

Rule 207 Wood Burning Devices

(Adopted October 25, 2001; Recodified August 22, 2002; Amended December 11, 2008)

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RULE 207

- 1 APPLICABILITY:** This Rule shall apply within the boundaries of Butte County to any person who owns, operates, installs, builds, inspects, sells or offers for sale a wood burning device..
- 2 DEFINITIONS**
 - 2.1 Accessory Building** means any building that is not a residence, commercial building or public building as defined by this Rule, but is located on property which contains a residence, commercial building or public building as the primary structure.
 - 2.2 Coal** means any of the natural, rocklike, burnable solid, brown to black derivatives of forest-type plant material usually accumulated in peat beds, including anthracite, bituminous, and lignite varieties.
 - 2.3 Commercial Building** means a building, or portion thereof used as a place of business or commerce.
 - 2.4 EPA** means the United States Environmental Protection Agency.
 - 2.5 EPA-Accredited Laboratory** means a laboratory as specified by Title 40, Code of Federal Regulations, Subpart AAA (Standards of Performance for New Residential Wood Heaters), Section 60.535
 - 2.6 EPA-Certified Wood Burning Device** means any wood burning device that meets the performance and emission standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988.
 - 2.7 Freestanding Fireplace** means any wood burning device other than a wood heater that is not inset into the walls of a structure, and vents smoke via a flue pipe through the wall or roof of the structure.
 - 2.8 Fireplace** means any permanently installed masonry or factory built wood burning device with an open front or glass door and which does not meet the definition of a wood heater.
 - 2.9 Fireplace Insert** means any wood heater designed to be installed in an existing masonry or factory-built fireplace.
 - 2.10 Garbage** means all solid, semisolid, and liquid wastes generated from residential, commercial, and industrial sources, including trash, refuse, rubbish, industrial wastes, asphaltic products, manure, vegetable or animal matter, and other discarded solid and semisolid wastes which have not been sorted and recycled for use in wood combustion devices.

- 2.11 Gas-Fired Fireplace** means any device dedicated to burn natural or liquified petroleum gas as its fuel through a ceramic, or otherwise noncombustible gas log, and which cannot be converted to a wood burning device.
- 2.12 Interior Space** means any indoor area which is designed and used for human occupancy.
- 2.13 Manufacturer** means any person who constructs or imports a woodburning device.
- 2.14 Manufactured Logs** means compressed or extruded log shaped products designed for use in Fireplaces or Wood Burning Heaters as solid fuel that are comprised of recycled bio mass and/or wood fibers, which may include a combustible organic or petroleum wax binder material in the product composition.
- 2.15 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.
- 2.16 Paints** means all 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.
- 2.17 Paint Solvents** means all organic solvents sold or used to thin paints or to clean up painting equipment.
- 2.18 Pellet-Fueled Wood Heaters** are devices that burn pellet fuel exclusively, and are either EPA-Certified or exempted under EPA requirements set forth in Part 60, Title 40, Subpart AAA, Code of Federal Regulations, February 26, 1988.
- 2.19 Permanently Inoperable** means modified in such a way that a device can no longer operate as a wood burning device.
- 2.20 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.
- 2.21 Petroleum Product** means any petroleum product other than gaseous fuels.
- 2.22 Plastic Product** mean any material that contains any of numerous organic synthetic or processed materials that are mostly thermoplastic or thermosetting polymers of high molecular weight and that can be made into objects, films, or filaments.

- 2.23 Public Building** means any building where access by the general public is allowed.
- 2.24 Residence** means any address at which persons dwell more than temporarily.
- 2.25 Retailer** means any person engaged in the sale of wood burning devices directly to the consumer.
- 2.26 Rubber Products** means any material either natural or synthetic, which can be stretched at room temperature to at least twice its original length and, immediately upon release of the stress, returns with force to its approximate original length.
- 2.27 Seasoned Wood** means any wood that has been sufficiently dried so as to contain 20 percent or less moisture by weight.
- 2.28 Treated Wood** means wood of any species that has been chemically impregnated, painted, or similarly modified to improve resistance to insects or weathering.
- 2.29 Used Wood Heater** means any wood heater that has been sold and/or used at least once, except wood heaters that have been used by retailers for the purpose of demonstration.
- 2.30 Wood Composition Products** means plywood, particle board, masonite or any other manufactured wood product containing chemical adhesives, bonding agents, or any other non-wood material.
- 3.31 Wood-fired Outdoor Boiler** means any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the purpose of combustion of wood fuel, including devices which may burn other fuels, to produce heat or energy used as a component of a heating system designed or operated to provide heat or hot water for any interior space.
- 2.32 Wood Burning Cookstove** means a 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.
- 2.33 Wood Burning Device** means any fireplace, free standing fireplace, fireplace insert, wood stove, or other wood heater, that burns wood or any other nongaseous or nonliquid fuels, or any similar device burning any wood used for aesthetic or space-heating purposes in any interior space, having a heat input less than one million British thermal units per hour.
- 2.34 Wood Heater** means an enclosed, wood-burning appliance capable of and

intended for space heating that meets all of the following criteria:

2.34.1 An air-to-fuel ratio in the combustion chamber averaging less than 35-to-1 as determined by tests specified in Section 6.1.

2.34.2 A usable firebox volume less than 20 cubic feet.

2.34.3 A minimum burn rate less than 5 kg/hr.

2.34.4 A maximum weight of less than 800 kg. For the purpose of this Rule, fixtures and devices that are normally sold separately, such as flue pipe, chimney and masonry components that are not an integral part of the appliance or heat distribution ducting do not count as part of the appliance weight.

2.35 Zero Clearance Fireplace means any factory-built fireplace designed to be installed into wood-frame construction.

3 REQUIREMENTS

3.1 Public Awareness Requirements

3.1.1 Each retailer shall supply public awareness information with each sale of a wood burning device in the form of pamphlets, brochures or factsheets on the following topics:

3.1.1.1 Proper operation and maintenance of wood burning devices;

3.1.1.2 Proper sizing of wood burning devices;

3.1.1.3 Proper fuel selection and use and the importance of using seasoned wood or manufactured logs;

3.1.1.4 Weatherization methods for the home;

3.1.1.5 Proper fuel storage to maintain low moisture content;

3.1.1.6 Health benefits from low-emission wood burning devices.

3.1.2 Retailers may use pamphlets prepared by the Butte County Air Quality Management District (DISTRICT), the California Air Resources Board, or industry, subject to the Air Pollution Control Officer's (APCO) approval.

3.1.3 Installation of Wood Burning Devices

3.1.3.1 No wood burning device for which a building permit application is submitted on or after December 11, 2008 may be installed in any new or existing interior space unless it is a DISTRICT-approved device as defined in Section 6.1 of this Rule.

3.1.3.2 An inspection by the APCO or his designee shall be performed upon completion of the installation, or prior to issuance of final approval for all wood burning devices installed that are DISTRICT-approved devices as defined in Section 6.1.

3.2 Installation of Wood-Fired Outdoor Boilers: Effective December 11, 2008 no person shall install a wood-fired boiler to provide heat for any

residential, commercial or public building or accessory building *unless the unit has been certified to meet the standards established in EPA's Outdoor Wood-fired Hydronic Heater Programs or equivalent as approved in writing by the APCO.*

3.3 Sale and Installation of Used Wood Burning Devices: Effective October 25, 2001 no person shall sell, advertise or offer for sale, supply, install, or transfer ownership of a used wood burning device unless it has been rendered permanently inoperable, or is either EPA-Certified, Oregon-Certified, a Pellet-Fueled Wood Heater, or other DISTRICT-approved device as defined in Section 6.1.

3.4 Fuel Types

3.4.1 No person shall cause or allow the burning of any materials other than firewood or other wood or plant products designed and marketed specifically for use as a fuel in wood burning devices.

3.4.2 Prohibited fuel types include but are not limited to

3.4.2.1 Garbage;

3.4.2.2 Treated wood or wood composition products;

3.4.2.3 Plastic products;

3.4.2.4 Rubber products;

3.4.2.5 Petroleum products, including tar or tar paper;

3.4.2.6 Paints and paint solvents;

3.4.2.7 Coal;

3.4.2.8 Other material which may produce noxious odors or toxic compounds when burned.

4 EXEMPTIONS

4.1 Wood burning cookstoves and other wood burning devices not specifically defined herein are exempt from the requirements of this Rule.

4.2 Wood burning devices classified as antique or having historical significance may be exempted from the requirements of this Rule by the APCO upon presentation of evidence that they qualify as an antique or historically significant device.

4.3 Wood burning devices sold as appurtenances to real property in an escrow transaction shall be exempt from the provisions of Section 3.3 of this Rule.

5 TEST METHODS

5.1 The standard for determining air/fuel ratios and emissions testing where allowed under Section 6.1.2 and 6.1.3 below for wood heater combustion is EPA's test procedure set forth in Part 60.534, Title 40, Code of Federal Regulations.

- 5.2** Wood moisture content shall be measured by the American Society for Testing and Materials Methods D 2016-74, D4442-84, or other test method as specified by the APCO.

6 DISTRICT-APPROVED DEVICES

- 6.1** DISTRICT-approved devices for installation in new and existing interior spaces shall include the following:
- 6.1.1** All EPA-Certified Phase II wood burning devices;
 - 6.1.2** Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but meet the documentation requirements defined in Section 6.2 below;
 - 6.1.3** Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not U.S. EPA-Certified but meet the documentation requirements defined in Section 6.2 below;
 - 6.1.4** The total number of wood burning devices allowed for any interior space is limited to a cumulative maximum of 7.5 grams per hour of particulate matter emissions for all devices.
 - 6.1.5** Pellet-fueled woodheaters;
 - 6.1.6** Dedicated gas-fired fireplaces.
- 6.2** The APCO shall maintain a current list of approved wood burning devices. The APCO shall update and/or add new wood burning devices to this list upon completion of review and verification of the following information for each device under consideration:
- 6.2.1** A dated letter from an EPA-accredited laboratory which includes:
 - 6.2.1.1** Product model identification;
 - 6.2.1.2** Date(s) of emissions testing and test method used;
 - 6.2.1.3** Explanation of the reason why the product was exempted from EPA certification or is classified as a nonaffected device;
 - 6.2.1.4** Listing of the grams/hour particulate emission rate for the model tested.
 - 6.2.2** Documentation of the quality assurance program used by the manufacturer to ensure that tolerances and materials used in the model line under consideration are the same as those used for the tested device. Listing by a nationally-recognized testing lab shall be deemed adequate to satisfy this requirement.
 - 6.2.3** Documentation of the warranty coverage provided for the product model.
 - 6.2.4** A copy of the owner's manual for the product model.
- 6.3** Devices approved as clean-burn by other air quality agencies may be added to the list of DISTRICT-approved devices at the discretion of the APCO.