



Rule 445 – Wood Burning Devices Local Government, Builder, Contractor, Architect Answers to Frequently Asked Questions (FAQs)

(August 2011)

The following information has been prepared to assist in answering questions on AQMD Rule 445 – Wood Burning Devices. It should be noted that compliance determinations will be based on the specific Rule 445 language that can be viewed or downloaded at the following web site:

<http://www.aqmd.gov/rules/reg/reg04/r445.pdf>

REQUIREMENTS FOR NEW DEVELOPMENTS

When do the standards for new developments become effective?

The requirement to only install gaseous-fueled fireplaces and stoves is applicable to any new residential or commercial development that **begins construction on or after March 9, 2009**.

The date that **construction has begun** is when the building permit is approved or when the foundation for the structure is started, whichever is first.

What kind of fireplace or stove can be installed in new developments?

Any gaseous-fueled fireplace, fireplace insert or stove can be installed in new developments. This includes any fireplace that is either factory-built or constructed on-site that is fueled exclusively with a gaseous fuel such that the burner pan and associated equipment are affixed to the metal or masonry base of the fireplace.

Gaseous-fueled devices include those fueled by either natural gas or propane (i.e., liquefied petroleum gas).

Do these new development requirements apply to both indoor and outdoor fireplaces?

The requirements are applicable to any **permanently installed** device.

Permanently installed is defined as built or installed such that it is attached to the ground, floor or wall and is not readily moveable. A free standing stove attached to an exhaust system that is built into or through a wall is considered permanently installed.



Rule 445 – Wood Burning Devices Local Government, Builder, Contractor, Architect Answers to Frequently Asked Questions (FAQs)

(August 2011)

Are there any exemptions to the requirements for new developments?

There are two separate conditions where a cleaner wood burning device can be installed in a new development:

1. properties 3,000 or more feet in elevation;
and
2. properties where there is no existing infrastructure for natural gas service within 150 feet of the property line.

The cleaner wood burning devices that could be installed under either of these two conditions include:

- ✓ U.S. EPA Phase II-certified wood heaters or equivalent devices;
- ✓ pellet-fueled heaters; and
- ✓ masonry heaters (not masonry fireplaces).

If you would like additional details on the hearth products defined as cleaner wood burning devices under Rule 445, please refer to the discussion under the heading, “Requirements for Existing Developments”



Rule 445 – Wood Burning Devices Local Government, Builder, Contractor, Architect Answers to Frequently Asked Questions (FAQs)

(August 2011)

REQUIREMENTS FOR EXISTING DEVELOPMENTS

When do the standards for existing developments become effective and what can be built in existing developments?

Beginning September 8, 2008, the devices in three cleaner wood burning categories listed below and any gaseous-fueled device can be sold, offered for sale, or installed in existing developments.

1. U.S. EPA Phase II-certified wood heater (fireplace inserts or stoves)

U.S. EPA Phase II-certified devices have an identification label on the unit and the model name and number are also listed on the following web site:

<http://www.epa.gov/Compliance/resources/publications/monitoring/caa/woodstoves/certifiedwood.pdf>

2. Pellet-fueled heater

Pellet-fueled heaters can be operated on any pellet fuel including, but not limited to, ground, dried wood and other biomass wastes compressed into pellets and corn. Additional information on pellet heaters can be obtained from the U.S. EPA at the following web site:

<http://www.epa.gov/woodstoves/basic.html#pellet>

3. Masonry heater (not an open hearth fireplace)

Technically listed as any device that meets the definition included in ASTM E 1602-03, a masonry heater is a site-built or site-assembled solid-fueled heating device, consisting of a firebox, a large masonry mass, and a maze of heat exchange channels. These devices are rare in warm climates such as Southern California but additional information can be obtained from the following U.S. EPA web site:

<http://www.epa.gov/woodstoves/basic.html#mason>



Rule 445 – Wood Burning Devices Local Government, Builder, Contractor, Architect Answers to Frequently Asked Questions (FAQs)

(August 2011)

Do the requirements for existing developments apply to both indoor and outdoor fireplaces?

The requirements apply to any **permanently installed** device.

Permanently installed is defined as built or installed such that it is attached to the ground, floor or wall and is not readily moveable. A free standing stove attached to an exhaust system that is built into or through a wall is considered permanently installed.

What if I need to repair my existing fireplace?

An existing wood-burning fireplace can be repaired or replaced and would not be subject to the Rule 445 requirements for existing developments provided that the repair or replacement occurs within the same footprint as the existing wood-burning fireplace. If a home or chimney inspection documents the need for replacement of an existing wood-burning fireplace, however, installation of a gaseous-fueled hearth device is encouraged and may be required by a local government or other regulation.

Are there any exemptions to the requirements for existing developments?

The requirements for existing developments do not apply under the following conditions:

1. Fireplaces and stoves included in a property sale. For example, there are no retrofit or replacement requirements under Rule 445 when buying or selling a home with an existing wood burning fireplace or stove.
2. Properties that are registered as a historical site, or are contributing structures located in a Historic Preservation Overlay Zone. Refer to your local city or county agency to determine if your property is within a Historic Protection Overlay Zone.