

REVENUE: No revenue impact
FISCAL: Fiscal statement issued

Action: Do Pass as Amended and Be Printed Engrossed
Vote: 3 - 1 - 1
Yeas: Atkinson, Prozanski, Avakian
Nays: Beyer
Exc.: Bates
Prepared By: Sue Marshall, Administrator
Meeting Dates: 2/01, 4/5

WHAT THE MEASURE DOES: Expands air quality provisions from woodstove emissions to solid fuel burning devices. Modifies provisions relating to the sale of fuel burning devices, fireplaces and trash burners. Renames the Residential Wood Heating Air Quality Improvement Fund to the Residential Solid Fuel Heating Air Quality Improvement Fund and modifies certain aspects of the fund. Modifies prohibition on installation of used solid fuel burning devices. Modifies prohibition on sale of solid fuel burning device. Modifies prohibition on removal of solid fuel burning devices. Modifies solid fuel heating curtailment program requirements.

ISSUES DISCUSSED:

- Health risks from fuel burning device emissions
- Air quality non-attainment status in Klamath, Jackson, and Lane counties
- Economic impact in Klamath County
- Decommissioning old stoves
- Grant program for low income households
- Separation of enforcement penalties from Heat Smart program fund
- Implementing definitions of garbage, treated wood

EFFECT OF COMMITTEE AMENDMENT: Sets a \$400,000 per biennium cap on penalties paid into the Residential Solid Fuel Heating Air Quality Improvement Fund and returns any excess penalties to the General Fund. Exempts pellet stoves from solid fuel burning device requirements. Creates a single statewide seller's property disclosure form. Adds questions relating to the removal of woodstoves. Delays the effective date for removal and destruction of an uncertified stove upon home sale to August 1, 2008 and clarifies procedures for woodstove removal when a home is sold. Requires removal from all buildings on the property and clarifies who is responsible and the notification process for removal and destruction of an uncertified woodstove.

BACKGROUND: Since 1991, Oregon has required that new woodstoves be certified to meet air pollution standards. U.S. Environmental Protection Agency (EPA) data demonstrates that certified woodstoves are much less polluting than older, non-certified woodstoves, and can reduce fine particulates in the smoke by 70 percent. Woodstoves are also a major source of benzene and carbon dioxide in the air and that can impact human health and the environment. In some Oregon communities with the most severe woodstove pollution there are "no-burn day" restrictions during winter air pollution advisories.

In September 2006, the EPA tightened the fine particulate standard based on new health studies. The Department of Environmental Quality (DEQ) identifies wintertime residential wood burning as a significant source of fine particulate air pollution, which at times exceeds federal air quality health standards. DEQ projects that two Oregon cities (Klamath Falls and Oak Ridge) will likely violate the air new quality standard under current conditions.

Senate Bill 338-A replaces the term “woodstove” with “fuel burning devices” and expands the definition to include any device that burns wood, coal, or other nongaseous or non-liquid fuels. The measure prohibits burning certain materials in solid fuel burning devices. An added provision designates that all penalty moneys recovered by DEQ be credited to the Residential Solid Fuel Heating Air Quality Improvement Fund, up to a limit of \$400,000. Any additional penalty moneys above the cap will be paid to the State Treasury and credited to the General Fund. In areas of the state where a program is required under the federal Clean Air Act, the Environmental Quality Commission is authorized to adopt rules and DEQ is required to implement a program if local government has failed to do so.

Senate Bill 338-A prohibits the sale of solid fuel burning devices that do not meet current certification standards and requires removal of the device upon sale of a residence. Exemptions are provided for low income persons, those who heat solely with solid fuel burning devices, and wood burning pellet stoves (unless the device is located in an area designated as non-attainment for particulates).