

RULE 3.17 **WOOD BURNING APPLIANCES** (Adopted 6/96, Amendments Proposed 10/05/09)

A. PURPOSE

A.1 The purpose of this rule is to reduce particulate matter pollution from wood burning appliances.

B. APPLICABILITY

B.1 The provisions of this rule shall apply at all elevations within the Feather River Air Quality Management District.

C. SEVERABILITY

C.1 If any section, subsection, sentence, clause, phrase, or portion of this rule is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

D. EFFECTIVE DATE

D.1 The provisions of this rule shall be effective on the date of adoption.

E. DEFINITIONS

E.1 **EPA** means the United States Environmental Protection Agency.

E.2 **EPA certified wood heating device** means any wood or other solid-fuel-burning appliance utilized for space or water heating or cooking or aesthetic purposes that is certified by the EPA as meeting the performance and emission standards as set forth in Title 40 CFR Section 60 Subpart AAA, February 26, 1988.

E.3 **Fireplace** means any permanently installed masonry or factory built device designed to be used with an air-to-fuel ratio greater than or equal to 35-to-1. Fireplaces installed with a dedicated natural gas or propane connection under the Uniform Building Code Section 3707(n) and not convertible to solid fuel appliances are exempt from the requirements of this Rule.

- E.4 **Pellet-Fueled Heater** means any heater that operates on pellet fuel and is either EPA certified or is exempt under EPA requirements as set forth in Title 40 CFR Section 60.530, February 26, 1988.
- E.6 **Permanently Inoperable** means modified in such a way that a device can no longer operate as a wood heating device.
- E.7 **Person** means any person, firm, association, organization, partnership, business trust, corporation, company contractor, supplier, installer, user, owner, state or local governmental agency or public district, or any officer or employee thereof.
- E.8 **Unseasoned Wood** means wood of any species that has not been sufficiently dried or contains 20 percent or more moisture by weight. Percent moisture content of wood shall be determined by ASTM test method D4442-92, or other method approved by the Air Pollution Control Officer.
- E.9 **Solid Fuel** means wood, coal, or any other nongaseous or nonliquid fuels.
- E.10 **Used Wood Heating Device** means any wood heating device that has been used at least once, except wood heaters that have been used by retailers for the purpose of demonstration.
- E.11 **Wood Cook Stove** means any wood-burning appliance designed primarily for cooking food as described in the Code of Federal Regulations (CFR) Section 60.531.
- E.12 **Wood-Heating Device** means any fireplace, wood-burning heater, or pellet-fueled heater, or similar enclosed, permanently installed appliance capable of burning wood or other solid fuel and intended for space heating or aesthetic purposes or domestic water heating, which has a heat input less than one million British thermal units per hour.

F. REQUIREMENTS

- F.1 All new and used wood heating devices used for the first time in existing buildings and those used in all new building projects constructed after the adoption date of this rule within the boundaries of Feather River Air Quality Management District shall meet emission and performance requirements in section F.2.
- F.2 No person shall sell, offer for sale, supply, install, or transfer a new or used wood heating device unless it meets one of the following criteria:

- a. It is an EPA certified wood heating device.
 - b. It is a masonry fireplace, or other device specifically exempted from EPA certification in Title 40 CFR Section 60.530.
 - c. It is a pellet-fueled heater.
 - d. It has been rendered permanently inoperable as determined by the Air Pollution Control Officer.
 - e. It has been determined to meet the particulate-matter emission standard of no more than 4.1 grams per hour particulate-matter emission for catalytic and 7.5 grams per hour for noncatalytic appliances, and is approved in writing by the Air Pollution Control Officer.
- F.3 Section F.2 parts a through e shall not apply to an existing wood heating device which is permanently installed in a structure which is being offered for sale.
- F.4 The Air Pollution Control Officer may issue an advisory through local communications media to recommend actions for the use of wood heating devices whenever conditions within the District are projected to cause an exceedence of a State or National Ambient Air Quality Standard.
- a. Recommended actions can include but are not limited to: allow, reduce, curtail, limits on specific areas, or request to cease.

G. PROHIBITIONS

- G.1 No person shall cause or allow materials to be burned in a fireplace or wood heating device such that the discharge of air contaminants would cause a public nuisance, pursuant to Section 41700 of the California Health and Safety Code.
- G.2 No person shall cause or allow any of the following materials to be burned in a wood heating device:
- a. Prohibited Materials as described in District Rule 2.0 Section E.15.
 - b. Unseasoned wood.
 - c. Any other material not intended by a manufacturer for use as a solid fuel in a wood heating device.