

**RULE 417 – WOOD BURNING APPLIANCES**  
**Adopted 10-26-06****INDEX**

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**100 GENERAL**

- 101 **PURPOSE:** To limit emissions of particulate matter to the atmosphere from the operation of wood burning appliances.
- 102 **APPLICABILITY:** This rule applies to:
- 102.1 Any person who manufactures, sells, offers for sale, supplies, transfers, or operates a permanently installed, indoor or outdoor, wood burning appliance.
  - 102.2 Any person who sells, offers for sale, or supplies wood intended for burning in a wood burning appliance.
  - 102.3 Any person who installs a wood burning appliance in any residential or commercial, single or multi-building unit.
- 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 appliances that are fired exclusively with a gaseous fuel and certified to meet any of the following ANSI standards:
- 110.1 ANSI Z21.11.1 – Gas-Fired Room Heaters, Vented
  - 110.2 ANSI Z21.11.2 – Gas-Fired Room Heaters, Unvented
  - 110.3 ANSI Z21.50 – Vented Gas Fireplaces
  - 110.4 ANSI Z21.86 – Vented Gas-Fired Space Heating Appliances
  - 110.5 ANSI Z21.88 – Vented Gas Fireplace Heaters
- 111 **EXEMPTION – COOKSTOVES:** The provisions of this rule shall not apply to cookstoves.
- 112 **EXEMPTION – COMMERCIAL FIRE-STARTING PRODUCTS:** The provisions of Section 304 shall not apply to commercial products manufactured expressly for starting a fire in a wood fired appliance.

**200 DEFINITIONS**

- 201 **BUILDER:** Any individual or company that constructs and/or sells any residential or commercial, single or multi-building unit with a wood burning appliance.
- 202 **COATING:** A material which is applied to a surface and which forms a film in order to beautify and/or protect such surface.
- 203 **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.
- 204 **FIREPLACE:** Any permanently installed masonry or factory built device designed to operate with an air-to-fuel ratio greater than or equal to 35-to-1, a burn rate over 11 pounds per hour, or a weight over 1760 pounds.
- 205 **GARBAGE:** Any solid, semisolid, or liquid wastes 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.
- 206 **MANUFACTURER:** Any person who constructs or imports a wood burning appliance.
- 207 **MASONRY HEATER:** Any permanently installed device that meets the definition of a masonry heater in ASTM E 1602-03.

- 208     **PAINTS:** Any 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.
- 209     **PAINT SOLVENTS:** Any organic solvents sold or used to thin paints or to clean up painting equipment.
- 210     **PELLET-FUELED WOOD BURNING HEATER:** Any wood burning heater which is operated on pellet-fuel, and is either U.S. EPA Phase II certified, or exempted under U.S. EPA requirements set forth in Title 40 CFR, Part 60, Subpart AAA.
- 211     **PERMANENTLY INOPERABLE:** Modified in such a way that a device can no longer operate as a wood burning appliance.
- 212     **PERMANENTLY INSTALLED:** Built or installed in such a manner that the device is attached to the ground, floor, or wall, and is not readily movable. A free standing stove that is attached to an exhaust system that is built into or through a wall is considered permanently installed.
- 213     **RETAILER:** Any person engaged in the sale of wood burning appliances directly to the consumer.
- 214     **SEASONED WOOD:** Wood of any species that has been sufficiently dried so as to contain 20 percent or less moisture by weight.
- 215     **SOLID FUEL:** Any wood, non-gaseous, or non-liquid fuel.
- 216     **SOLVENT:** Any liquid containing a volatile organic compound or combination of volatile organic compounds, which is used to perform cleaning or thinning of paints or coatings.
- 217     **TREATED WOOD:** Wood of any species that has been chemically impregnated, painted, coated, or similarly modified to improve resistance to insects or weathering.
- 218     **U.S. EPA:** The United States Environmental Protection Agency.
- 219     **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.
- 220     **VOLATILE ORGANIC COMPOUND:** For the purposes of this rule, "volatile organic compound" has the same meaning as in Rule 101- GENERAL PROVISIONS AND DEFINITIONS.
- 221     **WASTE PETROLEUM PRODUCT:** Any petroleum product, other than gaseous fuels, that:  
216.1    has been refined from crude oil, and  
216.2    has been used, and  
216.3    has been contaminated with physical or chemical impurities as a result of use.
- 222     **WOOD BURNING APPLIANCE:** Any fireplace, wood burning heater, or pellet-fueled wood heater, or any similar enclosed, permanently installed, indoor or outdoor device burning any solid fuel used for aesthetic or space-heating purposes, which has a heat input of less than one million British thermal units per hour (Btu/hr).
- 223     **WOOD BURNING HEATER:** An enclosed, wood burning appliance capable of, and intended for space heating as described in Title 40 CFR Section 60.531 (i.e., wood stove or fireplace insert).

**300 STANDARDS****301 SALE AND INSTALLATION OF WOOD BURNING APPLIANCES:**

- 301.1 Effective October 26, 2007, no person shall sell, offer for sale, supply, install, or transfer a new wood burning appliance unless it is one of the following:
- a. A U.S. EPA Phase II Certified wood burning heater,
  - b. A pellet-fueled wood burning heater,
  - c. A masonry heater, or
  - d. An appliance or fireplace determined to meet the U.S. EPA particulate matter emission standard set forth in Title 40 CFR, Part 60, Subpart AAA, and approved in writing by the Air Pollution Control Officer.
- 301.2 No person shall advertise, sell, offer for sale, supply, install, or transfer a used wood burning appliance unless it meets the requirements of section 301.1, or has been rendered permanently inoperable.
- 301.3 Effective April 26, 2007,
- a. Any person selling, offering for sale, or installing new wood burning appliances shall distribute public awareness information with each wood burning appliance, in the form of pamphlets, brochures, or fact sheets on the following topics:
    1. Proper installation, operation, and maintenance of the wood burning appliance,
    2. Proper fuel selection and use,
    3. Health effects from wood smoke, and
    4. Weatherization methods for the home,
  - b. Public information shall be reviewed and approved by the Air Pollution Control Officer.

302 **OPERATION OF WOOD BURNING APPLIANCES:** All wood burning appliances shall be installed and operated according to the manufacturer's specifications. Any U.S. EPA Phase II certified wood burning appliance which has been altered, installed, or disassembled in any way not specified by the manufacturer, or is operated in any manner that would result in emissions exceeding the standards set forth in Title 40 CFR, Part 60, Subpart AAA, shall not be considered a U.S. EPA Phase II certified appliance.

**303 ADVERTISING REQUIREMENTS FOR SALE OF WOOD:**

- 303.1 No person shall sell, offer for sale, or supply any wood which orally, or in writing, is advertised, described, or in any way represented to be "seasoned" or "dry" wood unless the wood has a moisture content of 20 percent or less by weight.
- 303.2 The Air Pollution Control Officer may delegate to another person or agency the authority to test wood for moisture content and determine compliance with section 303.1.

304 **PROHIBITED FUEL TYPES:** No person shall cause or allow any of the following materials to be burned in a wood burning appliance:

- 304.1 Garbage,
- 304.2 Treated wood,
- 304.3 Plastic products,
- 304.4 Rubber products,
- 304.5 Waste petroleum products,
- 304.6 Paints and other coatings,
- 304.7 Solvents,
- 304.8 Coal,
- 304.9 Glossy or colored paper,
- 304.10 Particle board,
- 304.11 Any other material not intended by a manufacturer for use as fuel in a solid fuel burning device.

**400 ADMINISTRATIVE REQUIREMENTS**

- 401 **COMPLIANCE REPORT:** Upon request of the Air Pollution Control Officer, a manufacturer shall demonstrate that each wood burning appliance subject to the requirements of Section 301 meets the standards set forth in Title 40 CFR, Part 60, Subpart AAA.

**500 MONITORING AND RECORDS**

- 501 **TEST METHODS:** Compliance with the requirements of this rule shall be determined using the following test methods:
- 501.1 **Air-to-Fuel Ratio:** Air-to-fuel ratio shall be determined by EPA Test Method 28A.
  - 501.2 **Moisture Content:** Moisture content of wood shall be determined by ASTM Test Method D 4442-92.