

Chapter 15.42

OUTDOOR WOOD BURNING DEVICES

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15.42.010 Purpose. The purpose of this chapter is to limit emissions of particulate matter from outdoor wood-burning devices. (Ord. 617 (part), 2010).

15.42.020 Definitions. (a) "APCO" The Air Pollution Control Officer of the Bay Area Air Quality Management District (District) or the designee thereof.

(b) "Curtailed Period" Any period so declared to the public by the APCO when a negative impact upon public health is anticipated, resulting from $PM_{2.5}$ levels forecast to exceed 35 micrograms/m³.

(c) "Electric-powered Heating Device" Any device that produces heat through use of an element utilizing resistance from alternating current or other means of electrical space heating, including, but not limited to, electric fireplaces.

(d) "Fireplace" Any installed masonry or factory-built wood-burning 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.

(e) "Garbage" Any solid, semisolid, or liquid waste 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.

(f) "Gas-fueled Heating Device" Any device that utilizes natural gas as a fuel source supplied by a natural gas service utility, including, but not limited to, gas-fueled fireplaces, gas-fueled room heaters, gas-fueled inserts, or gas-fueled log sets.

(g) "Low Mass Fireplace" Any fireplace and attached chimney, as identified in American Society for Testing and Materials (ASTM) E 2558-07, "Determining Particulate Matter Emissions from Fires in Low Mass Wood-burning Fireplaces", that can be weighed (including the weight of the test fuel) on a platform scale.

(h) "Masonry Heater" Any site-built or site-assembled, solid-fueled heating device constructed mainly of masonry materials in which the heat from intermittent fires burned rapidly in its firebox is stored in its structural mass for slow release to the site. Such solid-fueled heating devices must meet the design and construction specifications set forth in ASTM E 1602-03, "Guide for Construction of Solid Fuel Burning Masonry Heaters."

(i) "Pellet-fueled Device" Any solid-fueled burning device 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 Code of Federal Regulation (CFR), Part 60, Subpart AAA. Pellet fuel may be composed of compressed wood, corn or other biomass.

(j) "Seasoned Wood" Firewood that has a moisture content of 20 percent or less by weight.

(k) "Solid Fuel" Any wood, wood-based product, non-gaseous or non-liquid fuel, including but not limited to: manufactured logs, wood or other pellet products. This definition

does not include solid fuel intended for cooking food, such as charcoal.

(l) “Treated Wood” Wood of any species that has been chemically impregnated, painted, or similarly modified to improve resistance to insects or weathering.

(m) “U.S. EPA Phase II Certified Device” Any device certified by the U.S. EPA to meet the performance and emission standards as set forth in Title 40 CFR, Part 60, Subpart AAA.

(n) “Wood-burning Device” Any wood-burning stove or heater, pellet-fueled device, fireplace, or permanently installed device used to burn any solid fuel for space-heating or aesthetic purposes. (Ord. 617 (part), 2010).

15.42.030 Requirements. (a) No person shall operate or combust wood or solid-fuel products in any outdoor wood-burning device during a curtailment period.

(b) No person shall install a new or used outdoor wood-burning device intended for use within the Town unless it is one of the following:

(1) A U.S. EPA Phase II certified wood-burning device;

(2) A pellet-fueled device;

(3) A low mass fireplace, masonry heater or other wood-burning device of a make and model that meets EPA emission targets and has been approved in writing by the APCO.

(c) Any gas-fueled heating device or electric-powered heating device is allowed under this section. (Ord. 617 (part), 2010).

15.42.040 Prohibition against burning garbage, non-seasoned wood or certain materials. No person shall cause or allow any of the following materials to be burned in an outdoor wood-burning device: garbage, treated wood, non-seasoned wood, used or contaminated wood pallets, plastic products, rubber products, waste petroleum products, paints and paint solvents, coal, animal carcasses, glossy or colored paper, salt water driftwood, particle board, and any material not intended by a manufacturer for use as a fuel in a wood-burning device. (Ord. 617 (part), 2010).