

Bay Area Air Quality Management District
Exemption Guidance Document for the Woodsmoke Rule

November 1, 2016



WOODSMOKE RULE
REGULATION 6, RULE 3
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EXEMPTION GUIDANCE DOCUMENT FOR THE WOODSMOKE RULE

The purpose of this document is to provide guidance regarding who may be exempt from the Bay Area Air Quality Management District's Woodsmoke Rule. The goal of the Woodsmoke Rule is to reduce emissions of particulate air pollution from wood burning in the Bay Area, particularly on winter nights when the accumulation of woodsmoke causes the greatest health risk.

From November through February, the Air District will issue a *Winter Spare the Air Alert* when particulate pollution is expected to rise to unhealthy levels as established by the U.S. EPA. The Woodsmoke Rule states that during a *Winter Spare the Air Alert*, it is illegal to use any wood-burning device such as fireplaces, woodstoves, or pellet stoves in the Bay Area. This will be referred to below as the "Burn Ban."

The Woodsmoke Rule has three "limited exemptions" that allow people in specific situations to burn wood during a Burn Ban:

- **Sole Source of Heat (Section 6-3-110)**
- **Non-functional, Permanently-Installed Heater (Section 6-3-111)**
- **Loss of Natural Gas and/or Electric Power (Section 6-3-112)**

The Woodsmoke Rule states that you are exempt from the Burn Ban if wood-burning is your only source of space heat for a residence or commercial building and your wood-burning device is an EPA-certified device that is registered with the Air District. If you have another form of permanently-installed space heating¹ in your residence or commercial space, then you may not use your wood-burning device during a Burn Ban.

Am I exempt if I live or have a commercial space in an area that does not have natural gas service, but my residence or commercial space has another form of space heating?

The intent of the Sole Source of Heat Exemption is to allow use of wood-burning devices when another form of space heating is not available.

Therefore, if you are in an area that does not have natural gas service, but you have a permanently-installed heater (for instance, propane), then you are not exempt from the Burn Ban. If there is no electrical service in an area provided by a public utility, then the burn ban does not apply unless another form of permanently-installed heat is available.

¹ These other forms of permanently-installed heating include central forced-air furnace, wall heaters, radiant heaters, baseboard heaters, or other forms of permanently-installed heating powered by natural gas, propane, or electricity. You may still be exempt from the Burn Ban if you have space-heating that is not permanently installed, such as a portable electric heater that can be moved from room to room.

Am I exempt from the Burn Ban if there is a temporary service outage of natural gas or electrical power?

If electrical or natural gas service in an area provided by a public utility service is temporarily interrupted, the burn ban does not apply unless another form of permanently-installed heat is available.

Am I exempt from the Burn Ban if I have another source of space heat, but it is not sufficient to heat my entire home or commercial space?

If you have another source of permanently-installed space heat in the residence or commercial space, then you are not eligible for the Sole Source of Heat Exemption, even if that other source of heat is not capable of heating the entire residence or commercial space to desirable temperatures. The intent of the Sole Source of Heat Exemption is that people should not be deprived of the ability to burn wood for *essential* heating. Essential heating typically does not require heating an entire residence or commercial space.

Am I exempt from the burn ban if I have another source of space heat, but it is not functioning?

Where there is permanently-installed space heating that is not functioning, the residence or commercial space will be temporarily exempt from the Burn Ban for a period of 30 days to allow time to repair the permanently-installed heating. Qualification for this exemption is subject to verification and must be supported by documentation of repair, which must be submitted to the Air District within 10 days of a receipt of a request for such records.

I have no other form of heat other than an EPA-certified device; How do I register my device?

To be eligible for the Sole Source of Heat Exemption your EPA-certified device must be registered with the Air District. This registration is valid for five years. You can register your EPA-certified device by going to the air district website for registering equipment located here: <http://www.baaqmd.gov/permits/register-equipment>

What are my requirements to my tenants if I am a landlord of a property located within the air district?

Effective November 1, 2018, all real property offered for lease or rent in areas with natural gas service shall have a permanently-installed form of heat that does not burn solid fuel. These properties do not qualify for the Sole Source of Heat Exemption.