

**RULE 421 – MANDATORY EPISODIC CURTAILMENT OF WOOD AND OTHER
SOLID FUEL BURNING**
Adopted 10-25-07
(Amended 9-24-09)

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100 GENERAL

- 101 **PURPOSE:** To limit emissions of particulate matter to the atmosphere from fires or the operation of wood burning devices.
- 102 **APPLICABILITY:** This rule applies to any person who operates a wood burning device or fire.
- 103 **SEVERABILITY:** If a court of competent jurisdiction issues an order that any provision of this rule is invalid, it is the intent of the Board of Directors of the District that other provisions of this rule remain in full force and affect to the extent allowed by law.
- 110 **EXEMPTION – GASEOUS FUEL:** The provisions of this rule shall not apply to devices that operate exclusively with a gaseous fuel.
- 111 **EXEMPTION – COOKSTOVES:** The provisions of this rule shall not apply to cookstoves.
- 112 **EXEMPTION – SOLE SOURCE OF HEAT:** The provisions of this rule shall not apply to wood burning devices that are the sole source of heat in a residence.
- 113 **EXEMPTION – RELIGIOUS ACTIVITY:** The provisions of this rule shall not apply to fires conducted as part of a religious ceremony.
- 114 **EXEMPTION – HARDSHIP:** The provisions of Section 301 shall not apply to any person who has an approved Hardship Waiver pursuant to Section 403.
- 115 **EXEMPTION – CERTIFIED WOOD HEATERS AND PELLET STOVES:** The provisions of Section 301 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided:
115.1 the devices do not emit visible smoke; and
115.2 a Stage 1 Mandatory Curtailment is in effect.
- 116 **EXEMPTION – CERTIFIED WOOD HEATERS AND PELLET STOVES:** The provisions of Section 302 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided the devices do not emit visible smoke.

200 DEFINITIONS

- 201 **COOKSTOVE:** Any wood fired appliance used primarily for cooking food as described in Title 40 of the Code of Federal Regulations (CFR) Section 60.531.
- 202 **FIRE:** A solid fuel fire not in a wood burning device. Examples include, but are not limited to, fire pits and bonfires.
- 203 **FIREPLACE:** Any permanently installed masonry or factory built device designed to operate with solid fuel.
- 204 **PELLET-FUELED WOOD BURNING HEATER:** Any wood burning heater which is operated on compressed pellets of wood or other biomass material.
- 205 **SEASON:** The consecutive entire months of November, December, January, and February.
- 206 **SOLE SOURCE:** The only permanent source of heat that is capable of meeting the space heating demands of a residence.
- 207 **SOLID FUEL:** Any wood, non-gaseous, or non-liquid fuel.

- 208 **U.S. EPA:** The United States Environmental Protection Agency.
- 209 **U.S. EPA PHASE II CERTIFIED:** Any appliance certified by the U.S. EPA to meet the performance and emission standards set forth in Title 40 CFR, Part 60, Subpart AAA.
- 210 **WOOD BURNING DEVICE:** Any fireplace, wood burning heater, pellet-fueled wood burning heater, or any similar indoor or outdoor device burning any solid fuel used for aesthetic or space-heating purposes.
- 211 **WOOD BURNING HEATER:** An enclosed, wood burning appliance capable of, and intended for space heating as described in Title 40 CFR Section 60.531 (e.g., wood stove or fireplace insert).

300 STANDARDS

- 301 **MANDATORY CURTAILMENT:** The requirements of this section shall be in effect during the burning season.
- 301.1 No person may have a fire or operate a wood burning device when a Mandatory Curtailment is in effect.
- 301.2 The Air Pollution Control Officer will declare a Stage 1 Mandatory Curtailment whenever he or she determines that the 24-hour average PM_{2.5} concentration may exceed 31 µg/m³ but is not likely to exceed 35 µg/m³.
- 301.3 The Air Pollution Control Officer will declare a Stage 2 Mandatory Curtailment whenever he or she determines that the 24-hour average PM_{2.5} concentration may exceed 35 µg/m³.
- 302 **VOLUNTARY CURTAILMENT:** The requirements of this section shall be in effect during the burning season. The Air Pollution Control Officer will declare a Voluntary Curtailment whenever he or she determines that the 24-hour average PM_{2.5} concentration may exceed 25 µg/m³ but is not likely to exceed 31 µg/m³.

400 ADMINISTRATIVE REQUIREMENTS

- 401 **NOTIFICATION OF MANDATORY CURTAILMENT:** The Air Pollution Control Officer will provide public notice of a Mandatory Curtailment by all of the following methods:
- 401.1 A recorded telephone message for which the telephone number is published in the telephone directory or newspapers of general circulation within Sacramento County.
- 401.2 Messages posted on the District Web site, www.AirQuality.org, and the Spare The Air Web site, www.SpareTheAir.com.
- 401.3 Electronic mail messages to persons or entities that have requested electronic notice and provided accurate address information. The District is not responsible for the failure to receive notices, and failure to receive does not excuse violations of Section 301.1.
- 401.4 Notifying radio and television stations operating in Sacramento County and newspapers of general circulation within Sacramento County.
- 401.5 Any other such methods that the Air Pollution Control Officer determines are appropriate.
- 402 **PENALTIES:** Any person who violates Section 301.1 of this rule is subject to the following penalties:
- 402.1 For first-time violations, the person shall pay an administrative civil penalty of \$50 or shall complete and pass a wood smoke awareness course that has been approved by the Air Pollution Control Officer.
- 402.2 For subsequent violations, the penalty will be determined in accordance with the District's Mutual Settlement Program.

- 402.3 The administrative civil penalty specified in Section 402.1 may be adjusted on an annual basis. Any adjustment must be proposed and approved through the annual budget process. If the Board of Directors approves a change in the penalty with the final budget, the Air Pollution Control Officer may adjust the penalty by up to the maximum rate approved by the Board.
- 403 **HARDSHIP WAIVER:** The Air Pollution Control Officer may issue a waiver from this rule if there are compelling economic reasons to do so and the waiver will not have adverse impacts. A written application must be submitted by anyone requesting a waiver.
- 403.1 **Application Information:** The application must state the compelling reason for the waiver and must include the following information:
- a. Address of the household where the wood burning device is located;
 - b. Total gross monthly income for all persons living in the household;
 - c. Total number of persons living in the household;
 - d. Type of dwelling and age;
 - e. Types of fuel and the devices used for heating;
 - f. Copy of utility bill(s) paid;
 - g. Identification of all wood burning devices being used;
 - h. Estimate of the amount of wood or other solid fuel that will be burned on a Mandatory No Burn day;
 - i. Certification by the applicant that the information contained in the application is accurate to the best of their knowledge under penalty of perjury under the laws of the State of California; and
 - j. Other information requested by the Air Pollution Control Officer.
- 403.2 **Waiver Approval Process:** Before granting the waiver, the Air Pollution Control Officer will consider the above information and any other information that he or she deems appropriate.
- a. The Air Pollution Control Officer will grant or deny the waiver, in writing, within 10 working days of the receipt of the application. If the Air Pollution Control Officer does not respond, the request is deemed denied. The Air Pollution Control Officer's decision is final.
 - b. The waiver is only valid for one season. A person must apply for a waiver each season.
 - c. The Air Pollution Control Officer may rescind the granting of a waiver at any time if an adverse impact is identified, or if information relied upon to grant the waiver is incorrect.

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