

### Air District Proposed Amendments to Regulation 6, Rule 3: Wood Burning Devices

|  | Current Reg 6-3 Requirements  | Proposed Amendments Presented at Public Workshops   | Update to Proposed Amendments  |
|--|---|---|--|
| <b>Exemptions</b>  |   |   |  |
| <b><i>Sole Source of Heat</i></b>                                  | Limited Exemption, Only Source of Space Heat:<br>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.  | A wood burning device may be used during a mandatory burn ban if the device is the only source of heat in a residential dwelling and the device is EPA certified. A person claiming this exemption is required to register the EPA certified device in the District's registration program and submit records to the District for verification.<br><br>(Effective November 1, 2016)       | <b>NO CHANGE TO PROPOSED AMENDMENT PRESENTED AT PUBLIC WORKSHOPS</b>   |
| <b><i>Non-Functional, Permanently Installed Heating Device</i></b> | NEW   | Residential dwellings (excluding commercial and residential rental properties) that have a non-functional, permanently installed heating device may receive a temporary exemption from a mandatory burn ban if repairs are completed in 30 days and submission of all repair documentation is submitted to the District within 10 days of completion.<br><br>(Effective November 1, 2015) | <b>NO CHANGE TO PROPOSED AMENDMENT PRESENTED AT PUBLIC WORKSHOPS</b>   |
| <b><i>Loss of Electric Power and/or Natural Gas</i></b>            | Limited Exemption, Electrical Power Service Unavailability:<br>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.  | The use of a wood burning device is allowed during a mandatory burn ban when there is loss of electric power and/or natural gas as determined by the utility service providers.<br><br>(Effective November 1, 2015)   | <b>NO CHANGE TO PROPOSED AMENDMENT PRESENTED AT PUBLIC WORKSHOPS</b>   |
| <b>Definitions</b>   |   |   |  |
| <b><i>Mandatory Burn Ban</i></b>                                   | <p>Curtailed Period: Any period declared to the public by the APCO when a negative impact upon public health is anticipated, resulting from PM<sub>2.5</sub> levels forecast to exceed 35 micrograms/m<sup>3</sup>. Members of the public can verify status of a curtailment through the following methods:</p> <ul style="list-style-type: none"> <li>• Listen to Local TV or Radio News</li> <li>• Call 1-800-HELP-AIR; or</li> <li>• Check <a href="http://www.sparetheair.org">www.sparetheair.org</a></li> <li>• Check <a href="http://www.baaqmd.gov">www.baaqmd.gov</a></li> </ul> | A mandatory burn ban is declared to prevent regional wood smoke accumulation when a PM <sub>2.5</sub> level is anticipated to exceed an unhealthy level within the next 3 days.   | <p><b>UPDATE</b></p> <p>A mandatory burn ban is declared when a negative impact upon public health is anticipated resulting from PM<sub>2.5</sub> levels forecast to exceed 35 µg/m<sup>3</sup>.</p> <p>“Mandatory Burn Ban” will replace “curtailment period.” (name change)</p> <p>Staff determined that Rule 6-3 already allows the District flexibility to declare Winter Spare the Air Alerts 2-3 days sooner to prevent unhealthy air from occurring and it is not necessary to amend the regulatory requirements of this section.</p> |

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| <b>Standards</b>  |  |   |   |
| <p><b>Sales and Manufacturing of Wood Heaters</b></p>   | <p>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 the District boundaries unless it is one of the following:</p> <p>303.1. U.S EPA Phase II certified wood-burning device;</p> <p>303.2. Pellet-fueled device;</p> <p>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.</p> | <p>All new EPA certified wood burning devices manufactured and sold must meet or exceed new NSPS standards:</p> <ul style="list-style-type: none"> <li>• Effective 60 days after new NSPS standards are published in the Federal Register: <ul style="list-style-type: none"> <li>○ 4.5 g/hr for catalytic and non-catalytic stoves using crib test or cordwood test. If cordwood testing is conducted, the manufacturer must supply the emissions test method to EPA and the test method must be approved.</li> </ul> </li> <li>• Effective 5 years after the date of the final rule, the following new NSPS standards apply: <ul style="list-style-type: none"> <li>○ 2.0 g/hr for catalytic and non-catalytic stoves using crib test.</li> <li>○ 2.5 g/hr for catalytic and non-catalytic stoves using cordwood test. The manufacturer must supply the emissions test method to EPA and the test method must be approved.</li> </ul> </li> </ul> <p>Wood stove retailers will be allowed to sell existing inventory of EPA certified devices rated 4.6 g/hr- 7.5 g/hr until December 31, 2015.</p> | <p style="text-align: center;"><b>NO CHANGE TO PROPOSED AMENDMENT PRESENTED AT PUBLIC WORKSHOPS</b></p>   |
| <p><del>Sale or Transfer of Real Property</del></p> <p><b>Disclosure Requirements for Real Property</b></p> | <p style="text-align: center;">NEW</p>   | <p>Real estate property may not be sold or transferred if it includes an uncertified wood burning device. The seller may decommission the uncertified device or may replace it with gas- fueled, electric, or EPA Certified devices that meet or exceeds new NSPS standards.</p> <p>(Effective November 1, 2016)</p>  | <p><b>UPDATE</b></p> <p>Removed Proposed “Point-of-Sale” Requirement</p> <p>The “point-of-sale” requirement has been changed <u>to require disclosure documents upon sale or rental of real property to disclose health hazards of PM<sub>2.5</sub>.</u></p> <p>(Effective November 1, 2015)</p>          |
| <p><b>Fireplace or Chimney Remodels</b></p>   | <p>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 permitted to contain or 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.</p>   | <p>Upon remodeling a fireplace or chimney, an uncertified wood burning device must be replaced with a device that is gas-fueled, electric or EPA certified that meets or exceeds new NSPS standards. This requirement is triggered by any fireplace or chimney remodeling activity that requires a local building permit.</p> <p>(Effective November 1, 2015)</p>   | <p><b>UPDATE</b></p> <p>Upon remodeling a fireplace or chimney, an uncertified wood burning device must be replaced with a device that is gas-fueled, electric or EPA certified <u>if the remodel costs exceed \$15,000 and requires a local building permit.</u></p> <p>(Effective November 1, 2016)</p> |

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| <p><b>Commercial and Residential Rental Property</b></p> <p><b>Rental Properties with Natural Gas Service</b></p> | NEW  | <p>All commercial and residential rental properties must have an alternate form of heat that does not burn solid fuel and all wood burning devices must be EPA certified or be replaced with gas-fueled or electric devices.</p> <p>(Effective November 1, 2016)</p>   | <p><b>UPDATE</b></p> <p>Removed proposed requirement that all rental properties must replace wood-burning devices with gas-fueled, electric or EPA certified devices.</p> <p>All rental property <u>in areas with natural gas service</u> must have an alternate form of heat that does not burn sold fuel.</p> <p>(Effective November 1, 2018)</p> |
| <p><b>New Building Constructions</b></p>  | <p>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 permitted to contain or 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.</p> | <p>New building constructions may only install gas-fueled or electric devices. Installation of devices that burn solid fuel is prohibited.</p> <p>(Effective November 1, 2015)</p>   | <p><b>UPDATE</b></p> <p>New building constructions may only install gas-fueled or electric devices. Installation of devices that burn solid fuel is prohibited.</p> <p>(Effective November 1, 2016)</p>   |
| <p><b>Visible Emissions Limitation</b></p>  | <p>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.</p>                | <p>Following a 20 minute start-up allowance for new fires, visible emissions of greater than 20% opacity and aggregate to 3 minutes in any hour is considered an exceedance of the standard.</p> <p>(Effective November 1, 2015)</p>   | <p><b>NO CHANGE TO PROPOSED AMENDMENT PRESENTED AT PUBLIC WORKSHOPS</b></p>   |
| <b>Administrative Requirements</b>  |  |  |   |
| <p><b>Registration</b></p>  | NEW  | <p>Registration - All residential properties claiming Only Source of Heat Exemption must have a registered EPA certified device.</p> <ul style="list-style-type: none"> <li>• Type of Device(s)</li> <li>• # of Device(s)</li> <li>• Make, Model and Serial # of Device(s)</li> <li>• Manufacture Date(s)</li> </ul> <p>(Effective November 1, 2016)</p> | <p><b>NO CHANGE TO PROPOSED AMENDMENT PRESENTED AT PUBLIC WORKSHOPS</b></p>   |