

**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, offers for sale, or installs a wood-burning device;
- (2) Any commercial firewood seller that sells, offers for sale, or supplies wood or other wood-based fuels intended for burning in a wood burning-device or portable outdoor wood-burning device; and
- (3) Any property owner or tenant that operates a wood-burning device or portable outdoor wood-burning device.

(c) Definitions

- (1) **COMMERCIAL WOOD-BASED FUEL SELLER** means any operation that has a business license that sells, or offers for sale, or supplies packaged, bundled or bulk firewood, manufactured firelogs, or wood pellets.
- (2) **COOKSTOVE** means any wood or wood-based fuel-fired device that is designed and used for cooking food and has the following characteristics as defined in Title 40 of the Code of Federal Regulations Section 60.531, February 28, 1988, or any subsequent revision:
  - (A) An oven, with a volume of 0.028 cubic meters (1 cubic foot) or greater, and an oven rack;
  - (B) A device for measuring oven temperatures;
  - (C) A flame path that is routed around the oven;
  - (D) A shaker grate;
  - (E) An ash pan;
  - (F) An ash clean-out door below the oven; and

- (G) The absence of a fan or heat channels to dissipate heat from the appliance.
- (3) DEDICATED GASEOUS-FUELED FIREPLACE means any indoor or outdoor 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 indoor or outdoor 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.
- (5) 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.
- (6) MANDATORY WINTER BURNING CURTAILMENT
- (A) Means any calendar day or consecutive calendar days during the wood burning season so declared to the public by the Executive Officer when ambient levels of particulate matter of 2.5 microns in size or less (PM2.5) is forecast to exceed  $30 \mu\text{g}/\text{m}^3$  for a specific source/receptor area.
- (B) Applies to the entire South Coast Air Basin whenever a PM2.5 level of greater than  $30 \mu\text{g}/\text{m}^3$  is predicted for a source receptor area containing a monitoring station that has recorded a violation of the federal 24-hour PM2.5 National Ambient Air Quality Standard for either of the two previous three-year design value periods. The design value is the three-year average of the annual 98<sup>th</sup> percentile of the 24-hour values of monitored ambient PM2.5 data.
- (7) MANUFACTURED FIRELOG means a commercial product expressly manufactured for use to simulate a wood burning fire in a wood-burning device.
- (8) MASONRY HEATER means any permanently installed device that meets the definition of a masonry heater in ASTM E 1602-03.
- (9) NEW DEVELOPMENT means residential or commercial, single or multi-building unit, which begins construction on or after March 9, 2009. 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.

- (10) 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 any subsequent revision.
- (11) 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.
- (12) PORTABLE OUTDOOR WOOD-BURNING DEVICE means any portable outdoor device burning any wood-based fuel for aesthetic or space heating purposes including, but not limited to, fireplaces, burn bowls, and chimineas located on property zoned for residential uses.
- (13) 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
  - (A) ASTM Test Method D 4442-92, Standard Test Method for Use and Calibration of Hand-Held Moisture Meters; or
  - (B) 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
  - (C) An alternative method approved by the Executive Officer, the California Air Resources Board, and the U.S. Environmental Protection Agency.
- (14) SOLE SOURCE OF HEAT means the only permanent source of heat that is capable of meeting the space heating needs of a household.
- (15) 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.
- (16) TREATED WOOD means wood of any species that has been chemically impregnated, painted, coated or similarly modified to improve resistance to insects, wood rot and decay, or weathering.

- (17) U.S. EPA 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 any subsequent revision.
  - (18) WOOD-BASED FUEL means any wood, wood-based product, or non-gaseous or non-liquid fuel, including but not limited to manufactured firelogs, wood or pellet products. For the purpose of this rule, charcoal is not considered a wood-based fuel.
  - (19) WOOD-BURNING DEVICE means any fireplace, wood-burning heater, pellet-fueled wood burning heater, or any similarly open or enclosed, permanently installed, indoor or outdoor device burning any wood-based fuel for aesthetic 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 any subsequent revision 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.
  - (22) WOOD-FIRED COOKING DEVICE means any cookstove, wood-fired oven or grill, or any device designed for burning any wood-based fuel for cooking purposes.
- (d) Requirements
- (1) No person shall permanently install a wood-burning device into any new development.
  - (2) Notwithstanding the requirements of paragraph (d)(1), 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 Certified wood-burning heater; or
    - (B) A pellet-fueled wood-burning heater; or
    - (C) A masonry heater; or
    - (D) 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 seller shall only sell seasoned wood from July 1 through the end of February the following year. Any commercial firewood seller may sell seasoned as well as non-seasoned wood during the remaining months.
- (5) Labeling and Sell-Through Provision
  - (A) Effective November 4, 2013, no commercial firewood seller shall sell, offer for sale, or supply wood-based fuel without first attaching a permanently affixed indelible label to each package or providing written notice to each buyer at the time of purchase of bulk firewood that at a minimum states the following:

Use of this and other solid fuel products may be restricted at times by law. Please check (1-877-4NO-BURN) or ( <a href="http://www.8774NOBURN.org">www.8774NOBURN.org</a> ) before burning.
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- (i) Alternative language, toll-free telephone number or web address for the information specified in subdivision (g) may be used, subject to Executive Officer approval.
    - (ii) The Executive Officer shall specify guidelines for the aforementioned labeling requirements.
  - (B) Any wood-based fuel packaged prior to November 4, 2013 may be sold, offered for sale or supplied up to November 4, 2015.
- (e) Mandatory Winter Burning Curtailment

No person shall operate an indoor or outdoor wood-burning device, portable outdoor wood-burning device, or wood-fired cooking device during the wood burning season when a mandatory winter burning curtailment is forecast for the specific region where the device is located, or on a Basin-wide basis as defined in paragraph (c)(6).
- (f) Exemptions
  - (1) The provisions of this rule shall not apply to wood-fired cooking devices designed and used for commercial purposes.

- (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 (d)(5) shall not apply to wood-based fuel intended for the cooking, smoking, or flavoring of food.
- (7) 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; or
  - (B) A low income household; or
  - (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 winter 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 such 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, completion of 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, payment of a penalty of \$500 or implementation of an environmentally beneficial project as derived through the mutual settlement process.

(i) Severability

If any provision of this rule is held by judicial order to be invalid, or invalid or inapplicable to any person or circumstance, such order shall not affect the validity of the remainder of this rule, or the validity or applicability of such provision to other persons or circumstances.