate the wood burning device as efficiently as possible? The explanation of what 10% opacity looks like as it relates to chimney emissions? The guidelines for 20% moisture or less, in firewood? Anything that will effect the goal of reaching the 10% or less opacity levels?

Thanks,
Steve



November 13, 2013

This emailed letter is in regard to the WA DOE's request for citizen's input on "Solid Fuel Burning Devices 173-433WAC" due by November 15, 2013.

<http://www.ecy.wa.gov/news/2013/252.html>

This emailed letter is being sent to Federal, State, County and City Legislation, and the United States Environmental Protection Agency (EPA), the Washington State Department of Ecology (WA DOE), the Puget Sound Clean Air Agency (PSCAA), and to the government of our city, the City of Shoreline, Washington.

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The EPA is currently being sued to 'improve' the standards of wood heat devices, but improving wood heat device standards will not keep the air free of toxic wood smoke. Why? It does not matter how "improved" wood stoves and other wood heating devices are made, because many people will burn trash and un-



treated and treated wood inside any wood stoves. They do this despite the "clean burning" education that the EPA, WA DOE, PSCAA, and our City of Shoreline government are currently promoting.

In addition, there is no scientific fact that wood can be "cleanly burned", thus burning wood is actually an unwise practice. In addition, there are toxic, microscopic wood smoke particulate matter in even the highest heat of "new and improved" wood stoves. Because of the smaller size of smaller particulates they can enter our bloodstream, organs and brains. Using "new and improved" wood stoves can be even more dangerous for individual and public health.

~~~~~

Our government offices and employees directly involved in this very important local to global clean air issue already know that the burning of any wood, whether it is untreated or treated, creates wood smoke and vapors that are toxic. Yet our government leadership continues to support the use of wood stoves and other wood burning, including "recreational" wood burning. We understand that public opinion and input is required to help change these policies. This letter is our way of helping create policies that permanently keep the global and national air wood smoke-free.

~~~~~



We are genuinely and deeply concerned over the current dysfunctional relationship the wood burning device businesses, locally and worldwide, have with the our Government Legislations; and the United States Environmental Protection Agency (EPA), the Washington State Department of Ecology (WA DOE), the Puget Sound Clean Air Agency (PSCAA), and with the government of our city, the City of Shoreline, Washington. Here is an analogy that represents our genuine concern.

This dysfunctional relationship is like how a member of a family is allowed to smoke cigarettes inside the house by a head of the household, even though the rest of the family does not want to breath the smoke.

Extract our government offices from partnerships with the wood burning business because the wood burning business simply and clearly pollutes air.

How we keep the air clean is non-negotiable. Yet Government Legislations that include Federal, State, County and City Legislation, the EPA, WA DOE, PSCAA, and including the City of Shoreline, are currently compromising public health by supporting the use of current polices and opinions that allow for wood burning.

~~~~~

Government Legislation, the EPA, WSDE, PSCAA, and the City of Shoreline are also currently supporting the untruths about "clean" burning, when in fact there is no clean wood smoke and wood smoke vapors. Remove any government reference that



there are 'cleaner' ways to heat the home than burning wood, when burning wood is not 'clean' heating. Save our tax money to fine instead of educate.

There are already more than enough records and research in our government offices about the increasing and credible independent, scientific, medical and government studies; and truthful public testimonies and genuine complaints that clearly state the real live hazards of wood burning. These hazards include fires caused by the misuse of wood burning.

Therefore, we are asking Government Legislations, the EPA, WA DOE, PSCAA, and including the City of Shoreline, Washington, to instead be part of the process of creating fully funded and effective enforceable laws with strict fines that help us longer compromise the public health with exposure to ANY wood smoke whatsoever.

~~~~~

We are also asking Government Legislation, the EPA, WA DOE, PSCAA, and including the City of Shoreline to help fund, support and announce the human health risks of breathing woodsmoke on mainstream television and billboards as PSAs.

We are also asking Government Legislation, the EPA, WA DOE, PSCAA, and including the City of Shoreline to look into how wood smoke can harm domestic and wild animals when they inhale and ingest toxins from wood smoke. When this is discovered to be true, and without causing suffering to animals, we are urg-



ing the EPA, WA DOE, PSCAA, and the City of Shoreline to help fund and support announcing that wood smoke can be hazardous to wild and domestic animals; and to publicly announce this information through mainstream television and billboards as PSAs.

We are also asking Government Legislation, the EPA, WA DOE, PSCAA, and including the City of Shoreline to look into how wood smoke poisons more than the air. Acidic wood smoke particulates may poison the waters, plants and soils. When this is discovered to be scientifically true, we are urging the EPA, WA DOE, PSCAA, and the City of Shoreline to help fund, support and announce this information through mainstream television and billboards as PSAs.

We are also asking Government Legislations, the EPA, WA DOE, PSCAA, and including the City of Shoreline to publicly announce the new research that wood smoke emits greater toxins than burning coal; and to clearly explain to the public how wood smoke is a contributor to global warming. Also, refrain from promoting the use of "natural" gas as a "cleaner" fuel source. There is evidence that the extraction of gas called fracking can be an environmental hazard; and that the burn off from "natural" gas vapors contain a certain level of toxicity. This is why it is vented outside. "Natural" gas is not a clean energy source.

We are also asking Government Legislation, the EPA, WA DOE, PSCAA, and including the City of Shoreline to publicly announce that a wood smoke-free nation, state, county and city IS sustain-



able. There is current evidence that burning wood is more harmful than burning coal, thus burning wood increases global warming. Therefore, remove all and any government claims that wood is a sustainable, renewable and a "green" source of energy that the public can safely use to heat their homes. Burning wood is not safe for the environment.

We are holding Government Legislations, the United States Environmental Protection Agency, the Washington State Department of Ecology, the Puget Sound Clean Air Agency, and including the City of Shoreline, Washington, accountable to the main mission of a government and that is to protect the public's safety.

~~~~~

This letter is written with compassion and understanding. The message in this letter is not about trying make anyone or any group wrong, embarrassed or humiliated. Most of us have supported wood burning and burned wood ourselves unaware of the hazards. Now that we know the facts, how we keep the air wood smoke-free is non-negotiable.

Begin the process of outlawing and phasing out wood burning altogether in America, and fully fund ways of enforcing these new clean air laws effectively with strict fines.



We are private citizens, parents, grandparents who share our household with two cockapoo dogs and two old goldfish. We care about you, and the unborn.

We have no affiliation with any energy group or business that is in competition with the wood burning business.

We simply need to breath wood smoke-free air. But currently, our neighborhood, our city, and all geographic locations we chose to visit are damaging our health and quality of life when any wood smoke and vapors are present.

Please reply, and to deborah.marchant@gmail.com

Most genuinely sincere and concerned,

Steve E. Marchant, BA

and

Deborah Marchant, MPA

Shoreline, Washington, USA

~ Best of Health Everyone ~

From: Deborah Marchant [mailto:deborah.marchant@gmail.com]
Sent: Friday, November 15, 2013 9:22 AM
To: Perez, Richelle (ECY)
Cc: Deborah Marchant
Subject: Re: In regards to the WA DOE's request for citizen's input on "Solid Fuel Burning Devices 173-433WAC" due by November 15, 2013.

Hello
Richelle Perez of the
Washington State Department of Ecology
Air Quality Program,

Thank you for your reply and the information.

Here is a message to add to our public comment:

Yesterday, Within only three hours between 2-5 pm, I deborah witnessed 16 different chimneys spewing smoke and fumes. These were within about a 1/2 x 3 mile area. these are only the burnings that I witnessed. there are likely more. I am currently searching for a way to see and document burnings when its dark.

I reported 5 of the 16 burning to the PSCAA yesterday. The others I will recheck, and report as well.

I am reporting -ALL- wood smoke because I am not able to determine 20% opacity; and when we smell smoke we're being exposed to toxins, no matter the opacity.

Today, I just began to put together a readable neighborhood map of the homes where I'm witnessing indoor wood burning. It is probably a map that most city neighborhoods will look similar too. I will be forwarding this map soon to your desk, and to the EPA, My US and State Representatives, to PSCAA, and to the City of Shoreline.

Enough is enough.

Best of Health for You and your Loved ones,
Deborah "Deb" Marchant'
With Steve Marchant

From: Deborah Marchant [mailto:deborah.marchant@gmail.com]
Sent: Friday, November 15, 2013 11:56 AM
To: Perez, Richelle (ECY)
Cc: Deborah Marchant
Subject: CORRECTION/UPDATE Fwd: In regards to the WA DOE's request for citizen's input on "Solid Fuel Burning Devices 173-433WAC" due by November 15, 2013.

Hello
Richelle Perez of the
Washington State Department of Ecology
Air Quality Program,

I AM SENDING YOU A CORRECTION AND NEW INFORMATION. PLEASE ADD BOTH TO MY PUBLIC COMMENT.

IN MY PREVIOUS EMAIL BELOW:
I DEBORAH STATED THAT YESTERDAY '16 different chimneys WERE spewing smoke and fumes within about a 1/2 x 3 mile area'

TODAY I DROVE MY CAR TO MEASURE THE EXACT AREA I WITNESSED 16 BURNERS YESTERDAY. IT NOT A 1/2 X 3 MILE AREA. IT IS A 1/2 X 1.3 MILE AREA.

PLEASE NOTE CORRECTION.

THE NEW INFORMATION IS THAT AS OF TODAY, BETWEEN 10:10AM AND 11:10 AM, I WITNESSED TEN (10) NEW CHIMNEYS AND STACKS SPEWING WOOD SMOKE AND FUMES FROM RESIDENCES WITHIN THE 1/2 X 1.3 MILE AREA HERE.

THIS MAKES A TOTAL OF 26 INDOOR WOOD BURNING IN A TOTAL OF 4 HOURS IN TWO DAYS. THESE ARE ONLY THE ONES I WITNESSED; THESE NUMBERS DO NOT INCLUDE THE FOUR OTHER/DIFFERENT INDOOR BURNINGS I REPORTED LAST WEEK TO THE PSCAA. THOSE FOUR RESIDENCES FREQUENTLY BURN WOOD INDOORS.

IF WE ADD THE FOUR FROM LAST WEEK, THAT MAKE IT A TOTAL OF 30 DIFFERENT INDOOR WOOD BURNERS, WITHIN THE 1/2 X 1.3 MILE AREA, IN ABOUT THE LAST TWO WEEKS.

FYI: IN THE EVENING LAST NIGHT, THE OUTDOOR AIR HERE WAS INTOLERABLE TO BREATHE, AND WE EXPECT THE SAME TONIGHT.

HELP!

DEB AND STEVE MARCHANT

OF SHORELINE, WASHINGTON

~~~~~

**From:** Deborah Marchant [mailto:deborah.marchant@gmail.com]

**Sent:** Friday, November 15, 2013 3:30 PM

**To:** Perez, Richelle (ECY)

**Subject:** Re: Public Comments on "Solid Fuel Burning Devices 173-433WAC" due by November 15, 2013.

Dear Richelle Perez of the  
Washington State Department of Ecology  
Air Quality Program. Thank you for your assistance.

Today, I Deborah witnessed, between 12:40 and 1:40 pm, seven (7) and newly found residences that are indoor wood burning, and within the .5 x 1.3 radius of our home.

Five of these newly found wood burners are among the seven (7) new complaints we emailed to the PSCAA today. Three of these wood burners were burning between 10:10 - 11:10 am today.

(Five more additional wood burners were discovered outside the .5 x 1.3 area. Three of these were discovered a block away from the Shoreline Police Station.)

The seven more newly discovered wood burners, between 12:40 and 1:40 pm, add to the previous total of 30, making it 37 different and witnessed indoor wood burning within our .5 x 1.3 area, in about the past two (2) weeks.

Any wood burners not reported by us yet to the PSCAA are only waiting for us to recheck their home addresses, or to determine if in fact the metal stack or pipe attached to their chimney is attached to a wood stove. Some metal stacks are used for gas, therefore we are making sure we are reporting wood smoke, not gas fumes that are emitted from residences.

Our complaints are a part of the public record at PSCAA. What we have written in our complaints are truthful to the best of our knowledge. Our complaints are available, as are other citizens' complaints, for anyone to read. Please avail yourself of these complaints as a way to help understand the extent of damage that is happening to the air, and to human life because of legal and illegal wood burning.

Best of Health, Deborah "Deb" Marchant

with Steve Marchant

**From:** Deborah Marchant [mailto:deborah.marchant@gmail.com]  
**Sent:** Friday, November 15, 2013 4:05 PM  
**To:** Perez, Richelle (ECY)  
**Cc:** Deborah Marchant  
**Subject:** Re: Public Comments on "Solid Fuel Burning Devices 173-433WAC" due by November 15, 2013.

Dear Richelle Perez of the  
Washington State Department of Ecology  
Air Quality Program.

Please add to this also to our public comment.

We are adding to our previous statement of "Any wood burners not reported by us yet to the PSCAA are only waiting for us to recheck their home addresses, or to determine if in fact the metal stack or pipe attached to their chimney is attached to a wood stove. Some metal stacks are used for gas, therefore we are making sure we are reporting wood smoke, not gas fumes that are emitted from residences."

Of the 37 residences, all but about 4-5 residences with metal stacks (attached to a chimney) are questionable. I, Deborah have seen and smelled wood smoke and fumes coming from all 37 residences that I've witnessed indoor wood burning. It is the 4-5 residences that I was unable to smell wood smoke coming from today and yesterday. The wind blew the smoke and fumes in the opposite direction, and it was hard for me to be sure of their source on the next street.

The air here is becoming more and more full of smoke overall. This sometimes makes it even harder for I, Deborah to locate the exact source of wood smoke and fumes, when two or more residents are burning wood sometimes next door or near to each other.

During my (Deborah's) investigation in the past two days, to help us discover who is burning wood in my neighborhood, I have been stunned by the larger than expected number of wood burners.

I, Deborah have also and am experiencing the inflammatory effects of toxic wood smoke and fume exposure. These include headaches, itching skin, watery eyes, lack of breath, and unable to deep breath easily.

Very Concerned Private Citizens,

Deborah "Deb" Marchant

with Steve Marchant

## **Appendix B: Certification of public hearing.**

**DEPARTMENT OF ECOLOGY**

**HEARING SUMMARY**

**M E M O R A N D U M**

*November 12, 2013*

**TO:** Maia Bellon  
Director

**FROM:** Melanie Forster  
Hearings Officer

**SUBJECT: Public Hearing Summary for Solid Fuel Burning Devices Rule**

---

**WAC title: 173-433, Solid Fuel Burning Devices**

**Topic: Updates the current Solid Fuel Burning Devices rule to align with statutory changes and meet EPA requirements.**

**Program name: Air Quality**

**Name(s) of Ecology employee(s) at hearing: Richelle Perez, Nancy Pritchett, Melanie Pearson, and Joanna Ekrem**

**Hearing location(s): Department of Ecology Headquarters, ROA 36**

**Total number of people at hearing(s): 5**

**Total number of testimonies: 1**

---

**Summary of Comments:**

*All public hearing attendees participated by webinar. One provided testimony. This individual did not find the new rule stringent enough and would like to see stronger prohibitions on wood burning.*

*This rule proposal hearing preceded a hearing on including this updated rule in Washington's State Implementation Plan.*

cc: Polly Zehm  
Stuart Clark  
Bari Schreiner  
Richelle Perez  
Julie Oliver

**DEPARTMENT OF ECOLOGY**

**HEARING SUMMARY**

**M E M O R A N D U M**

*November 12, 2013*

**TO:** Maia Bellon  
Director

**FROM:** Melanie Forster  
Hearings Officer

**SUBJECT: Public Hearing Summary for the SIP revision to include the updated Solid Fuel Burning Devices rule.**

---

**Topic: Includes the updated Chapter 173-433 WAC, Solid Fuel Burning Devices in Washington's State Implementation Plan.**

**Program name: Air Quality**

**Name(s) of Ecology employee(s) at hearing: Richelle Perez, Nancy Pritchett, Melanie Pearson, and Joanna Ekrem**

**Hearing location(s): Department of Ecology Headquarters, ROA 36**

**Total number of people at hearing(s): 5**

**Total number of testimonies: 1**

---

**Summary of Comments:**

*All public hearing attendees participated by webinar. One provided testimony. This individual stated that improved standards for wood stoves would not be adequate measures to keep the air clean and expressed a desire to submit written comments at a later date.*

*This proposed SIP revision hearing immediately followed a hearing on proposed updates to Chapter 173-433 WAC, Solid Fuel Burning Devices.*

cc: Polly Zehm  
Stuart Clark  
Bari Schreiner  
Richelle Perez  
Julie Oliver

# Appendix C: Transcripts from public hearings.

## Public Hearing Summary for Solid Fuel Burning Devices Rule Lacey, WA November 7<sup>th</sup>, 2013 7:29 pm

HEARING OFFICER: I'm Melanie Forster, hearing's officer for this hearing. This evening we are to conduct a hearing on the rule proposal for Chapter 173-433 WAC, Solid fuel burning devices. Let the record show it's 7:29 pm on November 7<sup>th</sup>, 2013 and this hearing is being held at the Department of Ecology Headquarters' Auditorium room 36/ 300 Desmond Drive SE/ Lacey, WA 98503. Legal notices of this hearing were published in the Washington State Register on October 16, 2013, Washington State Register number 13-20-129. Notices of the hearing were sent to an email list of interested people and a news release was issued on October 2, 2013. Legal notices were published in Ecology's online public involvement calendar and in the Daily Journal of Commerce, and Tacoma News Tribune on October 7<sup>th</sup>, 2013. I will be calling on people to provide testimony based on the order in which you request to testify to AQHost. Please let us know if you would like to provide testimony and we'll unmute your phone line so that we can hear you testify and get a recording of your testimony for the public record.

HEARING OFFICER: Alright, we have someone who has indicated that they would like to provide testimony. When I call your name, please state your name and address for the record and speak clearly so that we can get a good recording of your testimony. We have Deborah Marchant. Can you hear us Deborah?

RICHELLE PEREZ: Deborah has indicated that she is going to type in her testimony and then Melanie is going to read it out for us.

MODERATOR: Deborah's testimony states that she is a clean advocate on behalf of phasing out wood burning throughout our state.

MODERATOR: She would also like to add that she is a clean air advocate.

HEARING OFFICER: Alright. Thank you for your testimony Deborah. Is there anyone else who wishes to provide oral testimony?

MODERATOR: It looks like Deborah would like to continue. The relationship between PSCAA and EPA with the wood burning industry is like how a member of the family is allowed to smoke inside. Thank you.

HEARING OFFICER: We are going to hear some more testimony from Deborah Marchant.

MODERATOR: She continues. They are allowed to smoke inside by a head of the household even though the rest of the family does not want to breathe the smoke. Thank you.

HEARING OFFICER: Alright, is there anyone else who would like to provide testimony. If you indicate that you would like to provide testimony, we can unmute your phone line and you can speak directly into your phone.



HEARING OFFICER: Alright, it looks like no one else wishes to provide oral testimony. So, I'm going to talk about submitting written comments. If you would like to send Ecology written comments, please remember that they are due, received or postmarked by November 15, 2013. As I mentioned before, please specify if you are commenting about the rule proposal, including the rule in the SIP, or both. You may send your comments to:

Richelle Perez/ PO Box 47600, Olympia, WA 98504-7600 or email your comments to [AQComments@ecy.wa.gov](mailto:AQComments@ecy.wa.gov), you may also fax your comments to 360-407-7534.

All testimony received at this hearing along with all written comments received or postmarked no later than November 15, 2013 will be part of the official hearing record for this proposal. Ecology will send notice about the Concise Explanatory Statement or CES publication to everyone that provided written comments or oral testimony on this rule proposal and submitted their contact information, everyone that signed in for today's hearing or webinar that provided an email address, and other interested parties on the agency's mailing list for the rule. The CES will, among other things, contain the agency's response to questions and issues of concern that were submitted during the public comment period. If you would like to receive a copy but did not give us your contact information, please let one of the staff at this hearing know or contact Richelle Perez at the contact information provided for submitting comments.

The next step is to review the comments and make a determination about whether to adopt the rule. Ecology director Maia Bellon will consider the rule documentation and staff recommendations and will make a decision about adopting the proposal. Adoption is currently scheduled for January 9<sup>th</sup>, 2014. If the proposed rule should be adopted that day and filed with the code reviser, it will go into effect 31 days later. If we can be of further help to you, please do not hesitate to ask, or you can contact Richelle Perez if you have other questions. On behalf of the Department of Ecology, thank you for joining us. I appreciate your cooperation and courtesy. Let the record show that this hearing is adjourned at 7:40 pm.

**Public Hearing Summary for the SIP revision to include the updated Solid Fuel Burning Devices rule. Lacey, WA November 7<sup>th</sup>, 2013 7:52 pm**

HEARING OFFICER: I am Melanie Forster, hearing officer for this hearing. This evening we are to conduct a hearing on including the updated solid fuel burning devices rule in the State Implementation Plan or SIP. Let the record show, its 7:52 pm on November 7<sup>th</sup>, 2013. This hearing is being held at the Department of Ecology – Headquarters building, auditorium room 36 at 300 Desmond Drive, Lacey, Washington, 98503.

Notices of this hearing were sent to an email list of interested people and a news release was issued on October 2<sup>nd</sup>, 2013. Notice was also published in Ecology's online public involvement calendar, in the Daily Journal of Commerce and the Tacoma News Tribune on October 7<sup>th</sup>, 2013.

If you wish to provide testimony, please indicate in your chat box to AQHost and we will call on you to provide testimony.

Deborah Marchant has indicated that she would like to provide testimony.

Melanie Pearson will be reading the testimony that Ms. Marchant is providing.

MODERATOR: Deborah states, I am aware that improving the standards of wood stoves will not keep our air clean.

Thank you Deborah. We will accept your written comments.

HEARING OFFICER: Would anyone else like to provide oral testimony? We can unmute your phone line so that you can speak directly into your phone.

It looks like no one else wishes to provide oral testimony. So, I am going to go over the steps again for submitting written comments.

If you would like to send Ecology written comments, please remember that they are due received or postmarked by November 15, 2013.

Again, you can send them to Richelle Perez/ PO Box 47600/ Olympia, WA 98504-7600. You may also email comments to [AQComments@ecy.wa.gov](mailto:AQComments@ecy.wa.gov). You may also fax comments to (360) 407-7534. All testimony received at this hearing, along with all written comments postmarked no later than November 15, 2013 will be part of the official hearing record for this proposal. As a mentioned before, please specify whether you are commenting on the rule proposal, including the rule in the SIP, or both. Ecology will send notice about the response to comments to everyone that provided written comments or oral testimony on this rule proposal and submitted their contact information, everyone that signed into for today's webinar that provided an email address, and other interested parties on the agency's mailing list for this SIP proposal. The response to comments will, among other things, contain the agency's response to questions and issues of concern that were submitted during the public comment period. If you would like to receive a copy but did not give us your contact information, please contact Richelle Perez at the contact information provided for submitting comments.

The next step is to review the comments and make a determination whether to submit the proposed SIP revision to the EPA. The response to comments will be posted on Ecology's website. Ecology director, Maia Bellon, will consider the SIP submittal documentation and staff recommendations and will make a decision about adopting the SIP revision. Ecology will submit the proposed SIP revision to EPA after adoption, which is currently scheduled for January 9<sup>th</sup>, 2014. EPA will then accept public comments before making a decision to approve the SIP revision.

If we can be of further help to you, please do not hesitate to ask or you can contact Richelle Perez if you have other questions. On behalf of the Department of Ecology, thank you for joining us. I appreciate your cooperation and courtesy. Let the record show that this hearing is adjourned at 7:58 pm.

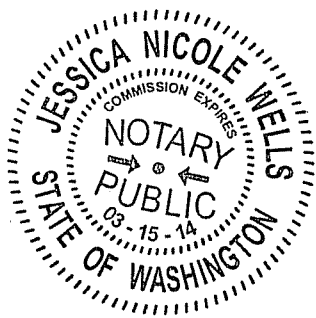
## **Appendix D: Copies of public involvement notices**

AFFIDAVIT OF PUBLICATION  
STATE OF WASHINGTON  
COUNTY OF PIERCE

I, Katie Calhoun, being first duly sworn, on oath, says that she is the legal clerk of The News Tribune, a weekly newspaper, published in Tacoma, Pierce County, Washington, and of general circulation in said state, and having a weekly circulation of over 96,000 copies. That said newspaper is now and at all times hereinafter mentioned as a legal newspaper as defined by the laws of the state, duly approved by the Superior Court of Pierce County, Washington. That the advertisement, of which the attached is a printed copy as it was published in the regular issue of said newspaper, was published 1 time(s), commencing on the 7th day of October 2013 and ending on the 7th day of October 2013.

Ad Number 0000706375

ACCT# 256493 WA ST DEPT OF ECOLOGY AROL PERI



*K. Calhoun*

Subscribed and sworn to before me on this 8th  
day of October, 2013

A handwritten signature in black ink, appearing to be "J. Wells", written over a horizontal line.

Notary Public in and for the state of  
Washington, residing in Pierce County.  
1950 So. State St. Tacoma, WA 98405

# THE NEWS TRIBUNE

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**Payor Customer** WA ST DEPT OF ECOLOGY AROL F

**Customer Account** 256493  
**Payor Account** 256493

**Customer Address** PO BOX 47600, ,  
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**Payor Address** PO BOX 47600, ,  
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**Customer Phone** 360-407-7180  
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**Sales Rep.**  
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**Order Taker**  
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| <b>Tear Sheets</b><br>1      | <b>Proofs</b><br>0    | <b>Affidavits</b><br>1 |

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|-----------------------------------------------------------------------------------------|------------------|-------------|
| <b>Placement/Classification</b><br><b>Run Dates</b><br><b>Run Schedule Invoice Text</b> |                  |             |

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|------------------------------------------------------------------------------------------------------------------------------------------------|---|----------|
| TAC-NT-News Tribune:Print:<br>0300 - Legals Classified<br>10/7/2013<br>Public Hearing Notice Rule Proposal and State Implementation            | 1 | \$242.34 |
| TAC-upsell.thenewstribune.com:Online:<br>0300 - Legals Classified<br>10/7/2013<br>Public Hearing Notice Rule Proposal and State Implementation | 1 | \$60.15  |



**Public Hearing Notice**

**Rule Proposal and State Implementation Plan**  
**Revision: Solid Fuel Burning Devices Update**

The Department of Ecology (Ecology) is updating the statewide rule and plan for solidfuel burning devices like wood stoves, fireplaces, pellet stoves, and masonry heaters. The updates reflect recent changes to state law, meet federal requirements from the Environmental Protection Agency (EPA), and will help improve air quality.

Ecology will hold two consecutive public hearings, one for the rule update and one for the plan update. The hearings begin at 7 p.m. on Nov. 7. Participants can attend in person at Ecology's Lacey headquarters building, 300 Desmond Drive SE or through a webinar. The documents and instructions to join the webinar are available online at: [www.ecy.wa.gov/programs/air/rules/webinars.htm](http://www.ecy.wa.gov/programs/air/rules/webinars.htm)

Please send comments by Nov. 15, 2013, to Richelle Perez, Department of Ecology, P.O. Box 47600 Olympia, Wash. 98504-7600; or to [AQComments@ecy.wa.gov](mailto:AQComments@ecy.wa.gov).

Washington's clean air rules govern how air pollution is managed. Ecology incorporates many of these rules into a federally required statewide plan for meeting clean air standards. The proposed changes will:

- Adjust the threshold for calling burn bans in at-risk areas for "nonattainment".
- Meet EPA requirements.
- Help improve air quality in areas affected by wood stove pollution.
- Include "housekeeping" changes identified through the update process.

Air pollution managers will use the updates to help reduce levels of fine-particle pollution in all areas of the state. The updates also will support efforts to help the city of Tacoma and a portion of Pierce County continue to meet national clean air standards.

Ecology and Washington clean air agencies have been conducting burn ban programs consistent with the legislative changes in order to meet clean air goals, although Ecology's current rule is outdated.

**For more information:**  
Rule making: <http://www.ecy.wa.gov/laws-rules/wac173439/1204.htm>

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STATE OF WASHINGTON -- KING COUNTY

--SS.

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303154  
DEPT OF ECOLOGY

No. PUBLIC HEARING NOTICE

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

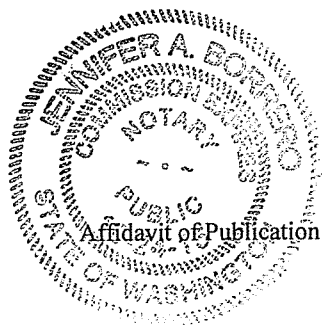
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

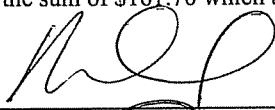
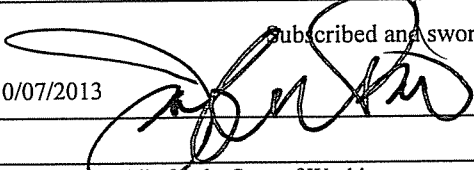
PNPH:SOLID FUEL BURNING

was published on

10/07/13

The amount of the fee charged for the foregoing publication is the sum of \$161.70 which amount has been paid in full.



  
\_\_\_\_\_  
subscribed and sworn to before me on  
10/07/2013  
  
\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle

# State of Washington, King County

## State of Washington

### Public Hearing Notice Rule Proposal and State Implementation Plan Revision:

#### Solid Fuel Burning Devices Update

The Department of Ecology (Ecology) is updating the statewide rule and plan for solid-fuel burning devices like wood stoves, fireplaces, pellet stoves, and masonry heaters. The updates reflect recent changes to state law, meet federal requirements from the Environmental Protection Agency (EPA), and will help improve air quality.

Ecology will hold two consecutive public hearings, one for the rule update and one for the plan update. The hearings begin at 7 p.m. on Nov. 7. Participants can attend in person at Ecology's Lacey headquarters building, 300 Desmond Drive SE or through a webinar. The documents and instructions to join the webinar are available online at: [www.ecy.wa.gov/programs/air/rules/webinars.htm](http://www.ecy.wa.gov/programs/air/rules/webinars.htm)

Please send comments by Nov. 15, 2013, to Richelle Perez, Department of Ecology, P.O. Box 47600 Olympia, Wash. 98504-7600; or to [AQComments@ecy.wa.gov](mailto:AQComments@ecy.wa.gov).

Washington's clean air rules govern how air pollution is managed. Ecology incorporates many of these rules into a federally required statewide plan for meeting clean air standards. The proposed changes will:

- Adjust the threshold for calling burn bans in at-risk areas for "nonattainment"
- Meet EPA requirements.
- Help improve air quality in areas affected by wood stove pollution.
- Include "housekeeping" changes identified through the update process.

Air pollution managers will use the updates to help reduce levels of fine-particle pollution in all areas of the state. The updates also will support efforts to help the city of Tacoma and a portion of Pierce County continue to meet national clean air standards.

Ecology and Washington clean air agencies have been conducting burn ban programs consistent with the legislative changes in order to meet clean air goals, although Ecology's current rule is outdated.

#### For more information:

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

Date of publication in the Seattle Daily Journal of Commerce, October 7, 2013.

[Ecology home](#) > [News](#) > News Release

**Washington State Department of Ecology - October 3, 2013**

13-252

## State updates clean air plan and rules for wood stoves

SPOKANE – The Department of Ecology (Ecology) is updating the statewide rule and plan for solid-fuel burning devices like wood stoves, fireplaces, pellet stoves, and masonry heaters.

The updates reflect recent changes to state law, meet federal requirements from the Environmental Protection Agency (EPA), and will help improve air quality.

Washington's clean air rules govern how air pollution is managed. Ecology incorporates many of these rules into a federally required statewide plan for meeting clean air standards.

The proposed changes will:

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- Help improve air quality in areas affected by wood stove pollution.
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Air pollution managers will use the updates to help reduce levels of fine-particle pollution in all areas of the state. The updates also will support efforts to help the city of Tacoma and a portion of Pierce County continue to meet national clean air standards.

Ecology and Washington clean air agencies have been conducting burn ban programs consistent with the legislative changes in order to meet clean air goals, although Ecology's current rule is outdated.

Ecology will hold two consecutive public hearings, one for the rule update and one for the plan update. The hearings begin at 7 p.m. on Nov. 7. Participants can attend in person at Ecology's Lacey headquarters building, 300 Desmond Drive SE ([map](#)) or through a webinar.

The documents and instructions to join the webinar are available online at:  
[www.ecy.wa.gov/programs/air/rules/webinars.htm](http://www.ecy.wa.gov/programs/air/rules/webinars.htm)

Please send comments by Nov. 15, 2013, to Richelle Perez, Department of Ecology, P.O. Box 47600 Olympia, Wash. 98504-7600; or to [AQComments@ecy.wa.gov](mailto:AQComments@ecy.wa.gov).

**Media Contact:** Brook Beeler, [@ecyspokane](#), 509-329-3478 [brook.beeler@ecy.wa.gov](mailto:brook.beeler@ecy.wa.gov)

**For more information:**

[Rule making](http://www.ecy.wa.gov/laws-rules/wac173433/1204.html) ([www.ecy.wa.gov/laws-rules/wac173433/1204.html](http://www.ecy.wa.gov/laws-rules/wac173433/1204.html))

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**From:** Perez, Richelle (ECY)  
**Sent:** Wednesday, October 02, 2013 4:21 PM  
**To:** Perez, Richelle (ECY)  
**Subject:** Ecology updates State Implementation Plan and rules for Wood Stoves

Hello.

The Department of Ecology proposes to update Solid Fuel Burning Devices, Chapter 173-433 WAC. The Washington State Register will publish the rule proposal on October 16, 2013. Additionally, Ecology proposes to submit the Solid Fuel Burning Devices rule to EPA for inclusion into the Washington State Implementation Plan (SIP).

**Where do I find more information about the rule proposal?**

The attached Rule Proposal Notice has information about the purpose of the proposal and how to participate in the formal comment period. You can also go to [http://www.ecy.wa.gov/programs/air/rules/rules\\_laws.html](http://www.ecy.wa.gov/programs/air/rules/rules_laws.html) for more information.

**What is the anticipated timeline for this rule making?**

- Proposed Rule filed for public comment (CR-102) 10/2/2013
- Public hearing for rule and SIP 11/7/2013
- End of formal comment period 11/15/2013
- Final Rule Adoption (CR-103) No earlier than 1/9/2014

Please let me know if you have questions.

Sincerely,

Richelle Perez  
Washington State Department of Ecology  
Air Quality Program  
360-407-7528  
[AQComments@ecy.wa.gov](mailto:AQComments@ecy.wa.gov)



## 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:

Richelle Perez  
Air Quality Program  
PO Box 17600  
Olympia, WA 98504-7600  
360-407-7528

[richelle.perez@ecy.wa.gov](mailto:richelle.perez@ecy.wa.gov)

#### 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](http://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](http://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](mailto: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.

