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**040.051 WOOD STOVE/FIREPLACE INSERT EMISSIONS**  
(Amended 9/23/98; Revised 6/19/02, Effective 1/1/03; Revised 2/23/06)

**SECTION A – GENERAL**

- 1. **PURPOSE:** To limit particulate matter emissions and other pollutants discharged into the ambient air from solid fuel burning devices by:
  - a. Setting emission standards and certifying devices;
  - b. Requiring removal of devices that are not certified;
  - c. Restricting materials that can be burned; and
  - d. Limiting the number devices that are not deemed low emitting.
  
- 2. **APPLICABILITY:** The provisions of this regulation apply to any:
  - a. Person that advertises, except when restrictions are noted, sells, offers to sell, or installs any wood stove within the Health District;
  - b. Person that completes, or allows the completion of any:
    - (1) escrow transaction; and/or
    - (2) title change on a residential property.
  - c. Person that operates a solid fuel burning device within the Health District.
  - d. New installations of solid fuel burning devices within the Health District.

**SECTION B – DEFINITIONS:** For the purpose of this regulation, the following definitions shall apply.

- 1. Antique wood stove. Means a wood stove built before 1940 that has an ornate construction and a current market value substantially higher than a common wood stove manufactured in the same time period.
  
- 2. Certified. Means a solid fuel burning device has been certified in accordance with current standards adopted by the U.S. EPA, the State of Oregon, the State of Colorado and/or appears on the Washoe County District Health Department Official List of Certified Wood Stoves; Ref. 40 CFR, Part 60; Oregon Administrative Rules, Chapter 340, Division 21; Colorado Revised Statute, Regulation No. 4. (As noted also in **Section 010.0255**).
  
- 3. Certificate of Compliance. A permit issued for a specific location by the Control Officer for a solid fuel burning device deeming the device certified in accordance with this regulation.
  
- 4. Cook Stove. Means a wood stove installed in the kitchen, which is primarily designed for cooking and has a stovetop and an oven. It may also be equipped with gas burners. This wood stove is exempt from the emission standards and requirements of **Section 040.051**. (As noted also in **Section 010.045**).

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5. Development. Is a group of multifamily dwelling structures built on a parcel of land with common amenities. Examples of a development include but are not limited to: condominiums, apartments, and townhouses. (Adopted 5/23/90). (As noted also in **Section 010.047**).
6. Fireplace. Means an open hearth or fire chamber or similarly prepared place in which a fire may be made and which is built in conjunction with a chimney. It may have doors, provided they are not designed with gaskets, air intake controls or other modifications, which create an air starved operating condition. Wood-burning devices initially classified, as a wood heater (As noted also in **Section 010.200**) may not be modified to meet the fireplace definition. (Amended 11/16/94). (As noted also in **Section 010.063**).
7. Garbage. Means putrescible animal or vegetable waste. (As noted also in **Section 010.072**).
8. Low emitting. Devices that are considered low emitting include but are not limited to:
  - a. All propane or natural gas-fired devices;
  - b. Pellet stoves;
  - c. Specific models of wood stoves or other solid fuel burning devices that meet a certified emission rate of 1 gram/hour or less of particulate matter; and
  - d. Masonry Heaters that are certified by Colorado Revised Statute, Regulation 4.
9. Notice of Exemption (NOE). A form approved by the Control Officer, containing the notarized signatures of both the buyer and seller, attesting to the fact that the previously occupied residential property:
  - a. Does not have any Solid Fuel Burning Device;
  - b. Has a fireplace only that does not have doors that are gasketed to make the device airtight;  
or
  - c. Had an uncertified wood stove removed from the residential property prior to sale.
10. Pellet Stove. Means a solid fuel burning device designed to heat the interior of a building. It is a forced draft heater with an automatic feed which supplies appropriately sized feed material or compressed pellets of wood, or other biomass material to the firebox. (As noted also in **Section 010.117**).
11. Removed or Removal. Means a solid fuel burning device is physically taken off the real property. Furthermore, the device must not be stored at any other location on the real property or elsewhere within the Health District without the approval of the Control Officer.
12. Residential Property. Means any structure used as a dwelling including mobile, manufactured, single and multifamily homes and/or land with outbuildings including but not limited to barns, sheds, and garages.
13. Seasoned Wood. Means firewood with a moisture content not exceeding 20%.

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14. Smoke. Means small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon, ash, and other combustible material present in sufficient quantity to be observable or, as a suspension in gas of solid particles in sufficient quantity to be observable. (As noted also in **Section 010.136**).
15. Solid Fuel Burning Device (device). Means a device that burns wood, or any other nongaseous or non-liquid fuels, and includes any device burning any solid fuel used for aesthetic or space-heating purposes including but not limited to a fireplace, wood stove, or pellet stove.
16. Stack or Chimney. Means any flue, conduit, or duct arranged to conduct any smoke, air contaminant or emission to the atmosphere. (As noted also in **Section 010.140**).
17. Treated Wood. Means wood of any species that has been chemically impregnated, painted, or similarly modified.
18. Uncertified. Means a wood stove that cannot be verified as meeting the certified standards and/or does not appear on the Washoe County District Health Department Official List of Certified/Exempt Wood Stoves. (As noted also in **Section 010.145**).
19. Waste Petroleum Products. Means hydrocarbon based or contaminated materials.
20. Wood Heater. Means an enclosed wood burning appliance capable of, and intended for space heating, domestic water heating or indoor cooking and has an air-to-fuel ratio of less than 35 to 1 in the low burn cycle. It also must have a usable firebox volume less than twenty (20) cubic feet, weigh less than 800 kilograms and have a minimum burn rate less than five (5) kilograms per hour. Appliances that are described as prefabricated fireplaces and are designed to accommodate doors or other accessories that would create the air starved operating conditions of a wood heater, must meet the emission standards if they meet the criteria in the above definition with those accessories in place. (As noted also in **Section 010.200**).
21. Wood Stove. For purposes of this regulation may be a:
  - a. wood heater;
  - b. pellet stove;
  - c. prefabricated zero clearance fireplace or a fireplace heat form with doors or other accessories which cause the fireplace to function as a wood heater; or
  - d. wood heater inserted in a fireplace.

Wood stoves do not include open masonry fireplaces, barbecue devices, portable firepits, gas-fired fireplaces or cook stoves. (Revised 9/23/98) (As noted also in **Section 010.205**).

#### SECTION C – STANDARDS:

1. **PARTICULATE MATTER EMISSION STANDARD:** The particulate matter emission standard is 7.5 grams or less of particulate matter per hour for a non-catalytic appliance or 4.1 grams or less of particulate matter per hour for a catalytic appliance. If the U.S. Environmental Protection Agency adopts a wood stove/fireplace emission standard, which is more stringent, that emission standard

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supersedes the standard in this section and becomes effective on the date that the U.S. Environmental Protection Agency standard becomes effective.

2. CERTIFICATION: A wood stove shall be considered certified for purposes of these regulations as defined in **040.051.B.2**.
3. EXISTING DEVICES:
  - a. Upon the transfer or conveyance of any residential property, currently installed or existing wood stove(s) that are uncertified must be removed or replaced with certified or low emitting device(s), prior to the completion of any:
    - (1) escrow transaction; and/or
    - (2) title change on a residential property.

Rendering a device inoperable is not acceptable in lieu of removal.
  - b. The Control Officer on a case-by-case basis may approve an exemption from **Section 040.051.C.3.a** for an antique wood stove. Persons requesting the exemption must provide proof of antiquity.
  - c. RENOVATION/REMODEL: If a residential property is undergoing a renovation/remodel, and not changing ownership, the existing wood stove(s) may be moved and re-installed, or the same type of fireplace(s) may be re-built. New or additional solid fuel burning devices are prohibited in accordance with the limitations set forth in **040.051.C.7** of this regulation.
4. VISIBLE EMISSIONS: No person may permit emissions from the stack or chimney of a solid fuel burning device to exceed an opacity greater than that shade designated as No. 2 on the Ringelmann Chart for a period or periods aggregating more than three (3) minutes in any one hour period. Emissions created during a fifteen (15) minute start-up period are exempt.
5. PROHIBITED FUELS: A person shall not cause or allow any of the following materials to be burned in a solid fuel burning device:
  - a. asphaltic products;
  - b. books and magazines;
  - c. garbage;
  - d. paints;
  - e. colored/wrapping paper;
  - f. plastic;
  - g. rubber products;
  - h. treated wood;
  - i. waste petroleum products;
  - j. fuel wood that is not seasoned;
  - k. coal; or
  - l. any other material not intended by a manufacturer for use as a fuel in a solid fuel burning device

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6. **CONDITIONS FOR SELLING WOOD:** A person selling wood for use in a solid fuel burning device shall comply with the following:
  - a. Seasoned wood (wood with a moisture content of 20 percent or less) may be sold for immediate use in a wood burning device.
  - b. Wood with a moisture content of greater than 20 percent may be sold with a disclosure of the excessive moisture content and a recommended seasoning period to obtain a moisture content of 20 percent or less.
7. **LIMITATION ON NUMBER OF SOLID FUEL BURNING DEVICES:**
  - a. **New Installations:** The number of certified wood stoves or fireplaces installed on any property for which a building or set-up permit is issued shall not exceed one per acre.
  - b. **Existing Property:** In dwelling units or commercial/public facilities existing on the effective date of this regulation, installation of additional solid fuel burning devices is prohibited.
  - c. The above limitations do not apply to devices that are defined as low emitting (**Section B.8.** of this regulation).

#### **SECTION D – ADMINISTRATIVE REQUIREMENTS:**

1. No local government authority within the Health District may issue a building permit to any person to install an uncertified, or U.S. EPA exempt wood stove.
2. **WOOD STOVE INSPECTORS:** A person may be approved by the Control Officer to inspect and certify that wood stoves are currently, or have been in the past, certified per **Section 040.051**.
  - a. To obtain approval, an application must be submitted to the Control Officer. Approval will be issued upon satisfactory completion of all requirements set forth by the Control Officer and payment of the fee established by the Board of Health. Annual approval may be renewed upon meeting all the requirements of the Control Officer and payment of the renewal fee.
  - b. An approved inspector shall report the result of each inspection on a form provided by the Control Officer after the fee established by the Board of Health is paid. The approved inspector must indicate:
    - (1) Whether the residential property contains any solid fuel burning device;
    - (2) The number of wood stoves which are certified;
    - (3) The number of wood stoves which are not certified.

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3. EXISTING WOOD STOVES AND CHANGE OF OWNERSHIP: In order to complete any escrow transaction, and/or title change on any residential property, the current property owner must obtain either a Certificate of Compliance or a Notice of Exemption:
- a. The Control Officer shall issue a Certificate of Compliance if:
    - (1) An inspection report from an approved Wood Stove Inspector is submitted that demonstrates the residential property contains allowable wood burning devices.
      - i. If the report indicates that a wood stove is uncertified, the wood stove must be removed from the residential property and re-inspection by an approved inspector is required.
    - (2) The Control Officer shall issue a Certificate of Compliance not later than seven (7) working days after receipt of a completed inspection report from an approved Wood Stove Inspector.
      - i. If the Control Officer fails to act within the seven (7) working day period, any escrow transaction and/or title change that requires a Certificate of Compliance may be completed in lieu of issuance of said Certificate.
  - b. A Notice of Exemption shall be submitted to the Control Officer within ten (10) working days after the close of escrow and/or title change, if:
    - (1) The residential property does not contain a wood stove.
    - (2) The residential property contains any solid fuel burning device that is to be removed before the close of escrow and/or title change, then the Notice of Exemption can not be submitted until the solid fuel burning device is removed from the property.

The buyer and seller of any residential property shall observe any disclosure statements supplied by the real estate agents relating to the requirement under this regulation for the inspection of any wood stove.

## SECTION E – COMPLIANCE AND RECORDS

1. DEALERS AFFIDAVIT OF SALE
  - a. A person who sells a wood stove within the Health District must report the sale to the Control Officer within thirty (30) days from the date of sale on the form provided by the Control Officer.
  - b. The form shall be provided by the Control Officer after the person pays the fee established by the Board of Health for that form.
  - c. Any person who fails to notify the Control Officer of the sale is subject to the penalties set forth in **Section 020.040**.

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2. CERTIFICATE OF COMPLIANCE: A Certificate of Compliance issued pursuant to this section:
  - a. Remains valid until the residential property is transferred or conveyed to a new owner or nine (9) months, whichever comes sooner.
  - b. Does not constitute a warranty or guarantee by the approved inspector or the Control Officer that the wood stove meets any other standards of operation, efficiency or safety, except the emission standards contained in these regulations.
3. FALSIFICATION OF INFORMATION: Any person who falsifies any information associated with a:
  - a. Wood Stove Inspection;
  - b. Certificate of Compliance;
  - c. Notice of Exemption; or
  - d. Dealer's Affidavit of Sale

is subject to the penalties set forth in **Section 020.040**, and may be subjected to the applicable penalties prescribed by law for perjury. The revocation of the Control Officer's approval to conduct wood stove inspections or revocation of a Certificate of Compliance may also be a result.

4. VIOLATION OF VISIBLE EMISSIONS OR PROHIBITED FUELS STANDARDS: A person who violates **Sections C.4, C.5 or C.6** of this regulation shall be issued a warning for the first violation, and shall be provided information on proper wood burning techniques. Subsequent violations would be subject to the penalties set forth in **Section 020.040**.
5. CURTAILMENT OF BURNING DURING POLLUTION ALERTS: If the concentrations of an air containment reach or are predicted to reach levels that constitute a Stage 1 alert as defined in **Section 050.005**, operation of any Solid Fuel Burning Device shall be suspended in accordance with the requirements of **Section 050.015.A.5**.