



FIREPLACE & SOLID FUEL HEATING DEVICE USAGE

Rule 3:23



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a. **Definitions**

EPA-certified wood heating device means any wood or other solid-fuel-burning appliance utilized for space or water heating or cooking that meets the performance and emission standards as set forth in Part 60, Title 40, Subpart AAA, *Code of Federal Regulations*, February 26, 1988.

- ◆ Phase I appliances must meet the emission requirements of no more than 5.5-grams-per-hour, particulate-matter emission for catalytic and 8.5-grams-per-hour for noncatalytic appliances.
- ◆ Phase II emission requirements are 4.1 and 7.5 grams per hour, respectively.

Fireplace means any permanently installed masonry or factory built device designed to be used with an air-to-fuel ratio greater than or equal to 35-to-1. Fireplaces installed with a dedicated natural gas or propane connection under Uniform Building Code Section 3707(n) and not convertible to solid fuel appliances are exempt from the requirements of this rule.

Garbage means all solid, semi-solid, and liquid wastes generated from residential, commercial, and industrial sources that have not been sorted and recycled for combustion in wood-heating devices. This definition excludes paper and cardboard, but includes trash, refuse, rubbish, industrial wastes, asphaltic products, manure, vegetable or animal solid and semi-solid wastes.

Insert Device means any EPA Phase II or equivalent wood-heating device specifically designed to convert an open, uncontrolled fireplace to a useful wood-heating device.

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.

Paints means all exterior and interior house and trim paints, enamels, varnishes, lacquers, stains, primers, sealers, under-coaters, roof coatings, wood preservatives, shellacs, and other paints or paint-like products.

Paint solvents means all organic solvents sold or used to thin paints or to clean up painting equipment.

Pellet-Fueled Wood Heater means any wood heater that operates on pellet wood or other solid fuel and is either EPA certified or is exempted under EPA requirements as set forth in Part 60, Title 40, Subpart AAA, *Code of Federal Regulations*, February 26, 1988.

Permanently Inoperable means modified in such a way that a device can no longer operate as a wood heater.

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.

Solid Fuel Appliances means any fireplace or wood heater that burns wood, coal, or any other nongaseous or nonliquid fuels, or any similar device burning any solid fuel, used for aesthetic or space-heating purposes in a private residence or commercial establishment which has a heat input less than one million British Thermal Units per hour.

Used wood heating device means any wood heater that has been used at least once, except wood heaters that have been used by retailers for the purpose of demonstration.

Waste petroleum product means any petroleum product other than gaseous fuels that has been refined from crude oil and has been used and, as a result of use, has been contaminated with physical or chemical impurities.

Wood Cook Stove means any 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.

Wood-Heating Device means any enclosed appliance capable of burning wood or other solid fuel and intended for space heating or domestic water heating. This term does not include fireplaces or wood cook stoves.

b. Requirements

1. All wood-heating devices used for the first time in existing buildings and those used in all new residential and commercial building projects constructed after March 1, 1994, within the boundaries of Shasta County shall meet emission and performance requirements equivalent to EPA Phase II devices as set forth in Part 60, Title 40, Subpart AAA, *Code of Federal Regulations*, February 26, 1988.
2. No person shall cause or allow any of the following materials to be burned in a fireplace or wood-heating device: garbage, chemically treated wood, plastic products, rubber products, waste petroleum products, paints and paint solvents, or coal.
3. No person shall sell, offer for sale, supply, install, or transfer a used, wood-heating device unless:
 - ◆ It is certified by the EPA or Oregon Department of Environmental Quality, or
 - ◆ It is exempted from certification by the EPA, or
 - ◆ It is a pellet-fueled wood heater, or
 - ◆ It has been rendered permanently inoperable as determined by the Air Pollution Control Officer (APCO).
4. The Air Pollution Control Officer shall issue an advisory through local communications media to voluntarily curtail the use of uncertified solid fuel appliances whenever weather conditions are projected to cause ambient air quality concentrations of inhalable particulate matter (PM₁₀) that exceed 60 micrograms per cubic meter.
5. After July 1, 1994, all masonry and factory-built fireplaces used in new construction or remodel projects within the boundaries of Shasta County shall conform to a maximum emission limit of 7.5-grams-per-hour of total particulate matter by either:
 - a) Being initially and permanently equipped with an insert device which is EPA-certified to meet or exceed the above standard, or
 - b) Being certified and labeled in a permanent and accessible manner to meet the above emission limit by an EPA-accredited laboratory.

c. Enforcement

1. Noncompliance with any part of this rule shall be considered to be a violation of a District regulation and subject the violator to a civil penalty of up to one thousand dollars (\$1,000) per day in which a violation occurs (*Health and Safety Code* Section 42402).

2. Any person who negligently emits an air contaminant in violation of this Rule's limitations concerning prohibited materials to be burned shall be liable for a civil penalty of up to fifteen thousand dollars (\$15,000) per day in which a violation occurs (*Health and Safety Code* Section 42402.1).

d. *Effective Date*

1. This rule shall become effective upon the date of adoption by the Air Pollution Control Board of Shasta County.

e. *Applicability*

1. The provisions of this rule shall apply at all elevations within Shasta County.