

The Business Bulletin

A publication of the San Joaquin Valley Air Pollution Control District

2004 Winter Issue

www.valleyair.org

Check new rule before building or selling homes

Restrictions on the use of residential wood-burning devices have been heavily publicized lately, but developers and real estate agents should also familiarize themselves with two other amendments to Air District Rule 4901 (Wood-burning Fireplaces and wood-burning Heaters).

Effective January 1, 2004, Rule 4901 limits the number of solid fuel-burning devices allowed in new homes and developments. It also requires that older wood stoves and heaters be removed prior to the sale of existing homes.

The Air District approved the rule amendments on July 17, 2003 in order to fully comply with the federal Clean Air Act and reduce particulate matter emissions.

Particulate matter is made up of tiny airborne particles such as microscopic fly ash, nitrates, salts, sulfates, dust, smoke and soot. These particulates can lodge deep in the lungs, resulting in serious health complications. During winter months, residential wood burning adds more than 24 tons per day of particulates to Valley air-quality problems.

Limits on fireplaces in new construction

The new version of the rule limits how many wood-burning devices can be installed in new homes and new housing developments.

Effective January 1, 2004, no new homes in the San Joaquin Valley's eight counties (San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare and the valley portion of Kern) are allowed more than one wood-burning fireplace, heater or stove. Furthermore, in developments with a density ratio of *three or more homes per acre*, only two such devices are allowed per acre. Each must be EPA Phase II-certified or pellet-fueled.

In developments with a density ratio of *two or less homes per acre*, each homeowner may install one wood-burning device of their choice. This means that the homeowner may install either an open-hearth fireplace or an EPA Phase II-certified stove or insert.

The new regulation impacts new construction for which foundations are poured on or after January 1, 2004. For example, in new construction for which foundations have been poured on or prior to December 31, 2003, any type of wood-burning devices may be installed.

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New construction continued

If the foundation was not complete by the last day of 2003, the new regulations apply.

This rule does not limit the number of natural gas devices allowed or installed in addition to a wood-burning device.

Sale/transfer of existing homes

Owners of existing homes, realtors and anyone selling a home in the San Joaquin Valley should be aware of the change-out requirement of Rule 4901.

Effective January 1, 2004, older wood-burning equipment must be removed from a home prior to sale or transfer of the property. It is the home owner's responsibility to complete a Wood-burning Heater Statement of Compliance indicating if a home being sold has a wood-burning device and what type of device the home includes. Both the buyer and seller of the property are required to sign the form,

available at any Air District office, or online at www.valleyair.org.

A wood-burning stove, heater or insert, that is EPA Phase II-certified or pellet-fueled may remain in the home. Older, non-certified equipment must be removed from the home, rendered permanently inoperable or replaced with Phase II equipment before transfer of property takes place.

An open-hearth fireplace with no insert may be left *as is* when a home is sold or transferred.

Although open fireplaces *do* generally expel higher concentrations of particulate matter than older wood stoves and inserts, they are not used as often because they are very inefficient home heaters.

Open fireplaces are mainly used for ambience while wood stoves and inserts are used more often for space heating.

For more information on Rule 4901 and other District rules, go to our website at: www.valleyair.org, or call our district offices.

Northern Region

(209) 557-6400

Complaints:

1-800-281-7003

Small Business

Assistance:

(209) 557-6446

Central Region

(559) 230-6000

Complaints:

1-800-870-1037

Small Business

Assistance:

(559) 230-5888

Southern Region

(661) 326-6900

Complaints:

1-800-926-5550

Small Business

Assistance:

(661) 326-6969

Daily air quality forecasts and residential wood-burning status is available by calling 1-800-SMOG-INFO (766-4463).