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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 Unavailability: Wood-burning devices in areas where natural gas service is not available, as determined by gas utility service to an area or household, are exempt from the requirements of Section 6-3-301.

6-3-111 Limited Exemption, Sole Source of Space Heat: Wood-burning devices relied upon as the sole source of heat for residential space heating are exempt from the requirement of Section 6-3-301. A household claiming this exemption cannot contain another means of functioning space heating.

6-3-112 Limited Exemption, Startup of New Fire: Visible emissions from the startup of a new fire for a period that is not to exceed twenty minutes in any four-hour period is exempt from the requirements of Section 6-3-302.

6-3-200 DEFINITIONS

6-3-201 Builder: Any individual or company that constructs and/or sells any residential or commercial, single or multi-dwelling unit with a wood-burning device.

6-3-202 Curtailment Period: Any period so declared to the public by the Air Pollution Control Officer (APCO) when a negative impact upon public health, resulting from levels of particulate matter of 2.5 micrograms in size or less (PM_{2.5}), is forecast. In declaring such curtailment period, the APCO shall notify the public of each curtailment by providing any or all of the following communications:

202.1 Notices to newspapers, radio stations or television stations of general circulation within the Bay Area Air Quality Management District (BAAQMD);

202.2 Recorded telephone messages on BAAQMD informational phone numbers;

202.3 Emails to recipients of the BAAQMD "Spare the Air" list server;

202.4 Message posted on the BAAQMD website, www.sparetheair.org; and/or;

202.5 Any other such communication as the APCO determines to be appropriate.

6-3-203 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.

6-3-204 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.

6-3-205 Low Mass Fireplace: Any fireplace and attached chimney, as specified 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.

6-3-206 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."

6-3-207 Pellet-Fueled Device: Any solid-fueled burning device which is operated on pellet-fuel, 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.

- 6-3-208 Real Property:** The land and anything permanently affixed to the land, such as building and structures.
- 6-3-209 Seasoned Wood:** Fire wood that has a moisture content of 20 percent or less using the testing method specified in Section 6-3-602.
- 6-3-210 Solid Fuel:** Any wood, wood-based product, non-gaseous, or non-liquid fuel, including but not limited to: seasoned wood, manufactured logs, wood or other pellet products. This definition does not include solid fuel intended for cooking food, such as charcoal.
- 6-3-211 Treated Wood:** Wood of any species that has been chemically impregnated, painted, or similarly modified to improve resistance to insects and/or weathering.
- 6-3-212 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.
- 6-3-213 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.
- 6-3-300 STANDARDS**
- 6-3-301 Mandatory Solid Fuel Burning Curtailment:** No person shall operate (combust wood or solid-fuel products in) any wood-burning device during a curtailment period.
- 6-3-302 Prohibition of Exceeding Ringelmann No. 1 (20 Percent Opacity):**
- 302.1 No person(s) shall cause or allow a visible emission from any wood-burning device that exceeds No. 1 on the Ringelmann Chart for a period or periods aggregating more than six minutes in any one-hour period in any building or structure.
- 302.2 Smoke visible from a chimney, flue or exhaust duct in excess of the Ringelmann No. 1 limitation is presumed to be unlawful operation of a wood-burning device. This presumption may be refuted by demonstration that the smoke was not caused by a wood-burning device.
- 6-3-303 Criteria for Sale, Transfer or Installation of Wood-burning Devices:** Effective <six months after rule adoption>, no person shall sell, offer for sale or resale, supply, install, or transfer a new or used wood-burning device 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 masonry heater;
- 303.4 A low mass fireplace of a make and model that meets EPA low mass fireplace emission targets and has been approved in writing by the APCO.
- The requirements of Section 6-3-303 are not intended to apply if a wood-burning device is a fixture included in the sale or transfer of any real property.
- 6-3-304 Criteria for Wood-burning Devices in New Building Construction:** Effective for construction permits issued after <six months after rule adoption>, no person or builder shall commence construction of a new building or structure designed to contain a wood-burning device unless the device meets the requirements of Section 6-3-303.
- 6-3-305 Prohibition Against Burning Garbage and/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 and/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 Requirement for Seasoned Wood:** No person shall sell, offer for sale, or supply any seasoned wood intended for use in a wood-burning device that does not have a moisture content of 20 percent or less by weight.

6-3-400 ADMINISTRATIVE REQUIREMENTS

6-3-401 Device Sale/Installation, Public Awareness Information: Effective <three months after rule adoption>, any person or builder offering for sale, selling or installing new or used wood-burning devices subject to the provision listed in Section 6-3-303 shall:

401.1 Provide public awareness information to each purchaser of a wood-burning device in the form of pamphlets, brochures, or fact sheets.

401.2 Include in public awareness information the following: proper sizing, installation, operation, and maintenance of the wood-burning device and its use; and the health effects of wood smoke.

6-3-402 Device Manufacturer's Certification: 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.

6-3-403 Solid Fuel, Public Awareness Information: Effective <three months after rule adoption>, any person offering for sale, selling or providing solid fuel for use in a wood-burning device shall:

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

Solid Fuel Labeling Requirement

HEALTH WARNING: Wood smoke contains harmful particulate matter. On cold, windless days the Bay Area Air Quality Management District may announce a curtailment on burning wood or any solid fuel. On these days you should not burn either indoors in your fireplace or wood-burning device or outdoors in fire pits.

Burning during a curtailment is a violation of air quality regulations, unless it is the only source of heat.

CHECK BEFORE YOU BURN

LISTEN to local TV or Radio New

CALL 1-800-HELP-AIR

CHECK www.sparetheair.org.

403.2 If the solid fuel is seasoned wood, then the label must also state the following in addition to the requirements of Section 6-3-403.1:

This wood has been tested to ensure it meets air quality regulations for moisture content to be less than 20 % (percent) by weight for cleaner burning.

6-3-600 MANUAL OF PROCEDURES

6-3-601 Determination of Ringelmann No 1 (20 Percent Opacity): Ringelmann No 1 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.