

APPENDIX A

Proposed Amendments to Regulation 6, Rule 3: Wood-Burning Devices

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

(Adopted July 9, 2008)

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 used for primary heat, supplemental heat or ambiance.
(Amended 10/21/15)

6-3-102 Applicability: This Rule applies to:

- 102.1 Any person who owns or operates any wood-burning device for use within the District as defined in Section 6-3-229.
- 102.2 Wood heater manufacturers and retailers.
- 102.3 Any person who advertises, sells, offers for sale or resale, supplies, installs or transfers a new or used wood-burning device.
- 102.4 Any person selling, renting or leasing real property.
- 102.5 Any person or builder building new construction, or
- 102.6 Any person who sells, offers for sale, or supplies any wood intended for use in a wood-burning device.

6-3-110 Limited Exemption, Sole Source of Heat: ~~Until October 31, 2016, the requirements of Section 6-3-301 shall not apply to any person whose sole source of heat is a wood-burning device.~~

~~110.1 Effective November 1, 2016, t~~The requirements of Section 6-3-301 shall not apply to any person whose sole source of heat is an EPA certified wood-burning device that is registered with the District per the requirements of Sections 6-3-404 and 405 and who does not have available to them a permanently-installed natural gas, propane or electric heating device. Qualification for exemption is subject to verification.

~~110.21 Effective November 1, 2018, r~~Rental properties subject to Section 6-3-305 located in areas with natural gas service do not ~~longer~~ qualify for this exemption ~~in Section 6-3-110.4.~~

(Amended 10/21/15)

6-3-111 Limited Exemption, Non-functional, Permanently Installed Heater: ~~Effective November 1, 2015, t~~The requirement of Section 6-3-301 shall not apply to any person whose only non-wood-burning, permanently-installed source of heat is non-functional and requires repair to resume operation. A dwelling may qualify for a 30-day exemption if there is no alternate form of heat and the non-functional heater is repaired to resume function within 30 days. Qualification for this exemption is subject to verification and must be supported by documentation of repair, which must be submitted to the District within 10 days of a receipt of a request for such records.

(Adopted 10/21/15)

6-3-112 Limited Exemption, Loss of Natural Gas and/or Electric Power: The requirement of Section 6-3-301 shall not apply to a person whose dwelling is in an area that has a temporary loss of gas and/or electric utility service and there is no alternate form of heat available. Qualification for exemption is subject to verification.

(Amended 10/21/15)

6-3-200 DEFINITIONS

- 6-3-201** **Alternate Form of Heat:** A form of heat that does not burn wood or any other solid fuels. Alternate forms of heat include, but are not limited to gas-fueled (e.g. propane or natural gas) or electric heat.
(Adopted 10/21/15)
- 6-3-202** **APCO:** The Air Pollution Control Officer of the Bay Area Air Quality Management District (District) or the designee thereof.
- 6-3-203** **Builder:** Any individual or company that constructs or sells any residential or commercial property.
(Amended 10/21/15)
- 6-3-204** **Electric 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, heat pumps, or wall heaters.
(Amended 10/21/15)
- 6-3-205** **EPA:** United States Environmental Protection Agency.
(Adopted 10/21/15)
- 6-3-206** **EPA Certified:** Any wood-burning heater that meets the standards set forth in Title 40 Code of Federal Regulations (CFR), Part 60, Subpart AAA in effect at the time of installation and is certified and labeled pursuant to those regulations. An EPA certified wood heater may be freestanding, built-in, or an insert within a fireplace.
(Adopted 10/21/15)
- 6-3-207** **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.
- 6-3-208** **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.
- 6-3-209** **Gas-fueled Heating Device:** Any device that utilizes natural gas or propane as a fuel source exclusively including, but not limited to, gas-fueled fireplaces, gas-fueled room heaters, or gas-fueled inserts.
(Amended 10/21/15)
- 6-3-210** **Insert:** A wood or gas-fueled heater designed to be installed in an existing masonry or factory-built fireplace.
(Adopted 10/21/15)
- 6-3-211** **Mandatory Burn Ban:** Any period so declared to the public by the APCO during which ~~the air quality is forecast by the District to be unhealthy due to ambient levels of particulate matter exceeding 35 µg/m³ and~~ burning wood or any solid fuels is illegal within District boundaries in the Bay Area. A Mandatory Burn Ban is announced through a Spare the Air Alert.
(Adopted 10/21/15; Amended 11/20/19)
- 6-3-212** **Manufacturer:** Any person who constructs or imports a wood-burning fireplace or wood-burning heater.
(Adopted 10/21/15)
- 6-3-213** **New Building Construction:** Any single or multi-family housing unit, for which construction began on or after November 1, 2016. Construction is deemed to occur when the foundation for the structure is installed.
(Adopted 10/21/15)

- 6-3-214 Pellet-fueled Wood Heater:** A wood-burning device which is operated on pellet-fuel and is either EPA 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.
(Amended 10/21/15)
- 6-3-215 Permanently Installed:** A device that is fixed to the structure of a dwelling or unit and is not readily movable.
(Adopted 10/21/15)
- 6-3-216 Particulate Matter (PM):** [As defined in Regulation 6, Section 6-206](#) – Any material that is emitted as liquid or solid particles, or as gaseous material that becomes liquid or solid particles at the testing temperatures specified in the source test method, ~~excluding uncombined water vapor, water mist or steam.~~
- (Adopted 10/21/15)
- 6-3-217 PM_{2.5}:** ~~PM_{2.5} has an aerodynamic diameter equal to or less than 2.5 microns.~~ [As defined in Regulation 6, Section 6-206.3](#) – Particulate matter with an aerodynamic diameter equal to 2.5 microns or less, including both filterable solid or liquid particles with a diameter of 2.5 microns or less, and gaseous emissions that condense to form such particles at ambient temperatures. These liquid and/or solid particles are identified using EPA Test Method 201A and 202. If necessary, alternate approved test methods may be used as described in [Regulation 2, Rule 1, Section 2-1-603.](#)
(Adopted 10/21/15)
- 6-3-218 Real Property:** The land and anything affixed to the land, such as a building or structures.
(Adopted 10/21/15)
- 6-3-219 Remodel:** A change to the appearance and/or functional utility of a fireplace or chimney that requires a building permit.
(Adopted 10/21/15)
- 6-3-220 Retailer:** Any person engaged in the sale of wood-burning fireplaces, wood-burning heaters, or outdoor wood-burning devices.
(Adopted 10/21/15)
- 6-3-221 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.~~ [As defined in Regulation 6, Section 6-207](#) – The chart used to measure opacity published by the United States Bureau of Mines.
- 6-3-222 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.
- 6-3-223 Solid Fuel:** Any wood, wood-based product, non-gaseous or non-liquid fuel, including but not limited to: manufactured logs, pressed logs, wood or other pellet products.
- 6-3-224 Spare the Air Alert (STA):** An alert by the APCO that notifies the public when a Mandatory Burn Ban is in effect. Members of the public can verify status of a burn ban through the following methods:
- Listen to local TV or Radio News;
 - Call 1-877-4NO-BURN;
 - Check www.sparetheair.org; or

- Follow District social media.

(Amended November 20, 2019)

6-3-225 Treated Wood: Wood of any species that has been chemically impregnated, painted, or similarly modified to improve resistance to insects or weathering.

(Renumbered November 20, 2019)

~~**6-3-226 Uncertified Wood Heater:** A wood heater that is not certified by the U.S. EPA to meet requirements in Title 40 Code of Federal Regulations, Part 60, Subpart AAA.~~

~~(Adopted 10/21/15; Renumbered 11/20/19)~~

~~**6-3-227 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.~~

~~(Renumbered November 20, 2019)~~

6-3-228⁶ Wood Heater: An enclosed wood-burning device capable of and intended for space heating such as a wood stove, pellet-fueled wood heater, or wood-burning fireplace insert. [\[Formerly Section 6-3-228\]](#)

(Adopted 10/21/15; Renumbered 11/20/19)

6-3-229⁷ Wood-burning Device: Any wood heater, fireplace, or any indoor permanently installed device used to burn any solid fuel for space-heating or aesthetic purposes. [\[Formerly Section 6-3-229\]](#)

(Renumbered November 20, 2019)

6-3-300 STANDARDS

6-3-301 Burning Prohibited During Mandatory Burn Ban: No person shall operate or combust wood or solid-fuel products in any wood-burning device during a Mandatory Burn Ban. [A Mandatory Burn Ban is so declared by the APCO when forecasted ambient 24-hour average PM_{2.5} concentration is expected to exceed 25 µg/m³ for any area within District boundaries.](#)

(Amended 10/21/15; 11/20/19)

6-3-302 Requirements for Wood Heater Manufacturers and Retailers: No manufacturer or retailer shall advertise, sell, offer for sale or resale, supply, install or transfer a new or used wood-burning device intended for use within District boundaries unless the device meets or exceeds the [applicable](#) requirements ~~of in~~ Title 40 Code of Federal Regulations, Part 60, Subpart AAA, ~~which are as follows:~~

~~**302.1** Effective May 15, 2015, any wood heater that is manufactured must be certified to meet the 4.5 g/hr emissions rating specified in 40 C.F.R. § 60.532(a).~~

~~**302.2** Effective December 31, 2015, any wood heater that is sold at retail must be certified to meet the emissions rating of 4.5 g/hr as specified in 40 C.F.R. § 60.532(a).~~

~~**302.3** Effective May 15, 2020, any wood heater that is manufactured or sold at retail must meet an emissions rating of 2.5 g/hr if crib tested, or 2.0 g/hr if cordwood tested, as specified in 40 C.F.R. § 60.532(b) and (c).~~

(Adopted 10/21/15)

6-3-303 Sale, Resale, Transfer or Installation of Wood-Burning Devices: ~~Effective December 1, 2015, n~~No person shall advertise, sell, offer for sale or resale, supply, install or transfer a new or used wood-burning device intended for use within District boundaries unless the device meets or exceeds the [applicable](#) requirements ~~of in~~ Title 40 Code of Federal Regulations, Part 60, Subpart AAA. This requirement does not apply if a wood-burning device is an installed fixture included in the sale or transfer of any real property.

(Amended 10/21/15)

- 6-3-304 Disclosure Requirements for Real Property:** ~~Effective June 1, 2016, a~~Any person selling, renting or leasing real property shall provide sale or rental disclosure documents that describe the health hazards of PM_{2.5} from burning wood or any solid fuel as a source of heat. Disclosure documents must disclose PM_{2.5} health hazards in accordance with guidance made available on the District's website.
(Adopted 10/21/15)
- 6-3-305 Requirements for Rental Properties:** ~~Effective November 1, 2018, a~~All real property offered for lease or rent in areas with natural gas service shall have a permanently-installed form of heat that does not burn solid fuel.
(Adopted 10/21/15)
- 6-3-306 Requirements for New Building Construction:** ~~Effective November 1, 2016, n~~No person or builder shall install a wood-burning device in a new building construction.
(Amended 10/21/15)
- 6-3-307 Requirements for Remodeling a Fireplace or Chimney:** ~~Effective November 1, 2016, n~~No person shall remodel a fireplace or chimney unless a gas-fueled, electric, or EPA certified device is installed that meets applicable requirements in Title 40 Code of Federal Regulations, Part 60, Subpart AAA. This requirement is triggered by a fireplace or chimney remodel where a total cost exceeds \$15,000 and requires a local building permit. The total cost excludes the cost of a building permit.
(Adopted 10/21/15)
- 6-3-308 Visible Emissions Limitation:** ~~Effective November 1, 2015, n~~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 3 minutes in any hour. Visible emissions from the startup of a new fire shall not be subject to this provision for a period not to exceed twenty consecutive minutes, and not more than once in any ~~consecutive~~ four-hour period ~~are not subject to this provision~~.
(Amended 10/21/15)
- 6-3-309 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.
- 6-3-310 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:
310.1 Have a moisture content of 20 percent or less by weight, or
310.2 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 6-3-40~~3~~3.3, before combustion.
- 6-3-400 ADMINISTRATIVE REQUIREMENTS**
- 6-3-401 Device Sale or Installation, Public Awareness Information:** Any person offering for sale, selling or installing a new or used wood-burning device subject to Sections 6-3-302 and 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.

6-3-402 Device Manufacturer’s Certification or Proof of Equivalency: The manufacturer and retailer of any wood-burning device shall provide documentation to any purchaser that the device is U.S. EPA certified or that the device meets the equivalent Title 40 Code of Federal Regulations (CFR), Part 60, Subpart AAA.

6-3-403 Labeling for Solid Fuel or Wood Sale: Any person offering for sale, selling or providing solid fuel or wood intended for use in a wood-burning device within District boundaries shall:
403.1 Attach a label to each package of solid fuel or wood sold that states the following:

“Use of this and other solid fuels may be restricted at times by law. Please check 1-877-4-NO-BURN or <http://www.8774noburn.org/> before burning.”

403.2 If wood is seasoned (not to include manufactured logs), 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.”

403.3 If wood is not seasoned (not to include manufactured logs), 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.

6-3-404 Registration of EPA Certified Wood Heaters: ~~Effective November 1, 2016, a~~Any person seeking to claim the exemption provided in Section 6-3-110 must have previously registered their EPA certified wood heater in the District’s registration program and must maintain documentation that the device is operated according to manufacturer’s specifications. The following wood heaters are eligible to be registered:

404.1 Wood heaters that are EPA Certified to meet performance and emission standards set forth in Title 40 Code of Federal Regulations (CFR), Part 60, Subpart AAA in effect at the time of registration ~~of 7.5 g/hr or less.~~

404.2 A pellet-fueled wood heater exempt from EPA certification requirements pursuant to the requirements in Title 40 Code of Federal Regulations (CFR), Part 60, Subpart AAA at time of purchase or installation.

(Adopted 10/21/15)

6-3-405 Registration Renewal: Registration pursuant to Section 6-3-404 shall be for a term of 5 years. Application for renewal of registration must be received by the District prior to expiration of the 5-year term.

(Adopted 10/21/15)

6-3-500 MONITORING AND RECORDS

6-3-501 Burden of Proof: The burden of proof of eligibility for exemption pursuant to Section 6-3-110, 111, and 112 is on the claimant. Any person claiming exemption shall maintain adequate documentation or records demonstrating that the registered device is the sole source of heat. Such records must be provided to the APCO upon request. Qualification for the exemption provided in Section 6-3-110 is subject to inspection and verification.

(Amended 10/21/15)

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 6-3-302 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 or any other EPA method that has been approved by APCO.

(Amended 10/21/15)

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.