

**RULE 416.1 Wood-Burning Heaters and Wood-Burning Fireplaces - Adopted 7/8/04**

**I. Purpose**

The purpose of this Rule is to minimize emissions of smoke (particulate matter), organic gases and carbon monoxide from wood burning fireplaces in new housing subdivisions and wood burning heaters throughout East Kern.

**II. Applicability**

This Rule applies to:

- A. Any person who manufactures, sells, offers for sale, installs or operates a wood burning heater.
- B. Any person who installs a wood burning fireplace in a new residential subdivision.

**III. Exemptions**

The following devices are exempt from provisions of this Rule:

- A. Fireplaces, space heaters or stoves that are exclusively fired with a gaseous fuel.
- B. Cookstoves, as described in Code of Federal Regulations 60.531.

**IV. Definitions**

- A. APCO: the Air Pollution Control Officer of the Kern County Air Pollution Control District.
- B. Distributor: any person other than a manufacturer or a retailer who sells, offers for sale or supplies wood burning heaters to retailers or others for resale.
- C. U.S. EPA: the United State Environmental Protection Agency.
- D. U.S. EPA Phase II Certified: meets performance and emissions standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations.
- E. Fireplace: any permanently installed masonry or factory built device designed to operate at an air-to-fuel ratio greater than or equal to 35-to-1.
- F. Manufacturer: any person who constructs or imports a wood burning heater.
- G. New Residential Subdivision: any group of dwellings on one property or contiguous properties under common control of a person (as defined in Rule 102, Subsection X), shown on the latest equalized county assessment roll as a unit or as contiguous units, for which construction begins on or after July 9, 2004. Construction has begun when the foundation for a structure is poured or constructed. Community and/or commercial buildings are not included.

- H. New Wood Burning Heater: any wood burning heater that has not been sold, supplied or exchanged for the first time by the manufacturer, the manufacturer's distributor or agency, or a retailer.
- I. Pellet-Fueled Wood Burning Heater: any wood burning heater which uses pellet fuel and is either U.S. EPA-certified or is exempted under U.S. EPA requirements set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations.
- J. PM10: any particulate matter having an aerodynamic diameter equal to or less than 10 microns.
- K. Retailer: any person engaged, for profit, in the sale of wood burning fireplaces or wood burning heaters directly to the consumer.
- L. Wood Burning Heater: an enclosed, wood burning appliance capable of, and intended for, space heating, i.e., a free standing wood stove or wood burning fireplace insert.

**V. Requirements for Wood Burning Heaters**

- A. No person shall sell, offer for sale, supply, install or transfer a new wood burning heater unless it is U.S. EPA Phase II Certified or is a pellet-fueled wood burning heater.
- B. No retailer shall advertise, sell, offer for sale, supply, install or transfer a used wood burning heater unless it has been rendered permanently inoperable, or is U.S. EPA Phase II Certified, or is a pellet-fueled wood burning heater.
- C. Retailers selling or offering for sale new wood burning heaters shall supply public awareness information with each sale of a wood burning heater in the form of pamphlets, brochures or fact sheets concerning topics listed in Subsections 1 through 5 below:
  - 1. Proper installation, operation and maintenance of the wood burning heater,
  - 2. Proper fuel selection and use,
  - 3. Health effects of exposure to wood smoke,
  - 4. Weatherization methods for the home, and
  - 5. Proper sizing of wood burning heaters.

**VI. Limitations on Wood Burning Fireplaces in New Residential Subdivisions**

Beginning July 9, 2004, no person shall install a wood burning fireplace in a new residential subdivision which will consist of 10 or more dwellings.

**VII. Administrative Requirements**

Upon request of the APCO, a manufacturer shall demonstrate each wood heater subject to requirements of Section V. meets applicable U.S. EPA's Phase II certification standards