



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

**(October 2019)**

The following information has been prepared to assist in answering questions on SCAQMD 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/docs/default-source/rule-book/rule-iv/rule-445.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- or liquid-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, propane (i.e., liquefied petroleum gas) or alcohol.

#### **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.

#### **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:



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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 certified wood heaters;
- ✓ 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 below under the heading, “Requirements for Existing Developments.”

### **Can I install a wood-burning pizza oven or other wood-based cooking device as part of a new development?**

Yes, but such devices would be subject to the Mandatory Winter Burning Curtailment provisions. Wood-fired cooking devices designed and used for commercial purposes are exempt from all Rule 445 provisions.

### **Can I install an outdoor fireplace or fire pit as part of a new development?**

Rule 445 prohibits the installation of any open or enclosed permanently installed wood burning device. Portable devices are allowed but all wood burning is prohibited during a Mandatory Winter Burning Curtailment day.



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### **REQUIREMENTS FOR EXISTING DEVELOPMENTS**

#### **What is considered an existing development?**

An existing development is a residential or commercial property where construction had finished prior to March 9, 2009. Construction is considered finished as of the date of issuance of a use and occupancy permit.

#### **What can be built as a new hearth device in existing developments?**

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 certified wood heater (fireplace inserts or stoves)

U.S EPA 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/burnwise/pelletstoves.html>

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/burnwise/appliances.html#masonryheaters>

#### **What can be installed as a retrofit into an existing wood-burning fireplace in an existing development?**

There are essentially no Rule 445 restrictions as to what can be installed as a retrofit into a fireplace in an existing development. Residents may opt to install a gaseous-fueled, electric or visual product intended to simulate or replace wood burning or there may be other options. Residents that wish to continue burning wood but are interested in



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attempting to reduce emissions may opt to install a variety of products including a U.S. EPA Phase 2 Qualified Retrofit Device. Additional information on these products can be found at the web site below.

<http://www.epa.gov/burnwise/fireplacelist.html#retrofits>

Please note that local governments may have special codes or provisions when installing devices in fireplaces at existing developments. Also, please remember that all wood-based fuel burning is prohibited during a Mandatory Winter Burning Curtailment. This includes wood-based fuels used in indoor and outdoor devices.

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

The requirements apply to any **permanently installed** device either indoors or outdoors. **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 and would not be subject to the Rule 445 requirements for existing developments provided that the repair occurs within the same footprint as the existing wood-burning fireplace. Any construction on or after March 9, 2009 is considered a new development and any pre-existing fireplace may not be replaced or rebuilt. If a home or chimney inspection documents the need for repair 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.

### **Can a U.S. EPA Phase 2 Qualified open hearth wood-burning fireplace be installed as a new hearth device in an existing development?**

No. The only wood-burning devices allowed to be installed in existing developments are U.S. EPA certified inserts/stoves, pellet heaters and masonry heaters (not open hearth fireplaces). Additional information on the U.S. EPA Phase 2 qualified program is available at <http://www.epa.gov/burnwise/fireplaces.html>. As noted on the U.S. EPA web page:

*“The wood-burning appliances that are "qualified" under the EPA's Voluntary Fireplace Programs are not "certified" per EPA's Wood Heater*



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*New Source Performance Standard”.*

### **Can I install a wood-burning pizza oven or other wood-based cooking device at my home?**

Yes, but such devices would be subject to the Mandatory Winter Burning Curtailment provisions. Wood-fired cooking devices designed and used for commercial purposes are exempt from all Rule 445 provisions.

### **Can I install an outdoor fireplace or fire pit at my home?**

Rule 445 prohibits the installation of any open or enclosed permanently installed wood burning device. Portable devices are allowed but all wood burning is prohibited during a Mandatory Winter Burning Curtailment day.

### **Are there any exemptions to the requirements for existing developments?**

There are no retrofit or replacement requirements under Rule 445 when buying or selling a home with an existing wood burning fireplace or stove.

Additionally, properties that are registered as a historical site, or are contributing structures located in a Historic Preservation Overlay Zone are exempt from paragraph (d)(2) provisions. Refer to your local city or county agency to determine if your property is within a Historic Protection Overlay Zone.