



Frequently Asked Questions

Regulation 6, Rule 3

Wood-Burning Devices

Updated – October 2017

Why is wood smoke considered air pollution?

Answer: When wood and other solid fuels are burned, the smoke emitted contains fine particulate air pollution (also known as PM_{2.5} and these tiny particles (about 1/70th the width of a human hair) can pass deep into the lungs and cause serious health effects to the public. High levels of fine particulates can result in difficulty breathing, aggravate asthma and even cause premature death for people with heart or lung disease. Winter weather conditions can trap wood smoke close to the ground concentrating the air pollution to unhealthy levels. When these conditions occur, wood smoke is the largest portion (approximately 39%) of the wintertime fine particulate matter in the Bay Area.

Why is the regulation necessary? Why doesn't the Air District rely on the voluntary compliance of residents?

Answer: The *Winter Spare the Air* program was a voluntary outreach campaign for nearly two decades. Unfortunately, voluntary reductions did not achieve clean air standards. Therefore, the regulation with the mandatory program is necessary to reduce wood smoke emissions and protect public health.

How does the Air District know to call a *Winter Spare the Air Alert*?

Answer: Air District meteorologists evaluate the levels of fine particulate air pollution and meteorological conditions in order to forecast which days will have unhealthy air quality (typically on cold, still, winter days with stagnant air). On these days, a *Winter Spare the Air Alert* is called to protect public health of Bay Area residents.

Why is a *Winter Spare the Air Alert* called throughout the Bay Area when the air in my neighborhood seems good?

Answer: Fine particulate air pollution can stay in the air for prolonged periods and can be transported from one area to another in the Bay Area.

Why would the Air District call a *Winter Spare the Air Alert* on a holiday such as Thanksgiving or Christmas Day?

Answer: The Air District issues *Winter Spare the Air Alerts* when air quality is forecast to reach unhealthy levels of fine particulate (PM_{2.5}). The highest PM_{2.5} levels occur from November to February due to winter meteorological conditions when there is less air mixing and surface winds to disperse particulates and keep fine particulate levels below the National Ambient Air Quality Standard. In order to protect public health, a mandatory burn ban may be issued to protect public health of Bay Area residents, regardless of the day.

How do I find out whether it's a designated "mandatory burn day" (*Winter Spare the Air Alert*) and whether I can have a fire in my fireplace or wood stove?

Answer: During the winter months starting November 1st through the end of February, you can:

- **Call** - 1-877-4NO-BURN
- **Check** the *Winter Spare the Air Alert* status at www.sparetheair.org or www.baaqmd.gov
- **Listen** for *Alerts* on local radio and TV news media

For your convenience, you can also sign up for [e-mail alerts](#)¹ or [phone alerts](#).² Whenever you light a fire you should always **check before you burn**; burn clean dry wood; burn short, hotter fires that don't smoke; and keep your hearth and chimney well maintained. Excessive smoke or the burning of garbage, plastics, wrapping paper or other inappropriate materials is never allowed.

Why aren't I allowed to burn in EPA-certified wood stoves, fireplace inserts or pellet stoves during a *Winter Spare the Air Alert*?

Answer: While they burn more cleanly, these wood-burning devices still emit fine particulate air pollution and when the wintertime air pollution reaches unhealthy levels, any burning contributes to excessive air pollution. Therefore, in order to protect the public health of Bay Area residents, the Air District must reduce fine particulate air pollution by banning burning in *all* types of wood-burning devices on these days.

Does the wood smoke rule ban all fires in my fireplace?

Answer: No, only during a Mandatory Burn Ban (*Winter Spare the Air Alert*). The Air District issues *Winter Spare the Air Alerts* when air pollution reaches unhealthy levels – approximately 20 days each winter – and then the public is not allowed to burn on these days. Other than these few days, you can still burn a legal fire in your fireplace with clean, dry (seasoned) wood with plenty of air to prevent excessive smoke.

Can I burn wood or other solid fuels in outdoor fireplaces, firepits or chimineas during a Mandatory Burn Ban (*Winter Spare the Air Alert*)?

Answer: No. Another Air District rule, Regulation 5: Open Burning, prohibits the use of outdoor wood-burning devices (including firepits and chimineas) and other recreational fires during a Mandatory Burn Ban (*Winter Spare the Air Alert*).

Can I barbeque during a Mandatory Burn Ban (*Winter Spare the Air Alert*)?

Answer: Barbequing during a Mandatory Burn Ban (*Winter Spare the Air Alert*) is not prohibited. However, the Air District asks all Bay Area residents to voluntarily reduce air pollution by making clean air choices every day. Reducing or postponing activities that pollute, including barbequing, when the air quality is forecast to be unhealthy, is one way to help reduce fine particulate

What if there is a power outage? Can I use my fireplace or wood stove then?

Answer: Yes. The regulation allows for a limited exemption from the requirement of complying with a Mandatory Burn Ban (*Winter Spare the Air Alert*) if there is a temporary power outage.

Is there an exemption for residents who have no natural gas service in the area and only have propane fuel?

Answer: The exemption does *not* apply when there is any type of permanently installed heating device, such as a gas-fueled or electric heater in a residence or business. Therefore, if you are in an area that does not have natural gas service, but you have a permanently-installed heater (for instance, a propane heater), then you are *not* exempt from the burn ban.

What if burning wood is my only source of heat?

Answer: The Air District recognizes that some residents may not have another form of heat. Until October 31, 2016, the rule exempts residents whose sole source of heat is a wood-burning device.

Effective November 1, 2016, residents may claim “Sole Source of Heat” exemption if their only source of heat is an EPA certified wood-burning device and that EPA certified device is registered in the Air District’s registration program.

The Air District developed an [Exemption Guidance document](#) to help assist you regarding this situation.

Are there excessive smoke prohibitions in the regulation?

Answer: The wood smoke rule places year-round restrictions on excessive smoke. When burning is allowed, residents must burn only clean, dry (seasoned) wood in short, hot fires with plenty of air to prevent excessive smoke. Excessive smoke is not allowed beyond a 20-minute start-up period.

How are Violation Notices (monetary fines) issued?

Answer: An Air District Notice of Violation (NOV) for a residence or business that violates the wood smoke regulation can be issued *only* if an Air District inspector personally observes and documents the violation. First time violators will be issued an NOV but will have an opportunity to take the Air District’s Wood Smoke Awareness Written Test in lieu of paying a fine. Those who are found in violation a second time are issued a NOV citation and are subject to a \$500 fine. Repeat violators who subsequently continue to burn in violation of the regulation will face increasing financial penalties.

How do I file a complaint if I observe a residence burning on a designated *Winter Spare the Air Alert* (“mandatory no burn”) day?

Answer: A public complaint can be filed by either:

- Filling out the [wood smoke complaint form](#)³ on the Air District's website, or
- Calling 1-877-4NO-BURN to file a complaint.

Complaints can be filed anonymously so your identity will not be revealed.

What do I do if I suspect somebody is burning inappropriate materials in their fireplace, such as garbage or plastic?

Answer: Burning garbage is strictly prohibited within the Bay Area any time of the year, and doing so releases many harmful pollutants. If you suspect somebody is burning illegal materials, please file a complaint (see above).

What if I live in a multi-unit complex such as a condominium complex – can the Air District pinpoint where the wood smoke is coming from?

Answer: It is very difficult for Air District inspectors to locate the exact source of wood smoke from a multi-unit complex. Therefore, we often send informational packets to all addresses in the complex to educate them about the harmful effects of wood smoke, the regulation requirements and how to burn cleanly. To assist us, if you register a complaint on a multi-unit complex, please provide as much information as possible, such as the main building address where the unit is located.

Does the wood smoke rule affect the sale or installation of outdoor fireplaces, firepits and chimineas?

Answer: Outdoor wood-burning devices are not covered in Regulation 6, Rule 3: Wood-burning Devices. Newly installed outdoor wood-burning devices do not have to be an EPA-certified or pellet-fueled device. However, Regulation 5: Open Burning, prohibits the use of outdoor wood-burning devices (including fireplaces, firepits and chimineas) and other recreational fires during a Mandatory Burn Ban (*Winter Spare the Air Alert*).

Which devices can I install in my home?

Answer: The current rule requires that newly installed indoor wood-burning devices must be EPA-certified or pellet-fueled devices. A list of approved wood-burning devices for installation can be found [here](#).⁴ However, EPA-certified and pellet-fueled devices are still prohibited from operation during a Mandatory Burn Ban (*Winter Spare the Air Alert*).

The Air District encourages households that are seeking to install new heating devices to choose cleaner and more efficient heating non-wood burning devices, such as gas-fueled or electric heating devices to help reduce fine particulate emissions in the Bay Area.

Which devices can I install in new building construction?

Answer: Effective November 1, 2016, new building construction may no longer include the installation of wood-burning devices, including fireplaces, EPA certified wood stoves or inserts, or pellet-fueled devices. Installation of non-wood burning devices, such as gas-fueled or electric devices will be allowed. Gas-fueled and electric heating devices are not subject to burn bans when *Winter Spare the Air Alerts* are issued.

Can I make repairs to an existing wood-burning device, such as my fireplace or chimney?

Answer: Repairs can be made to existing wood-burning devices; however, if you install a new wood-burning device, it must be EPA certified.

What are the regulatory requirements for remodeling a fireplace or chimney?

Answer: Until October 31, 2016, any remodel of a fireplace or chimney that requires a local building permit necessitates the installation of an EPA certified wood-burning device.

Effective November 1, 2016, all fireplace or chimney remodels that are undergoing a substantial change costing greater than \$15,000 and that require a local building permit will require the installation of an EPA certified wood-burning device.

How do I know if wood is properly dry or “seasoned” for burning?

Answer: Seasoned wood is firewood that has a moisture content of less than 20% by weight. Only seasoned firewood is appropriate for burning in your fireplace and/or wood stove. Seasoned firewood has the following characteristics:

- Dark colored with cracked ends with cracks radiating from the center like bicycle spokes;
- Light in weight since much of the moisture has been removed,
- Unique sound when two pieces of firewood are hit together. Dry wood rings with a resonant “crack”, like a bat hitting a baseball while wet wood makes a dull “thud” sound;
- Easily peeled or broken bark with no green under the bark.

Additionally, all firewood suppliers must label their firewood as seasoned or unseasoned with instructions on how to properly season the wood.

How do manufacturers and retailers comply with the solid-fuel labeling requirement?

Answer: Pursuant to Section 404.1 of Regulation 6, Rule 3, each package of solid-fuel or wood sold or provided within the Air District boundaries must be labeled with the following language:

“Use of this and other solid fuels may be restricted at times by law. Please check 1-877-4NO-BURN or <http://www.8774NOBURN.ORG> before burning.”

Solid-fuels include but are not limited to the following:

- Firewood or wood
- Other fire logs (such as EnviroLog and JavaLog)

- Any manufactured logs (such as DuraFlame)
- Any pressed logs (such as Presto Logs)
- Any solid or semisolid fire starters
- Pellets (wood-based or plant-based)

The requirement to label “each package” means that the smallest unit of product that is intended for sale shall be labeled. For product that can be sold either as individual units or in boxes containing multiple units, the individual units must be labeled. There is no requirement to label the box containing units that are labeled and packaged for individual sale.

What are the requirements for landlords?

Answer: Effective November 1, 2018, rental properties in areas with natural gas service must provide a permanently installed form of heat that does not burn solid fuel. These properties will no longer qualify for a sole source of heat exemption as of November 1, 2018.