

**A. 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 primarily utilized for space or water heating ~~or cooking or aesthetic purposes~~ that is certified by the ~~U.S. Environmental Protection Agency (EPA)~~ as meeting ~~the performance and emission standards as set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations Title 40 CFR Section 60 Subpart AAA, February 26, 1988.~~

~~Phase I appliances must meet the emission requirements of no more than 5.5 grams per hour particulate matter emission for catalytic and 8.5 grams per hour for noncatalytic appliances.~~

~~Phase II appliances must meet the emission requirements of no more than 4.1 grams per hour~~

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~~particulate matter emission for catalytic and 7.5 grams per hour for noncatalytic appliances.~~

~~AE.23~~ **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)~~ California Code of Regulations Title 24 Part 2, Volume 2, Section 2111A, and not convertible to solid fuel appliances are exempt from the requirements of this Rule.

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~~E.4~~ **Masonry Heater** means any permanently installed device that meets the definition of a masonry heater in ASTM E 1602-03.

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~~A.3~~ **Insert Device** means any EPA Phase II or equivalent wood heating device specifically designed to convert an open uncontrolled fireplace to a useful wood heating device.

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~~AE.4~~ **Oregon-Certified** means any wood heater certified by the State of Oregon as meeting the performance and emission standards set forth in Sections 100 through 190 of Chapter 340, Division 21, Oregon Administrative Rules.

~~A.55~~ **Pellet-Fueled Wood Heater** means any wood heater that operates on pellet wood or other solid fuel and is either EPA certified or is exempt under EPA requirements as set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations Title 40 CFR Part 60 Subpart AAA Section 530, February 26, 1988.

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~~AE.6~~ **Permanently Inoperable** means modified in such a way that a device can no longer operate as a wood heating device.

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~~AE.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.

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~~AE.89~~ **Solid Fuel Appliances** means any fireplace or wood heater that burns wood, coal, or any other nongaseous or nonliquid fuels, or any similar device burning any solid fuel, used as a water heater or for aesthetic or

~~space heating purposes in a private residence or commercial establishment, which has a heat input less than one million British thermal units per hour.~~

~~AE.910~~ **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.

~~AE.1011~~ **Wood Cook Stove** means any wood-burning appliance designed primarily for cooking food ~~with a separate oven for cooking or baking which is contained in and is an integral part of the body of the appliance~~ described in the Code of Federal Regulations (CFR) Section 60.531.

~~AE.1112~~ **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. This term does not include fireplaces or wood cook stoves.~~

#### **BF. REQUIREMENTS**

~~BF.1~~ All ~~new and used~~ wood- heating devices used for the first time in existing buildings and those used in all new ~~residential and commercial~~ building projects constructed after the ~~effective adoption~~ date of this rule within the boundaries of Feather River Air Quality Management District shall meet emission and performance requirements ~~equivalent to EPA Phase II devices as set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988~~ in section F.2.

~~B.2~~ 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.

~~BF.32~~ 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 ~~certified by the EPA as meeting the performance and emission standards as set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988~~an EPA certified wood heating device; ~~or it is certified by the~~

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~~Oregon Department of Environmental Quality as meeting the performance and emission standards set forth in Sections 100 through 190 of Chapter 340, Division 21, Oregon Administrative Rules.~~

- b. ~~It is exempted from certification by the EPA a masonry heater.~~
- c. ~~It is a pellet-fueled wood 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.~~

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~~F.3 Section BF.3-2 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.~~

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~~BF.4 The Air Pollution Control Officer may issue an advisory through local communications media to voluntarily curtail recommend actions for the use of uncertified solid fuel appliances wood heating devices whenever conditions within the District are projected to cause ambient air quality concentrations of inhalable particulate matter (PM10) that exceed 60 micrograms per cubic meter an exceedence of a State or National Ambient Air Quality Standard.~~

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- a. ~~Recommended actions can include but are not limited to: allow, reduce, curtail, limits on specific areas, or request to cease.~~

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## 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.~~

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~~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.~~

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c. Any other material not intended by a manufacturer for use as a solid fuel in a wood heating device.

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~~C. ENFORCEMENT~~

~~C.1 Noncompliance with any part of this Rule shall be considered to be a violation of a District regulation and subject the violator to a civil penalty of up to one thousand dollars (\$1,000) per day in which a violation occurs (Health and Safety Code Section 42402).~~

~~C.2 Any person who negligently emits an air contaminant in violation of this Rule shall be liable for a civil penalty of up to fifteen thousand dollars (\$15,000) per day in which a violation occurs (Health and Safety Code section 42402.1).~~

~~D. EFFECTIVE DATE~~

~~D.1 This Rule shall become effective June 3, 1996.~~

~~E. APPLICABILITY~~

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