

RULE 428 WOOD BURNING APPLIANCES  
(Adopted - 09/11/2018)

A Purpose

The purpose of this rule is to limit emissions of particulate matter from wood burning appliances.

B Applicability

This rule applies to:

- B.1 Any person who manufactures, sells, offers for sale, or operates a permanently installed, indoor or outdoor, wood burning appliance within the Imperial County PM<sub>2.5</sub> Nonattainment Area.
- B.2 Any person who installs a wood burning appliance in any residential or commercial, single or multi-building unit within the Imperial County PM<sub>2.5</sub> Nonattainment Area.

C Definitions

The following definitions apply for all terms applicable to this Rule. If a term is not defined within this Rule, then the definitions provided in Rule 101, Definitions, shall apply.

- C.1 FIREPLACE: Any permanently installed indoor or outdoor masonry or factory built device used for aesthetic or space-heating purposes that is designed to operate with an air-to-fuel ratio greater than or equal to 35-to-1 as determined by EPA Test Method 28A, Air to Fuel Burn Rate – Wood Fired Appliances.
- C.2 IMPERIAL COUNTY PM<sub>2.5</sub> NONATTAINMENT AREA: that portion of Imperial County which lies within the line described as follows: (San Bernardino Base and Meridian) Beginning at the intersection of the United States-Mexico Border and the southeast corner of T17S R11E, then north along the range line of the eastern edge of range R11E, then east along the township line of the southern edge of T12S to the northeast corner of T13S R15E, then south along the range line common to R15E and R16E, to the United States-Mexico border.
- C.3 MANUFACTURER: any person who constructs or imports a wood burning appliance.
- C.4 NSPS: New Source Performance Standard. For purposes of this rule, the NSPS is the Code of Federal Regulations, Title 40, Part 60, Subpart AAA.

- C.5 OUTDOOR WOOD BURNING DEVICE: any wood burning fireplace, or other device designed to burn wood, and that is located outside of a building or structure. This includes, but is not limited to, burn bowls, fire rings/pits, chimeneas, and chimneys. This does not include fire pits at state parks, national parks, or national forests.
- C.6 PELLET FUELED HEATER: any heater manufactured for the purpose of heating a space and is intended to operate on pellet fuel.
- C.7 PELLET FUEL: includes, but is not limited to, compressed sawdust, compressed paper products, and compressed forest residue, wood chips and other waste biomass, ground nut-hulls and fruit pits, corn, and cottonseed.
- C.8 PERMANENTLY INOPERABLE: modified in such a way that a wood heater can no longer operate as a wood heater.
- C.9 RETAILER: any person engaged in the sale of wood burning appliances directly to the consumer.
- C.10 SEASONED WOOD: wood of any species that has been sufficiently dried so as to contain 20 percent or less moisture by weight, as determined by Current version of ASTM Test Method D 4442-92.
- C.11 U.S. EPA CERTIFIED WOOD BURNING APPLIANCES: A wood burning appliance that (1) Complies with NSPS certification requirements in effect at the time of installation, and (2) has a permanently affixed label certifying compliance with NSPS certification requirements in effect at the time of installation.
- C.12 U.S. EPA-QUALIFIED FIREPLACE: Means any fireplace model or retrofit device that has been qualified by EPA under EPA's Voluntary Fireplace Program as emitting no more than 5.1 g of particulate matter per kilogram of wood burned.
- C.13 WOOD BURNING APPLIANCE: Any fireplace, wood heater, or pellet-fueled 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).
- C.14 WOOD 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, pellet-fueled heater, or wood burning fireplace insert).

## D Exemptions

The following devices are exempt from the provisions of this rule:

- D.1 Devices that are exclusively gaseous-fueled.
- D.2 Cook stoves, as defined in the Code of Federal Regulations, Title 40 section 60.531.

## E Requirements

### E.1 Sale and installation of Wood Burning Appliances

E.1.1 New Wood Burning Appliances. Effective 04/12/2019, no person shall sell, offer for sale, supply, install, or transfer a new wood burning appliance unless it:

E.1.1.1 Is a wood heater that complies with NSPS certification requirements in effect at the time of installation, and

E.1.1.2 Has a permanently affixed label certifying compliance with NSPS certification requirements in effect at the time of installation, or

E.1.1.3 Is a U.S. EPA-Qualified Fireplace.

E.1.2 Used Wood Burning Appliances. No person shall advertise, sell, offer for sale, supply, install, or transfer a used wood burning appliance unless it meets the requirements of Section E.1.1, or it has been rendered permanently inoperable.

E.1.3 Effective 04/12/2019, 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:

E.1.3.1 Proper installation, operation, and maintenance of the wood burning appliance.

E.1.3.2 Proper Fuel selection and use,

E.1.3.3 Health effects from wood smoke, and

E.1.3.4 Weatherization methods for the home.

E.1.4 Sale or Transfer of Real Property. Effective 04/12/2019, no person shall sell or transfer any real property which contains a wood heater without first assuring that it meets the requirements of Section E.1.1, or it has been rendered permanently inoperable.

E.2 Operation of Wood Burning Appliances: All wood burning appliances shall be installed and operated according to the manufacturer's specifications. Any U.S. EPA-certified Wood Burning Appliance which has been altered, installed, or disassembled in any way not specified by the manufacturer, or which is operated in any manner that would result in emissions exceeding the standards set forth in the NSPS, shall not be considered a U.S. EPA-certified appliance.

E.3 Permitted Fuel Types

Burning of any fuels or materials in a Wood Burning Appliance other than the following fuels shall be in violation of this rule:

E.3.1. Seasoned wood (less than 20% moisture content, dry basis).

E.3.2. Uncolored paper.

E.3.3. Manufactured logs, pellets, and similar manufactured products (i.e., processed fire starters)

E.4 Operation of Wood Burning Appliances

E.4.1. All wood burning appliances should be installed and operated according to the manufacturer's specifications. No wood burning appliance shall be altered, installed, or disassembled in a way not specified by the manufacturer, or operated in a manner that could result in additional emissions.

E.4.2. No person shall cause or allow readily visible smoke from a wood burning appliance to occur for a time exceeding three continuous minutes in any one hour period. Smoke created during the thirty minute start-up or shut down period is exempt from this condition. Readily visible smoke is equated with an opacity of 20% (U.S. EPA Test Method 9) or greater as designated by shade No.1 on the Ringelmann Chart.