

SAN LUIS OBISPO COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 504 - RESIDENTIAL WOOD COMBUSTION*(Adopted 10/19/93)***A. APPLICABILITY**

1. This regulation shall apply within the boundaries of San Luis Obispo County to any person who owns, operates, installs, builds, inspects, sells or offers for sale a wood burning device for any dwelling unit as defined herein.

B. DEFINITIONS

1. "Consumer": Means any person other than a distributor or a retailer who buys a wood burning device.
2. "Dwelling Unit": Means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation. For the purpose of this rule, dwelling unit includes single and multi-family residences, mobile and/or modular homes, hotels, motels and other similar occupancies.
3. "EPA": Means the United States Environmental Protection Agency.
4. "EPA-Certified Wood Burning Device": Means any wood burning device that meets the performance and emission standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988.
5. "Freestanding Fireplace": Means any wood burning device other than a wood heater that is not inset into the walls of a structure, and vents smoke via a flue pipe through the wall or roof of the structure.
6. "Fireplace": Means any permanently installed masonry or factory built woodburning device with an open front or glass door and which does not meet the definition of a wood heater.
7. "Fireplace Insert": Means any woodheater designed to be installed in an existing masonry or factory-built fireplace.
8. "Garbage": Means all solid, semisolid, and liquid wastes generated from residential, commercial, and industrial sources, including trash, refuse, rubbish, industrial wastes, asphaltic products, manure, vegetable or animal matter, and other discarded solid and semisolid wastes which have not been sorted and recycled for use in wood combustion devices.
9. "Gas Fired Fireplace": Means any device dedicated to burn natural or liquified petroleum gas as its fuel through a ceramic, or otherwise noncombustible gas log, and which cannot be converted to a wood burning device.
10. "Manufacturer": Means any person who constructs or imports a wood burning device.
11. "Oregon-Certified": Means any wood heater meeting the performance and emission standards set forth in Sections 100 through 190 of Chapter 340, Division 21, Oregon Administrative Rules.
12. "Paints": Means all exterior and interior house and trim paints, enamels, varnishes, lacquers, stains, primers, sealers, undercoaters, roof coatings, wood preservatives, shellacs, and other paints or paint-like products.

13. "Paint Solvents": Means all organic solvents sold or used to thin paints or to clean up painting equipment.
14. "Pellet-Fueled Wood Heaters": are devices that burn pellet fuel exclusively, and are either EPA-Certified or exempted under EPA requirements set forth in Part 60, Title 40, Subpart AAA, Code of Federal Regulations, February 26, 1988.
15. "Permanently Inoperable": Means modified in such a way that a device can no longer operate as a wood heater.
16. "Person": Means any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user, owner, state or local governmental agency or public district, or any officer or employee thereof.
17. "Petroleum Product": Means any petroleum product other than gaseous fuels.
18. "Retailer": Means any person engaged in the sale of wood burning devices directly to the consumer.
19. "Seasoned Wood": Means any wood that has been sufficiently dried so as to contain 20 percent or less moisture by weight.
20. "Treated Wood": Means wood of any species that has been chemically impregnated, painted, or similarly modified to improve resistance to insects or weathering.
21. "Used Wood Heater": Means any wood heater that has been sold and/or used at least once, except wood heaters that have been used by retailers for the purpose of demonstration.
22. "Wood Composition Products": Means plywood, particle board, masonite or any other manufactured wood product containing chemical adhesives, bonding agents, or any other non-wood material.
23. "Wood Burning Cookstove": Means a wood burning appliance designed primarily for cooking food, with a separate oven for cooking or baking which is contained in, and is an integral part of, the body of the appliance.
24. "Wood Burning Device": Means any fireplace, free standing fireplace, fireplace insert, wood stove, or other wood heater, that burns wood or any other nongaseous or nonliquid fuels, or any similar device burning any wood used for aesthetic or space-heating purposes in a private residence or commercial establishment, having a heat input less than one million British thermal units per hour.
25. "Wood Heater": Means an enclosed, wood-burning appliance capable of and intended for space heating that meets all of the following criteria:
 - a. An air-to-fuel ratio in the combustion chamber averaging less than 35-to-1 as determined by tests specified in Subsection F.1.
 - b. A usable firebox volume less than 20 cubic feet.
 - c. A minimum burn rate less than 5 kg/hr.
 - d. A maximum weight of less than 800 kg. For the purpose of this rule, fixtures and devices that are normally sold separately, such as flue pipe, chimney and masonry components that are not an integral part of the appliance or heat distribution ducting do not count as part of the appliance weight.
26. "Zero Clearance Fireplace": Means any factory-built fireplace designed to be installed into wood-frame construction.

C. EXEMPTIONS

1. Woodburning cookstoves, woodburning furnaces, woodburning boilers and other woodburning devices not specifically defined herein are exempt from the requirements of this rule.
2. Wood burning devices classified as antique or having historical significance may be exempted from the requirements of this rule by the Air Pollution Control Officer (APCO) upon presentation of evidence that they qualify as an antique or historically significant device.
3. Wood burning devices which are the sole source of heat in a dwelling unit shall be exempt from the provisions of Subsection D.6.
4. District-approved devices as defined in Subsection G.1, as well as Oregon-certified and EPA-Certified Phase I devices, shall be exempt from the provisions of Subsection D.6.
5. Wood burning devices sold as appurtenances to real property in an escrow transaction shall be exempt from the provisions of Subsection D.3.a.

D. REQUIREMENTS

1. Public Awareness Requirements
 - a. Each retailer shall supply public awareness information with each sale of a wood burning device in the form of pamphlets, brochures or factsheets on the following topics:
 1. Proper operation and maintenance of wood heaters;
 2. Proper sizing of wood heaters;
 3. Proper fuel selection and use;
 4. Weatherization methods for the home;
 5. Proper fuel storage to maintain low moisture content;
 6. Health benefits from low-emission woodburning devices .
 - b. Retailers may use pamphlets prepared by the District, the state Air Resources Board, or industry, subject to the APCO's approval.
2. Installation of Wood Burning Devices in New or Existing Dwelling Units
 - a. No wood burning device for which a building permit application is submitted on or after February 1, 1994, may be installed in any new or existing dwelling unit unless it is a District-approved device as defined in Subsection G.1.
 - b. An inspection by the APCO or his designee shall be performed upon completion of the installation, or prior to issuance of final approval for any new dwelling unit(s), to verify that all wood burning devices installed are District-approved devices as defined in Subsection G.1.
3. Sale and Installation of Used Wood Burning Devices
 - a. Effective February 1, 1994, no person shall sell, advertise or offer for sale, supply, install, or transfer ownership of a used wood burning device unless it has been rendered permanently inoperable, or is either EPA-Certified, Oregon-Certified, a Pellet-Fueled Wood Heater, or other District-approved device as defined in Subsection G.1.
4. Moisture Content Limit for Seasoned Wood
 - a. Effective February 1, 1994, no person shall sell, offer for sale, or supply any wood that is orally, or in writing, advertised, described, or is in any way represented as "seasoned" or "dry" wood unless the wood has a moisture content of 20 percent or less by weight.
 - b. Wood moisture content shall be measured in accordance with Subsection F.2.
 - c. The APCO may delegate to another person or agency the authority to test wood for moisture content and determine compliance with Subsection D.4.a.
5. Prohibited Fuel Types

- a. No person shall cause or allow the burning of any of the following materials in a wood burning device:
 1. Garbage;
 2. Treated wood or wood composition products;
 3. Plastic products;
 4. Rubber products;
 5. Petroleum products, including tar or tar paper;
 6. Paints and paint solvents;
 7. Coal;
 8. Other material which may produce noxious odors or toxic compounds when burned.
- b. This provision shall not apply to firewood or other wood or plant products designed and marketed specifically for use as a fuel in wood burning devices.

6. Voluntary Curtailment

- a. The APCO may declare a voluntary curtailment for burning in wood burning devices when an impaired air quality episode occurs in a geographical area within San Luis Obispo County. The APCO may determine an impaired air quality episode by using criteria set forth in Title 17, California Code of Regulations, Chapter 1, Subchapter 2, Article 3 (commencing with Section 80180) or other criteria established by the APCO.
- b. The APCO shall provide public notification of voluntary curtailment by one or more of the following methods:
 1. Oral notice presented at least four times during a twelve hour period by radio or television stations operating in the district;
 2. A recorded telephone message for which the telephone number is published in the telephone directory or newspaper of general circulation within the district;
 3. Written notice published in a newspaper of general circulation within the district;
 4. Other methods as the APCO determines appropriate.
- c. District-approved devices as defined in Subsection G.1, as well as Oregon-certified and EPA-Phase 1 certified devices, shall not be subject to the voluntary curtailment provisions of this rule.

E. RECORDKEEPING

1. Retailers shall maintain a purchase record which includes the customer's name, the address of the building where the appliance is installed, and the make and model number of the device. The retailer shall maintain records for at least three years and make them available for inspection by the APCO upon request.

F. TEST METHODS

1. The standard for determining air/fuel ratios for wood heater combustion is EPA's test procedure set forth in Part 60.534, Title 40, Code of Federal Regulations.
2. Wood moisture content shall be measured by ASTM Test Methods D 2016 - 74, D4442-84, or other test method as specified by the APCO.

G. DISTRICT-APPROVED DEVICES

1. District-approved devices for installation in new and existing dwelling units shall include the following:
 - a. All EPA-Certified Phase II wood burning devices;
 - b. Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but meet the documentation requirements defined in Subsection G.2;
 - c. Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but meet the documentation requirements defined in

Subsection G.2;

- d. Pellet-fueled woodheaters;
- e. Dedicated gas-fired fireplaces.

2. The APCO shall maintain a current list of approved wood burning devices. The APCO shall update and/or add new wood burning devices to this list upon completion of review and verification of the following information for each device under consideration:
 - a. A dated letter from an EPA-accredited laboratory which includes:
 1. Product model identification;
 2. Date(s) of emissions testing and test method used;
 3. Explanation of the reason why the product was exempted from EPA certification or is classified as a nonaffected facility;
 4. Listing of the grams/hour particulate emission rate for the model tested.
 - b. Documentation of the quality assurance program used by the manufacturer to ensure that tolerances and materials used in the model line under consideration are the same as those used for the tested device. Listing by a nationally-recognized testing lab shall be deemed adequate to satisfy this requirement.
 - c. Documentation of the warranty coverage provided for the product model.
 - d. A copy of the owners manual for the product model.
3. Devices approved as clean-burn by other air quality agencies may be added to the list of District-approved devices at the discretion of the APCO.