



WOODSMOKE RULE REGULATION 6, RULE 3 AUGUST 7, 2009

EXEMPTION GUIDANCE DOCUMENT FOR THE WOODSMOKE RULE

The purpose of this document is to provide guidance regarding who may be exempt from the Bay Area Air Quality Management District's Woodsmoke Rule. The goal of the Woodsmoke Rule is to reduce emissions of particulate air pollution from wood burning in the Bay Area, particularly on winter nights when the accumulation of woodsmoke causes the greatest health risk.

From November through February, the Air District will issue a *Winter Spare the Air Alert* when particulate pollution is expected to rise to unhealthy levels as established by the U.S. EPA. The Woodsmoke Rule states that during a *Winter Spare the Air Alert*, it is illegal to use any wood-burning device such as fireplaces, woodstoves, or pellet stoves in the Bay Area.

The Woodsmoke Rule has three "limited exemptions" that allow people in specific situations to burn wood during a *Winter Spare the Air Alert*:

- **Natural Gas Service Unavailability**
- **Electrical Power Service Unavailability**
- **Only Source of Space Heat**

The Woodsmoke Rule states that you are exempt from the burn ban if wood-burning is your only source of space heat for a residence or commercial building. The rule further states that if you have another form of functioning space heating¹ then wood-burning is not the only source of heat for the residence or commercial space, then you may not use your wood-burning device during a *Winter Spare the Air Alert*.

Am I exempt if I live in an area that does not have natural gas service, but my residence or commercial space has another form of space heating?

The intent of the Only Source of Space Heat Exemption is to discourage the use of wood-burning devices when another form of space heating is available.

¹ These other forms include central forced-air furnace, wall heaters, radiant heaters, baseboard heaters, or other forms of permanently-installed heating powered by natural gas, propane, or electricity. The Air District interprets the phrase "another form of space heating" to mean only *permanently-installed* space heating. So, for instance, if your only other source of heat is a portable electric heater that can be moved from room to room, you may still be exempt from the Curtailment Requirement.

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Therefore, if you are in an area that does not have natural gas service, but you have a permanently-installed heater (for instance, propane), then you are not exempt from the burn ban. Similarly, if there is no electrical service in an area provided by a public utility, or if service is temporarily interrupted, the burn ban does not apply unless another form of permanently-installed heat is available.

Am I exempt from the burn ban if I have another source of space heat, but it is not sufficient to heat my entire home?

If you have another source of permanently-installed space heat in the residence or commercial space, then you are not exempt from the burn ban. A residence with a heating system that effectively heats the entire residence or commercial space is not exempt. In addition, the residence or commercial space is not exempt even if the other form of space heat is not capable of heating the entire residence or commercial space to desirable temperatures. The intent of this exemption is that people should not be deprived of the ability to burn wood for essential heating, or heating that is absolutely necessary. Essential heating should not require heating an entire residence or commercial space.

Am I exempt from the burn ban if I have another source of space heat, but it is not functioning?

The only source of space heat exemption states that a person is not exempt if they have another form of functioning space heat. For situations where there is permanently-installed space heating that is not functioning, the residence or commercial space will be exempt from the burn ban until the last day of February of that year. That person will not be able to claim the exemption the following year based on having a non-functioning heater.