



State Implementation Plan Revision

Updates to Spokane Regional
Clean Air Agency Solid Fuel
Burning Devices Rule
(Regulation I - Article VIII)

Rule SIP Revision



July 2015

Publication and Contact Information

This report is available on Spokane Regional Clean Air Agency's website, www.SpokaneCleanAir.org.

Contact:

Spokane Regional Clean Air Agency
Attn: Margee Chambers
3104 E. Augusta Avenue
Spokane, WA 99207
Phone: (509) 477-4727
Fax: (509) 477-6828
Email: mchambers@spokanecleanair.org

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by

Spokane Regional Clean Air Agency

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I. Purpose

The federal Clean Air Act requires the Environmental Protection Agency (EPA) to develop National Ambient Air Quality Standards (NAAQS) for six common air pollutants called criteria pollutants. It requires states to develop plans (called State Implementation Plans or SIPs) detailing how the states will meet these standards.

Washington's SIP consists of state regulations adopted by the Department of Ecology (Ecology), state regulations adopted by the Energy Facility Site Evaluation Council (EFSEC), and regulations adopted local clean air agencies. States must submit their SIPs to EPA for approval, after providing public notice and an opportunity for public comment. In Washington, the Governor designated Ecology as the agency responsible for adopting SIP revisions and submitting SIPs to EPA.

Once approved by EPA, provisions in SIPs become federally enforceable. This means that if a local agency or state fails to implement the SIP, citizens or EPA can step in. In other words, SIPs allow for additional oversight by the public, regulated community and EPA.

On July 10, 2014, the Spokane Regional Clean Air Agency (SRCAA) adopted a revised regulation for the use of solid fuel burning devices including wood stoves, in the Spokane area. Before adopting the revised Regulation I, Article VIII, *Solid Fuel Burning Device Standards*, SRCAA provided notice to the public, accepted public comments, and held a public hearing.

The primary intent of the regulation update was to align the regulation's stated procedure for issuing temporary bans, or curtailments, on the use of solid fuel burning devices with Washington State law. The regulation update also revised the process for individuals to obtain authorization to use solid fuel burning devices during burn bans. The criteria for issuing burn bans are established in Revised Code of Washington (RCW) 70.94.473, which was amended by the state legislature in 2008. Incorporating the amended RCW into Regulation I, Article VIII does not affect SRCAA's practices with respect to the issuance of burn bans because the agency already implements the RCW.

The SRCAA *Solid Fuel Burning Device* regulation was first submitted to the EPA in 1994 for inclusion in the Washington SIP to bring about the attainment of the NAAQS for particulate matter ten microns or less (PM10). The area was redesignated to attainment in 2005, and is currently a maintenance area for PM10. We are submitting the updated regulation to Ecology, as the Governor's designee for the SIP. We request that Ecology adopt the SIP revision and submit it to EPA for approval in Washington's SIP.

The SIP revision is updating the local *Solid Fuel Burning Device* regulation language from the old, 1994 version to the current, 2014 version. The SIP revision does not change current local and state rules regarding the use of solid fuel burning devices. The SIP revision does not address EPA's new emission standards for the manufacture of new woodstoves. That is a federal manufacturing requirement.

What is New?

SRCAA amended its Regulation I, Article VIII, *Solid Fuel Burning Device Standards*, to meet changes to RCW 70.94.473. These updates now need to be reflected in the SIP. The changes are made to:

- Meet EPA air quality requirements
- Update criteria for issuing burn bans on the use of solid fuel burning devices
- Update the criteria for exemptions
- Reduce wood smoke emissions

What would SRCAA like Ecology to do with the submittal?

SRCAA proposes that Ecology, as the Governor's designee for the SIP, submit the SIP to EPA and request EPA to approve this rule revision into the SIP.

Public Involvement

As the Governor's designee for the SIP, Ecology is responsible for providing public notice and the opportunity to review and comment on the SIP revision. Ecology accepted public comments on the SIP revision from March 2, 2015 through April 10, 2015. Ecology held two public hearings in Spokane, both on April 2, 2015.

Ecology documented the public involvement process in the Response to Comments (Ecology publication number 15-02-010.) The Response to Comments includes the following documentation of public involvement for this SIP revision:

- Ecology's response to comments
- Copies of written comments
- Transcripts from two public hearings held on April 2, 2015
- Certification of Hearing
- Affidavit of publication of the Notice for Opportunity for Public Comment
- Ecology News Release on the public comment period and public hearing
- Frequently Asked Questions
- E-mail notifications

II. Detailed Discussion of Changes

Section 8.01 - Purpose

SRCAA Regulation I, Article VIII, *Solid Fuel Burning Device Standards* establishes emissions standards, certification standards and procedures, curtailment rules and fuel restrictions for wood stoves and other solid fuel burning devices. It is designed to reduce wood smoke emissions and maintain compliance with federal air quality standards within Spokane County. The current SIP-approved version of the rule was adopted and submitted to EPA in 1994 for incorporation in the SIP. The most recent revision to SRCAA's Regulation I, Article VIII, *Solid Fuel Burning Device Standards* was in 2014.

The revised rule lowers the burn ban trigger level to reduce solid fuel burning device emissions to meet the PM_{2.5} NAAQS. Given the more stringent nature of the PM_{2.5} NAAQS compared to the PM₁₀ NAAQS, this revision is reasonable and appropriate. Please see EPA's final approval of changes to Ch. 173-433 WAC, *Solid Fuel Burning Devices* (79 FR 26628, May 9, 2014, Docket # EPA-R10-OAR-2013-0707) for a full analysis of PM_{2.5} versus PM₁₀ trigger levels and correlation. This plan relies on that analysis.

Section 8.03 - Definitions

Definitions were updated, removed and/or added to clarify the *Solid Fuel Burning Device* regulation.

Updated:

- Authority – Agency is used in place of Authority. Agency represents Spokane Regional Clean Air Agency.
- Cook stove – Descriptors added to better define what makes an appliance a cook stove.
- Solid fuel burning device – Updated for clarification.
- Smoke control zone – Language updated for clarification.
- Woodstove – Updated to better describe criteria an appliance needs to meet to be a woodstove.

Added:

- Commercial establishment
- EPA Certified – A wood stove certified and labeled by EPA under 40 CFR 60 Subpart AAA-Standards of Performance for Residential Wood Heaters.
- National Ambient Air Quality Standards
- Non-affected pellet stove
- Non-attainment area
- Oregon Certified
- PM_{2.5} & PM₁₀
- Washington Certified Device

Removed:

- Adequate source of heat – Definition incorporated into single use of term in Section 8.08 Exemptions.
- Certified – New terms have taken it’s place, “EPA Certified” and “WA State Certified”.
- Furnace – Definition no longer used in the regulation.
- Reasonable further progress – Spokane County was redesignated to attainment in 2005. Reasonable further progress is no longer necessary for attainment purposed for the maintenance plan.
- Substantially remodeled – Definition no longer used in the regulation.

Section 8.04 – Emission Performance Standards

The rule revision includes adopting WAC 173-433 by reference. We are not seeking EPA SIP approval of subsections 130, 170, and 200 in their incorporation by reference of the rest of WAC 173-433.

Section 8.07 - Curtailment

The primary intent of the rule revision is to align the rule’s stated procedure for issuing temporary bans, or curtailments, in limited geographic areas, on the use of solid fuel burning devices (Section 8.07) with Washington State law. The criteria for issuing burn bans are established in RCW 70.94.473, which was amended by the state legislature in 2012.

The updates in this section include:

- Clarify what solid fuel burning devices may be used during a Stage I Burn Ban.
- Update the burn ban triggers to the more stringent PM2.5 standard.
- Clearly outline when to call a Stage 2 Burn Ban.
- Includes a matrix that graphically illustrates the applicability of solid fuel burning devices during Stage 1 Burn Ban, Stage 2 Burn Ban and an Air Quality Episode.
- Please see EPA’s final approval of changes to Ch. 173-433 WAC, Solid Fuel Burning Devices (79 FR 26628, May 9, 2014, Docket # EPA-R10-OAR-2013-0707).

SRCAA and Ecology established a correlation between PM10 and PM2.5 for Spokane County. The graph below shows a plot of coinciding daily averages of federal reference method (FRM) PM10 data and FRM PM2.5 data by season. The heating season is October through March. The non-winter season is April through September. The Spokane County data is from the Spokane-Augusta Avenue site, from September 2009 through September 2014. This plot shows that the PM2.5 trigger levels are more protective than the PM10 trigger levels. The PM2.5 trigger levels are sufficiently low that SRCAA would have already called an impaired air quality burn ban by the time PM10 levels reach their trigger levels.

Spokane Co.: September 2009 – September 2014

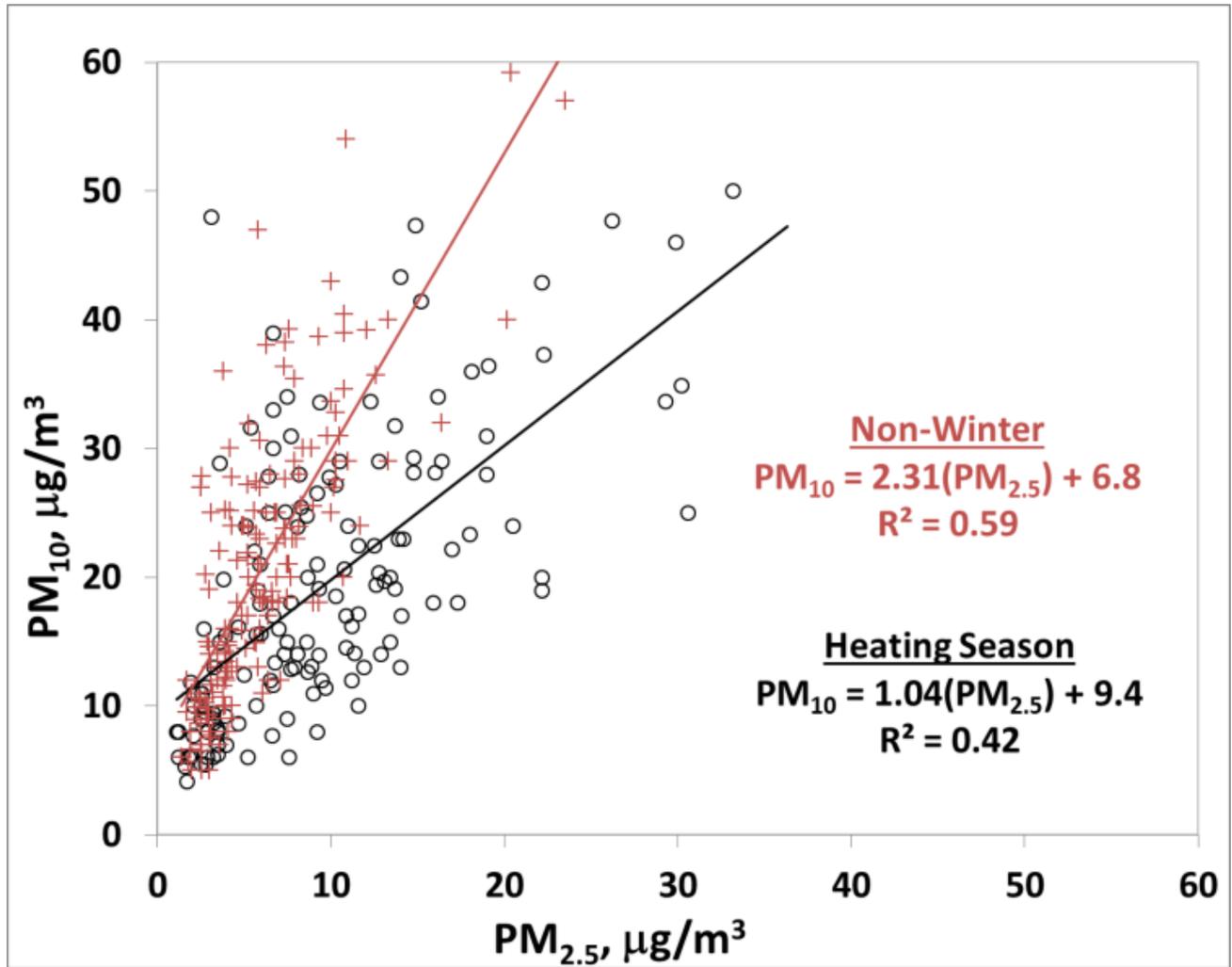


Figure 1: Spokane PM2.5 to PM10 Correlation of average daily values by season

Section 8.08 - Exemptions

The rule revision includes substantive changes to Section 8.08, *Exemptions*, which provides a means for individuals to obtain authorization to use solid fuel burning devices in limited geographic areas during burn bans. The changes include:

- Specify that individuals must qualify for the low income exemption through Spokane Neighborhood Action Partners (SNAP). Renewal of a low income exemption would also be obtained through SNAP.
- The fee for a low income exemption will be waived.
- Exemptions for structures with no other adequate source of heat will not be allowed if the structure was built on or after July 1, 1992.
- Clarify that a primary source of heat that is temporarily inoperable must be repaired or replaced pursuant to an agreed upon schedule if an exemption is granted allowing the use of a solid fuel burning device in place of the inoperable heat source. Unlike other exemptions, this will be available to commercial establishments.
- Provide for a temporary State of Emergency exemption due to a storm, flooding or other disaster. Temporary approval of exemption shall reference the emergency, effective date, expiration date, and limitations such as specific geographic areas.
- Provide for a one-time, 10-day temporary exemption, which is free of charge and can be requested by telephone. It is limited to low income, no adequate source of heat, and primary heating source temporarily inoperable.
- Eliminate the automatic exemption for solid fuel burning furnaces.

Section 8.09 – Procedure to Geographically Limit Solid Fuel Burning Devices

Updated the language in the rule to reflect that the area was redesignated from nonattainment to attainment for the PM10 NAAQS in 2005, and is currently a PM10 maintenance area.

Section 8.10 – Restrictions on Installation of Solid Fuel Burning Devices

Updated rule to meet Washington states stringent sale, transfer, advertise, installation requirements for solid fuel burning devices.

III. Redline Strike Out Version of Rule Language