



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

ADVISORY COUNCIL PUBLIC HEALTH COMMITTEE

AGENDA

COMMITTEE MEMBERS

BRIAN ZAMORA, CHAIRPERSON
CASSANDRA ADAMS
JEFFREY BRAMLETT

STEVEN T. KMUCHA, M.D.
KAREN LICAVOLI-FARNKOPF, MPH
LINDA WEINER

MONDAY
JUNE 9, 2008
1:30 P.M.

7TH FLOOR BOARD ROOM

- 1. Call to Order – Roll Call**
- 2. Public Comment Period**

Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3. The public has the opportunity to speak on any agenda item. All agendas for Committee meetings are posted at the District, 939 Ellis Street, San Francisco, at least 72 hours before a meeting. At the beginning of the meeting, an opportunity is also provided for the public to speak on any subject within the Committee's purview. Speakers are limited to five minutes each.

- 3. Approval of Minutes of April 9, 2008**
- 4. Discussion of Proposed Regulation 6, Rule 3: Wood-Burning Devices**

The Committee will discuss and receive a status report on the proposed Regulation 6, Rule 3: Wood-Burning Devices. A public hearing on the rule is scheduled for July 9, 2008.

- 5. Committee Member Comments/Other Business**

Committee members, or staff, on their own initiative, or in response to questions posed by the public, may ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting on any matter or take action to direct staff to place a matter of business on a future agenda.

6. Time and Place of Next Meeting: 1:30 p.m., Thursday, August 13, 2008, 939 Ellis Street, San Francisco, CA 94109.

7. Adjournment

CONTACT EXECUTIVE OFFICE - 939 ELLIS STREET SF, CA 94109

(415) 749-5127
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities notification to the Clerk's Office should be given in a timely manner, so that arrangements can be made accordingly.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET, SAN FRANCISCO, CALIFORNIA 94109
(415) 771-6000

EXECUTIVE OFFICE:
MONTHLY CALENDAR OF DISTRICT MEETINGS

MAY 2008

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Personnel Committee <i>– (At the Call of the Chair)</i>	Friday	30	9:30 a.m.	4 th Floor Conf. Room

JUNE 2008

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Advisory Council Technical Committee <i>(Meets 1st Monday of every even Month)</i> - CANCELLED	Monday	2	9:30 a.m.	Board Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	4	9:45 a.m.	Board Room
Advisory Council Technical Committee – <i>(Meets 2nd Monday Even Month)</i>	Monday	9	9:30 a.m.	Board Room
Advisory Council Public Health Committee – <i>(Meets 2nd Wednesday Even Month)</i>	Monday	9	1:30 p.m.	Board Room
Board of Directors Executive Committee <i>(Meets At the Call of the Chair)</i>	Wednesday	11	10:00 a.m.	4 th Floor Conf. Room
Board of Directors Climate Protection Committee <i>(Meets 3rd Thursday every other Month)</i>	Thursday	12	9:30 a.m.	4 th Floor Conf. Room
Advisory Council Air Quality Planning Committee <i>(Meets 1st Thursday Even Month)</i>	Monday	16	9:30 a.m.	Room 716
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i> - CANCELLED	Wednesday	18	9:45 a.m.	Board Room
Board of Directors Legislative Committee <i>(Meets 4th Monday of every Month)</i> - CANCELLED	Monday	23	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Budget & Finance Committee <i>(Meets 4th Wednesday of each month)</i> - CANCELLED	Wednesday	25	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee – <i>(Meets 4th Thursday of each Month)</i> - CANCELLED	Thursday	26	9:30 a.m.	4 th Floor Conf. Room

JULY 2008

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Mobile Source Committee – <i>(Meets 4th Thursday of each Month)</i>	Tuesday	1	9:30 a.m.	4 th Floor Conf. Room

JULY 2008

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Ad Hoc Cme. on Port Emissions	Wednesday	2	9:30 a.m.	To Be Determined
Board of Directors Public Outreach Committee <i>(Meets 1st Thursday every other Month)</i>	Thursday	3	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	9	11:00 a.m.	Board Room
Advisory Council Regular Meeting <i>(Meets 2nd Wednesday Every Other Month)</i>	Wednesday	9	2:00 p.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month) - CANCELLED</i>	Wednesday	16	9:45 a.m.	Board Room
Joint Policy Committee	Friday	18	10:00 a.m. – 12:00 p.m.	MTC 101 - 8 th Street Oakland, CA 94607
Board of Directors Budget & Finance Committee <i>(Meets 4th Wednesday of each month)</i>	Wednesday	23	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Legislative Committee <i>(Meets 4th Monday of the Month)</i>	Monday	28	9:30 a.m.	4 th Floor Conf. Room

AUGUST 2008

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Advisory Council Technical Committee <i>(Meets 1st Monday of every even Month)</i>	Monday	4	9:30 a.m.	Board Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month) - CANCELLED</i>	Wednesday	6	9:45 a.m.	Board Room
Advisory Council Air Quality Planning Committee <i>(Meets 1st Thursday Even Month)</i>	Thursday	7	9:00 a.m.	Room 716
Advisory Council Public Health Committee – <i>(Meets 2nd Wednesday Even Month)</i>	Wednesday	13	1:30 p.m.	Board Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month) - CANCELLED</i>	Wednesday	20	9:45 a.m.	Board Room
Board of Directors Legislative Committee <i>(Meets 4th Monday of every Month) - CANCELLED</i>	Monday	25	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Budget & Finance Committee <i>(Meets 4th Wednesday of each month) - CANCELLED</i>	Wednesday	27	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee – <i>(Meets 4th Thursday of each Month) - CANCELLED</i>	Thursday	28	9:30 a.m.	4 th Floor Conf. Room

HI
5/29/08 (3:25 p.m.)
P/Library/Forms/Calendar/Calendar/Moncal

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109

DRAFT MINUTES

Advisory Council Public Health Committee
1:30 p.m., Wednesday, April 9, 2008

1. **Call to Order:** Chairperson Kim called the meeting to order at 1:37 p.m.

Roll Call: Janice Kim, M.D., Ph.D., Chairperson, Cassandra Adams, Jeffrey Bramlett and Brian Zamora.

Absent: Steven Kmucha, M.D., Karen Licavoli-Farnkopf, MPH, Linda Weiner

2. **Public Comment Period:** There were none.

3. **Approval of Minutes of February 13, 2008:** Mr. Zamora moved approval of the minutes, seconded by Mr. Bramlett, carried unanimously.

4. **Review and Discussion of Final Draft Strategy for Asthma as it Relates to Indoor Air Quality:**

Chair Kim stated that in 2005 the Committee was asked to provide additional guidance on indoor air quality and asthma, she discussed key references and reviews by the Institute of Medicine and said the matter is complex in which pollutants can get indoors. She presented a draft document entitled, "Strategy for Asthma as it Relates to Indoor Air Quality" and clarified some of the important indoor air sources, listed various programs such as the U.S. EPA Indoor Air Program and programs of the CARB.

Chair Kim stated it would be useful for a designated staff member at the Air District to participate in quarterly meetings of the California Inter-Agency Working Group.

ACTION: Ms. Adams moved approval to accept the Strategy for Asthma as it Relates to Indoor Air Quality, seconded by Mr. Zamora; carried unanimously.

Chair Kim suggested that the item be forwarded to the Advisory Council and also asked staff to determine the dates in 2004 and 2005 of when the previous recommendations were made and recorded. Mr. Hilken said staff can research the minutes and identify those dates.

5. Overview of the Community Air Risk Evaluation (CARE) Program

Henry Hilken stated that Planning staff had previously reported on the program, questions have been received regarding the health risk assessment conducted in West Oakland, and draft results show very high levels of risk from diesel particulate matter in West Oakland.

CARE Program Manager, Dr. Phil Martien, gave an overview of the program, stating that the CARE Programs focus is in communities where levels of PM are particularly high. The CARE Program looks at, not only where emissions and concentrations are high, but where sensitive populations are located in the Bay Area. Issues of dense urban development are addressed within the region and they suggest trade-offs between high density and high emissions, and preserving open space. The program is a 3-phased program and he discussed work completed to date in each phase. The Task Force has recommended including mitigation measures as the program is being developed. There are current vacancies on the Task Force and members discussed the body's composition and the need for an additional health professional.

Dr. Martien presented an emission inventory for the Bay Area region to year 2005, pie charts by pollutant and source category, individual pollutants and those broken down by source category, chronic non-cancer toxicity weighted emissions, Acrolein pollutant sources and their concentration levels. He discussed the different cancer outcomes resulting from various pollutants, maps of the emission inventory, information on demographics, and modeling in Phase II on concentrations of diesel particles.

Regarding next steps, Dr. Martien reported active participation in the West Oakland Health Risk Assessment, work on regional and sub-regional modeling, work on a truck survey and enhanced measurements in West Oakland, and said they have started to collaborate more with local health departments to present information and to hear some of their concerns.

Dr. Martien provided an update on the health risk assessment, stating that Air District staff is working with the CARB, the Port of Oakland, and Union Pacific Railroad Yard. The HRA focuses on diesel particles. It looks at cancer and other health impacts of the Bay region as a whole and the study considered 3 source regions; Part I-Maritime part of Oakland—265 tpy; Part II – Union Pacific Rail Yard-11 tpy, and Part III – Other West Oakland-568 tpy.

Mr. Zamora questioned and confirmed the report included all sources in the Bay and out past the Golden Gate, but did not include outside areas due to prevailing winds impacting the West Oakland area.

Dr. Martien presented key findings of the HRA as follows:

- The West Oakland community is exposed to diesel PM concentrations that are almost three times the estimated background diesel PM concentrations in the BAAQMD.
- The estimated lifetime potential cancer risk for residents of West Oakland from exposure to diesel PM emissions is about 1,200 excess cancers per million.

- Port operations 200 excess cancers per million
- UP Rail Yard 40 excess cancers per million
- Non-Port and non-UP sources about 950 excess cancers per million

Another key finding is that the on-road heavy-duty trucks result in the largest contribution to the overall potential cancer risks, followed by ships, harbor craft, locomotives, and cargo handling equipment and source categories were presented for Part I/Port, Part II/UP, Part III/All Other, and Combined source impacts.

Chair Kim said there is a significant cancer impact in Part III, and she questioned how much was related to freeway versus local truck traffic. Dr. Martien said they feel they have good representation of the trucks on the freeway; they are using the MTC Travel Network which represents major roadways but not minor streets and agreed it could be under-estimated. Once a detailed survey of where the trucks are traveling on the local streets, they may find it does not affect the assessment significantly. Source destination studies could be useful and they will try and differentiate between those trucks with containers involved with the Port and those that do not.

Dr. Martien presented a map of contours of risk from the Port of Oakland to the Bay Area region as a whole, discussed diesel PM emissions and non-cancer impacts.

Dr. Martien presented state regulations adopted and those which are planned to reduce risk, but noted remaining risk levels are still high at over 200 in a million, he presented the current projected risk levels and projections in 2010, 2015 and 2020, with CARB regulations and growth and said by 2015, assuming new regulations are adopted, there will be an 80% reduction in the population weighted risk and by 2020.

The Air District has been very involved in the health risk assessment, is committed to staying involved to track reductions in diesel emissions and risk in West Oakland. The Air District co-chairs and participates in the Port of Oakland's Maritime Air Quality Improvement Plan Task Force and they will update and refine emissions estimates, will conduct an enhanced measurement study, and adding monitoring stations in the West Oakland area to track progress of overall particulate reductions.

Dr. Martien described the CARE Mitigation Action Plan, which focuses on risk reduction activities where most needed, have identified six impacted communities (Concord, East Oakland/San Leandro, Eastern San Francisco, Richmond, San Jose and West Oakland) where they are working with grant funds, outreach efforts, act as liaison with local health departments and work on developing land use guidance which will help cities and counties assess health impacts to new development projects from existing sources. The Plan will also look at all five Ports and developing emission inventories and he further discussed total projected grant funding in 2008 which amounts to \$87 million.

Mr. Zamora questioned whether there is an assessment of health impacts to existing people from existing sources. Dr. Martien said the land use guidance will focus on new development, but West Oakland is considering a buffer zone between industrial areas and residential areas, but the problem is that those buffer zones already include residential areas. It may be that they could address what types of mitigation measures are effective

and whether they can be applied to existing situations. Also, using grant funding will be helpful as well as CARB regulations.

Mr. Bramlett applauded staff for their work, scope, accuracy and detail of the information.

Mr. Zamora referred to slide 3; Land Use Guidelines, and said it would be very important to work with the West Oakland community and Health Department and overlay those high risk populations such as schools and long term care facilities. He said long-term care facilities were never designed to have air conditioning and this would be a good example of a mitigation measure.

Chair Kim questioned whether funds would be available for those types of mitigations, said CARB has earmarked a tremendous amount of funds for certain categories and questioned the specifications for those programs in dealing with at-risk populations. She discussed an article of a study done in the American Journal Respiratory Critical Care Medicine Journal; a portable air filter was put into a residential senior home, the senior's heart rate variability was monitored, they did a trial with and without HVAC and were able to show that with the air filter on, there was a reduction in particulate matter and also a reduction in heart rate variability.

Mr. Hilken introduced Virginia Lau, Advanced Project Advisor in the Planning Division and in the CARE program.

Chair Kim also congratulated the Air District on its commitment to the project, said she attended the West Oakland Community meeting several weeks ago and commended the District on its work, as well as the Ports who discussed their commitment and work.

Mr. Hilken said they would like to increase representation on the CARE Task Force from the health field in general and asked members to pass on suggestions and potential candidates.

Ms. Adams confirmed that people other than health officials could be forwarded onto staff, as well. Dr. Kim and Mr. Zamora suggested working with the local County Health Departments to also seek potential candidates. The Committee further discussed resources on the CARE website and potential interested candidates from the state health level as a resource.

6. Committee Member Comments/Other Business

Mr. Bramlet thanked Dr. Kim for her work on the project as well as District staff.

Mr. Zamora suggested agendizing wood smoke on the next agenda and Mr. Hilken noted there were meetings scheduled in April and if not posted already, it will be very soon.

7. Time and place of next meeting: 1:30p.m., Wednesday, June 4, 2008, Room 716, 939 Ellis Street, San Francisco, CA 94109.

8. **Adjournment:** The meeting adjourned at 2:58 p.m.

Lisa Harper
Clerk of the Board

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Zamora and Members
of the Advisory Council Public Health Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: June 3, 2008

Re: Proposed Regulation 6, Rule 3: Wood-Burning Devices

RECOMMENDED ACTION:

Receive and file.

BACKGROUND

The Air District is proposing Regulation 6, Rule 3, Wood-Burning Devices, to reduce particulate matter and visible emissions from wood-burning devices to help attain the National 24-hour PM_{2.5} standard. The Air District conducted extensive public outreach to explain the need for a wood smoke regulation and answer the public's questions. Seven (7) public rule development workshops were held in November 2007. Following these workshops, staff revised the rule to provide more clarity and held an additional nine (9) informational meetings this past April around the Bay Area. Active participants during both sets of public meetings included representatives of the American Lung Association, the Hearth, Patio and Barbecue Association (manufacturers and vendors of wood-burning-device-related equipment) and many individual residents, and both oral and written comments have been received on the proposed rule. Staff has made final revisions to the draft rule and set the public hearing for the Board of Directors to consider adoption of the proposed rule for July 9, 2008. The deadline for written public comments on the proposed rule is June 27, 2008. Staff has also issued a Notice of Preparation for an Environmental Impact Report (EIR) and released a draft EIR to address CEQA for this rule, with a public comment period for the Draft EIR that will end June 18, 2008.

Staff provided a status report on the rule development for Regulation 6-3: Wood-Burning Devices at the March 12, 2008 full Advisory Council Meeting.

DISCUSSION

Per the Committee's request, a copy of the proposed rule is attached and staff will be available at the committee meeting to answer any questions.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Paul Hibser
Reviewed by: Kelly Wee

Attachments: Draft, proposed Regulation 6-3: Wood-Burning Devices (May 27, 2008)
Draft amendments to Regulations 1 (March 28, 2008) & 5 (May 27, 2008)

**REGULATION 6
PARTICULATE MATTER AND VISIBLE EMISSIONS
RULE 3
WOOD-BURNING DEVICES
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6-3-601 Determination of Visible Emissions

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**REGULATION 6
PARTICULATE MATTER AND VISIBLE EMISSIONS
RULE 3
WOOD-BURNING DEVICES**

6-3-100 GENERAL

6-3-101 Description: The purpose of this rule is to limit emissions of particulate matter and visible emissions from wood-burning devices.

6-3-110 Limited Exemption, Natural Gas Service Unavailability: The requirement of Section 6-3-301 shall not apply to any person who operates a wood-burning device in an area where natural gas service is not available (which includes temporary service outages), as determined by gas utility service to an area or household. A person may qualify for this exemption even though propane fuel is available for space heating purposes.

6-3-111 Limited Exemption, Electrical Power Service Unavailability: The requirements of Section 6-3-301 shall not apply to any person in an area where electrical power service is not available (which includes temporary service outages), as determined by electrical utility service to an area or household.

6-3-112 Limited Exemption, Only Source of Space Heat: The requirement of Section 6-3-301 shall not apply to any person whose only source of heat for residential space heating is a wood-burning device. A person claiming this exemption cannot have use of another form of functioning space heating.

6-3-200 DEFINITIONS

6-3-201 APCO: The Air Pollution Control Officer of the Bay Area Air Quality Management District (District) or the designee thereof.

6-3-202 Builder: Any individual or company that constructs or sells any residential or commercial unit with a wood-burning device installed therein.

6-3-203 Curtailment Period: Any period so declared to the public by the APCO when a negative impact upon public health is anticipated, resulting from PM_{2.5} levels forecast to exceed 35 micrograms/m³. Members of the public can verify status of a curtailment period through the following methods:

- Listen to local TV or Radio News;
- Call 1-800-HELP-AIR; or
- Check www.sparetheair.org.

The APCO may use any or all of the following methods to provide public information about a curtailment period:

- Media outlets of general circulation in the Bay Area including, but not limited to: newspapers, radio or television stations;
- Recorded telephone messages on District informational phone numbers;
- Emails to recipients of the District "Spare the Air" list server;
- Messages posted on the District website, www.sparetheair.org; or
- Other means of communication as appropriate.

6-3-204 Electric-powered Heating Device: Any device that produces heat through use of an element utilizing resistance from alternating current or other means of electrical space heating, including, but not limited to, electric fireplaces.

- 6-3-205 Fireplace:** Any installed masonry or factory-built wood-burning device designed to operate with an air-to-fuel ratio greater than or equal to 35-to-1, a burn rate over 11 pounds per hour, or a weight over 1760 pounds.
- 6-3-206 Garbage:** Any solid, semisolid, or liquid waste generated from residential, commercial, and industrial sources, including trash, refuse, rubbish, industrial wastes, asphaltic products, manure, vegetable or animal solid or semisolid wastes, and other discarded solid or semisolid wastes.
- 6-3-207 Gas-fueled Heating Device:** Any device that utilizes natural gas as a fuel source supplied by a natural gas service utility, including, but not limited to, gas-fueled fireplaces, gas-fueled room heaters, gas-fueled inserts, or gas-fueled log sets.
- 6-3-208 Low Mass Fireplace:** Any fireplace and attached chimney, as identified in American Society for Testing and Materials (ASTM) E 2558-07, "Determining Particulate Matter Emissions from Fires in Low Mass Wood-burning Fireplaces", that can be weighed (including the weight of the test fuel) on a platform scale.
- 6-3-209 Masonry Heater:** Any site-built or site-assembled, solid-fueled heating device constructed mainly of masonry materials in which the heat from intermittent fires burned rapidly in its firebox is stored in its structural mass for slow release to the site. Such solid-fueled heating devices must meet the design and construction specifications set forth in ASTM E 1602-03, "Guide for Construction of Solid Fuel Burning Masonry Heaters."
- 6-3-210 Pellet-fueled Device:** Any solid-fueled burning device which is operated on pellet-fuel and is either U.S. EPA Phase II certified or exempted under U.S. EPA requirements set forth in Title 40 Code of Federal Regulation (CFR), Part 60, Subpart AAA. Pellet fuel may be composed of compressed wood, corn or other biomass.
- 6-3-211 Real Property:** The land and anything permanently affixed to the land, such as a building and structures.
- 6-3-212 Ringelmann Chart:** A numerical ranking system whereby graduated shades of gray varying by five equal steps between white and black are visually compared to the density of smoke. The chart, as distributed by the United States Bureau of Mines, provides the graduated shades 1, 2, 3, 4 and 5, which are known as Ringelmann No. 1, 2, 3, 4 and 5, respectively. The system is used in determining whether emissions of smoke are within limits or standards of opacity.
- 6-3-213 Seasoned Wood:** Firewood that has a moisture content of 20 percent or less by weight using the testing method specified in Section 6-3-602.
- 6-3-214 Solid Fuel:** Any wood, wood-based product, non-gaseous or non-liquid fuel, including but not limited to: manufactured logs, wood or other pellet products. This definition does not include solid fuel intended for cooking food, such as charcoal.
- 6-3-215 Treated Wood:** Wood of any species that has been chemically impregnated, painted, or similarly modified to improve resistance to insects or weathering.
- 6-3-216 U.S. EPA Phase II Certified Device:** Any device certified by the U.S. EPA to meet the performance and emission standards as set forth in Title 40 CFR, Part 60, Subpart AAA.
- 6-3-217 Visible Emissions:** Emissions which are visually perceived by an observer. Restrictions on visible emissions in District regulations are expressed as numbers on the Ringelmann Chart, as published by the United States Bureau of Mines.
- 6-3-218 Wood-burning Device:** Any wood-burning stove or heater, pellet-fueled device, fireplace, or any indoor permanently installed device used to burn any solid fuel for space-heating or aesthetic purposes. This definition does not include wood-burning devices intended exclusively for cooking food, such as wood-fired ovens or barbecues.
- 6-3-300 STANDARDS**
- 6-3-301 Mandatory Solid-fuel Burning Curtailment:** During the months of November through February, no person shall operate (combust wood or solid-fuel products in)

any wood-burning device during a curtailment period. This curtailment requirement shall not apply to a gas-fueled heating device or an electric-powered heating device.

6-3-302 Visible Emissions Limitation: No person shall cause or allow a visible emission from any wood-burning device in any building or structure that exceeds No. 1 on the Ringelmann Chart or 20 percent opacity for a period or periods aggregating more than six consecutive minutes in any one-hour period. Visible emissions from the startup of a new fire for a period not to exceed twenty consecutive minutes in any consecutive four-hour period are not subject to this provision.

6-3-303 Criteria for Sale, Resale or Installation of Wood-burning Devices: Effective January 1, 2009, no person shall sell, offer for sale or resale, supply, install, or transfer a new or used wood-burning device intended for use within District boundaries unless it is one of the following:

303.1 A U.S. EPA Phase II certified wood-burning device;

303.2 A pellet-fueled device;

303.3 A low mass fireplace, masonry heater or other wood-burning device of a make and model that meets EPA emission targets and has been approved in writing by the APCO.

This requirement does not apply if a wood-burning device is an installed fixture included in the sale or transfer of any real property. Any gas-fueled heating device or electric-powered heating device is allowed under this standard.

6-3-304 Criteria for Wood-burning Devices in New Building Construction: Effective for construction permits issued after January 1, 2009, no person or builder shall commence construction of a new building or structure containing a wood-burning device or install a new wood-burning device resulting from a remodel unless the device meets the requirements of Section 6-3-303. Any gas-fueled heating device or electric-powered heating device is allowed under this standard.

6-3-305 Prohibition Against Burning Garbage, Non-Seasoned Wood or Certain Materials: No person shall cause or allow any of the following materials to be burned in a wood-burning device: garbage, treated wood, non-seasoned wood, used or contaminated wood pallets, plastic products, rubber products, waste petroleum products, paints and paint solvents, coal, animal carcasses, glossy or colored paper, salt water driftwood, particle board, and any material not intended by a manufacturer for use as a fuel in a wood-burning device.

6-3-306 Requirements for Sale of Wood: No person shall sell, offer for sale, or supply any wood (not to include manufactured logs) intended for use in a wood-burning device that does not meet one of the following requirements:

306.1 Have a moisture content of 20 percent or less by weight, or

306.2 For moisture content of greater than 20 percent by weight, be identified as unseasoned wood and include instructions on how to dry out the wood, as required in Section 6-3-404.3, before combustion.

6-3-400 ADMINISTRATIVE REQUIREMENTS

6-3-401 Verification of Violation: The APCO has sole authority over enforcing requirements of this rule and will independently verify any violation before issuing a Notice of Violation or taking other enforcement action.

6-3-402 Device Sale or Installation, Public Awareness Information: Effective January 1, 2009, any person or builder offering for sale, selling or installing a new or used wood-burning device subject to Section 6-3-303 shall provide public awareness information to each purchaser of a wood-burning device in the form of pamphlets, brochures, or fact sheets addressing proper installation, operation, and maintenance of the wood-burning device and the health effects of wood smoke. The information on health effects of wood smoke shall include the following statement:

"Wood smoke contains harmful particulate matter (PM) which is associated with numerous negative health effects."

6-3-403 Device Manufacturer’s Certification or Proof of Equivalency: The manufacturer and seller of any wood-burning device shall provide documentation to any purchaser that the device is U.S. EPA Phase II certified or that the device meets the equivalent U.S. Phase II emission limits.

6-3-404 Labeling for Solid Fuel or Wood Sale: Effective January 1, 2009, any person offering for sale, selling or providing solid fuel or wood intended for use in a wood-burning device within District boundaries shall:

404.1 Attach a label to each package of solid fuel or wood sold that states the following:

“**HEALTH WARNING:** This product and similar solid-fuel products produce particulate matter when burned which can be harmful to public health. Your city, county or air pollution control district may prohibit the use of this product and wood burning on days when air pollution levels may be high. Please check before using.”

404.2 If wood (not to include manufactured logs) is seasoned then the label must also state the following:

“This wood meets air quality regulations for moisture content to be less than 20 % (percent) by weight for cleaner burning.”

404.3 If wood (not to include manufactured logs) is not seasoned, then the label must state the following:

“This wood does **NOT** meet air quality regulations for moisture content and must be properly dried before burning.”

In addition to the disclosure listed above, any person offering for sale or selling wood that is not seasoned for use in a wood-burning device shall also provide written instructions on how to properly dry the wood to achieve a 20% (percent) by weight moisture content.

6-3-500 MONITORING AND RECORDS

6-3-501 Burden of Proof: The burden of proof of eligibility for the exemption pursuant to Section 6-3-112 is on the claimant. Any person claiming such an exemption shall maintain adequate documentation or records explaining why the device is the only source of heat and whether the situation is temporary or permanent. Such records will be furnished to the APCO upon request.

6-3-502 Proof of Certification or Equivalency: Upon request of the APCO, a manufacturer shall demonstrate that each wood burning device subject to the requirements of Section 6-3-303 meets the standards set forth in this regulation.

6-3-600 MANUAL OF PROCEDURES

6-3-601 Determination of Visible Emissions: Ringelmann standard shall be determined by Manual of Procedures-Volume 1 – Enforcement Procedures, Evaluation of Visible Emissions.

6-3-602 Determination of Moisture Content: Moisture content of wood shall be determined by ASTM Test Method D 4442-92 or 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.

6-3-603 Determination of EPA Certification or Equivalency: EPA certification or demonstration of equivalence for wood burning-devices shall be performed in accordance with EPA Guidance Document for Residential Wood Combustion, Method 28, 5G, 5H, or other EPA approved methodology.

(DRAFT March 25, 2008)

REGULATION 1 GENERAL PROVISIONS AND DEFINITIONS

- 1-110 Exclusions:** District Regulations shall not apply to the following:
- 110.1 Engines used to propel motor vehicles, and defined by the Vehicle Code of the State of California.
 - 110.2 Deleted May 17, 2000.
 - 110.3 Aircraft.
 - 110.4 Fires from ~~residential heating and~~ residential cooking.

(DRAFT May 27, 2008)

REGULATION 5 OPEN BURNING

- 5-110 Exemptions:** The following fires are exempt from this Regulation:
- 110.1 Fires set only for cooking of food for human beings. ~~Fires set for recreational purposes using only clean dry wood or charcoal, and a small amount of firestarter.~~
- 5-112 Limited Exemption, Recreational Fires:** A fire set for recreational purposes is exempt from the requirements of Section 301.
- 5-202 Fire:** Any combustion of combustible materials of any type outdoors ~~in the open, not in any enclosure, where the products of combustion are not directed through a flue~~
- 5-223 Curtailment Period:** Any period so declared to the public by the APCO when negative impact upon public health is anticipated, as defined in Regulation 6-3-203.
- 5-224 Recreational Fires:** A fire used for social, cultural or other activities including, but not limited to, campfires, bonfires, ceremonial fires, handwarming fires, raku or pit pottery curing fires, or fires conducted as part of an unusual event such as fire walking provided only clean dry wood and fire starter is used, and the activity is not part of a business for gainful occupation.
- 5-302 Mandatory Curtailment for Recreational Fires:** No person shall ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any recreational fires during curtailment periods.