

PROPOSED RULE 445. WOOD BURNING DEVICES

(a) Purpose

The purpose of this rule is to reduce the emission of particulate matter from wood burning devices.

(b) Applicability

The provisions of this rule shall apply to specified persons or businesses within the South Coast Air Basin portion of the South Coast Air Quality Management District:

- (1) Any person that manufacturers, sells, or offers for sale, or installs a wood burning device;
- (2) Any commercial firewood facility that sells, offers for sale, or supplies wood intended for burning in a wood burning device or portable outdoor wood burning device; and
- (3) Any land owner or land occupier that operates a wood burning device or portable outdoor wood burning device.

(c) Definitions

- (1) COMMERCIAL FIREWOOD FACILITY means any operation that has a business license that sells, or offers for sale, bulk firewood.
- (2) COOKSTOVE means any wood-fired device used primarily for cooking food as defined in Title 40 of the Code of Federal Regulations Section 60.531, February 28, 1988, or subsequently revised.
- (3) DEDICATED GASEOUS-FUELED FIREPLACE means a fireplace, including, but not limited to, a gas log fireplace, either constructed on-site, or factory built, fueled exclusively with a gaseous fuel such that the burner pan and associated equipment are affixed to the masonry or metal base of the fireplace.
- (4) FIREPLACE means any permanently installed masonry or factory-built device used for aesthetic or space-heating purposes and designed to operate with an air-to-fuel ratio greater than or equal to 35-to-1.

- (6) LOW INCOME HOUSEHOLD means any household that receives financial assistance through reduced electric or gas bills from an electric or natural gas utility based on household income levels.
- (7) MANDATORY WOOD BURNING CURTAILMENT DAY means any calendar day so declared to the public by the Executive Officer when levels of particulate matter of 2.5 microns in size or less (PM_{2.5}) is forecast to exceed 35 µg/m³.
- (8) MANUFACTURED FIRELOG means a commercial product expressly manufactured for use to simulate a wood burning fire in a wood burning device.
- (9) MASONRY HEATER means any permanently installed device that meets the definition of a masonry heater in ASTM E 1602-03.
- (10) NEW DEVELOPMENT means residential or commercial, single or multi-building unit, which begins construction on or after (*six months after rule adoption*). For the purposes of this definition, construction has begun when the building permit has been approved or when the foundation for the structure is started, whichever occurs first.
- (11) PELLET-FUELED WOOD BURNING HEATER means any wood burning heater that is operated on any pellet-fuel, and is either U.S. EPA Phase II-certified or exempted under U.S. EPA requirements as defined in Title 40 Code of Federal Regulations, Part 60, Subpart AAA, February 28, 1988, or subsequent revisions.
- (12) PERMANENTLY INSTALLED means any device built or installed in such a manner that the device is attached to the ground, floor, or wall, and is not readily moveable. A free standing stove that is attached to an exhaust system that is built into or through a wall is considered permanently installed.
- (13) PORTABLE OUTDOOR WOOD BURNING DEVICE means any portable outdoor device burning any solid fuel for aesthetic or space heating purposes including, but not limited to, fireplaces, burn bowls, and chimineas located on property zoned for residential uses.
- (14) SEASONED WOOD means wood of any species that has been sufficiently dried so as to contain 20 percent or less moisture content by weight as determined by ASTM Test Method D 4442-92 or a hand-held moisture meter operated in accordance with ASTM Test Method D 4444-92, Standard Test Methods for Use and Calibration of Hand-Held

Moisture Meters or an alternative method approved by the Executive Officer, the California Air Resources Board, and the U.S. Environmental Protection Agency.

- (15) SOLE SOURCE OF HEAT means the only permanent source of heat that is capable of meeting the space heating needs of a household.
- (16) SOUTH COAST AIR BASIN means the non-desert portions of Los Angeles, Riverside, and San Bernardino counties and all of Orange County as defined in California Code of Regulations, Title 17, Section 60104.
- (17) TREATED WOOD means wood of any species that has been chemically impregnated, painted, coated or similarly modified to improve resistance to insects or weathering.
- (18) U.S. EPA PHASE II-CERTIFIED WOOD BURNING HEATER means any device certified by the U.S. EPA to meet the performance and emission standards as defined in Title 40 Code of Federal Regulations, Part 60, Subpart AAA, February 28, 1988, or subsequent revisions.
- (19) WOOD BURNING DEVICE means any fireplace, wood burning heater, or pellet fueled wood heater, or any similarly enclosed, permanently installed, indoor or outdoor device burning any solid fuel for aesthetic or space-heating purposes, which has a heat input of less than one million British thermal units per hour (Btu/hr).
- (20) WOOD BURNING HEATER means an enclosed, wood burning device capable of space heating that meets all the criteria defined in Title 40 Code of Federal Regulations Section 60.531, February 28, 1988, or subsequent revisions including, but not limited to, wood stoves and wood burning fireplace inserts.
- (21) WOOD BURNING SEASON means the consecutive entire months of November, December, January, and February.

(d) Requirements

- (1) No person shall install a permanently installed wood burning device into any new development.
- (2) Notwithstanding the requirements of paragraph (d)(1), effective (*six months after rule adoption*), no person shall sell, offer for sale, supply, or install, a new or used permanently installed indoor or outdoor wood burning device or gaseous-fueled device unless it is one of the following:

- (A) A U.S. EPA Phase II-Certified wood burning heater; or
 - (B) A pellet-fueled wood burning heater; or
 - (C) A masonry heater; or
 - (D) A wood burning device or fireplace determined to meet the U.S. EPA particulate matter emission standard established by Title 40 Code of Federal Regulations, Part 60, Subpart AAA, February 28, 1988 or subsequent revisions; or
 - (E) A dedicated gaseous-fueled fireplace.
 - (3) No person shall burn any product not intended for use as fuel in a wood burning device including, but not limited to, garbage, treated wood, particle board, plastic products, rubber products, waste petroleum products, paints, coatings or solvents, or coal.
 - (4) A commercial firewood facility shall only sell seasoned wood from July 1 through the end of February the following year. Any commercial firewood facility may sell seasoned as well as non-seasoned wood during the remaining months.
- (e) Wood Burning Curtailment Program (effective during the months of November, December, January, and February)
- Effective beginning November 1, 2013, no person shall operate an indoor or outdoor wood burning device or portable outdoor wood burning device when a mandatory wood burning curtailment day is forecast for their specific region within the South Coast Air Basin.
- (f) Exemptions
- (1) The provisions of this rule shall not apply to cookstoves.
 - (2) The provisions of paragraph (d)(1) shall not apply to new developments where there is no existing infrastructure for natural gas service within 150 feet of the property line or those 3,000 or more feet above mean sea level.
 - (3) The provisions of paragraph (d)(2) shall not apply to an indoor or outdoor wood burning device that is permanently installed and included in the sale or transfer of any existing development.
 - (4) The provisions of (d)(2) shall not apply to properties that are registered as a historical site, or are contributing structures located in a Historic Preservation Overlay Zone, as determined by the applicable, federal, State, or local agency. Contributing structures are those buildings which

are examples of the predominate styles of the area, built during the time period when the bulk of the structures were built in the Historic Preservation Overlay Zone.

- (5) The provisions of (d)(3) shall not apply to manufactured firelogs.
- (6) The provisions of subdivision (e) shall not apply under the following circumstances:
 - (A) Residential or commercial properties where a wood burning device is the sole source of heat;
 - (B) A low income household;
 - (C) Residential or commercial properties where there is no existing infrastructure for natural gas service within 150 feet of the property line; or
 - (D) Residential or commercial properties located 3,000 or more feet above mean sea level; or
 - (E) Ceremonial fires exempted under Rule 444 - Open Burning.

(g) Administrative Requirements

The Executive Officer will provide public notice of a mandatory wood burning curtailment through one or more of the following methods:

- (1) A recorded telephone message;
- (2) Messages posted on the South Coast Air Quality Management District web site;
- (3) Electronic mail messages to persons or entities that have requested electronic notice;
- (4) Notifying broadcast and print media operating within the boundaries of the South Coast Air Basin; and
- (5) Any additional method that the Executive Officer determines is appropriate.

(h) Penalties

Any person that violates the provisions of subdivision (e) is subject to the following:

- (1) For first time violators during each wood burning season, attendance at a wood smoke awareness course that has been approved by the Executive Officer or payment of a penalty of \$50;

- (2) For second time violators during each wood burning season, payment of a penalty of \$150 or submission of proof of installation of a dedicated gaseous-fueled fireplace within 90 days after receiving the notice of violation; and
- (3) For third time violators during each wood burning season or violators of other provisions of this rule, payment of a penalty of \$500 or implementation of an environmentally beneficial project as derived through the mutual settlement process.