

**SACRAMENTO METROPOLITAN  
AIR QUALITY MANAGEMENT DISTRICT**

For Agenda of **October 25, 2007**

**To:** Board of Directors  
Sacramento Metropolitan Air Quality Management District

**From:** Larry Greene, Air Pollution Control Officer  
Sacramento Metropolitan Air Quality Management District

**Subject:** New Rule 421, MANDATORY EPISODIC CURTAILMENT OF WOOD AND OTHER SOLID FUEL BURNING

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**Recommendations**

1. Determine that the adoption of Rule 421 is exempt from the California Environmental Quality Act (CEQA);
  2. Decide whether to include one or more of the options in the proposed rule; and
  3. Approve the attached resolution adopting Rule 421.
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**Executive Summary**

Proposed Rule 421, which was heard by the Board at the September 2007 meeting, prohibits wood or other solid fuel fires and use of fireplaces and wood or pellet stoves and inserts on days forecast to exceed the federal health standards. At the September hearing, the Board directed Staff to prepare the following additional options: 1) a voluntary program element, 2) a one year exemption for certified devices, 3) exempting certified devices from some mandatory no burn days, and 4) exempting certified devices from the rule without limitation. The Board also continued the public hearing to the October meeting.

Staff has analyzed the impact of the new options on our progress toward attaining the federal PM2.5 standard. The first three options may provide for attaining the federal PM2.5 standards, however, there is a smaller margin of safety for meeting the standards with options 2 and 3. Staff's analysis suggests that if certified stoves are exempt from Rule 421, Sacramento County may not meet the federal health standards by 2012. It is likely that the District will need to regulate other sources to replace the 2.5 tons per day of emission reductions that will be lost by exempting certified devices.

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**Attachments**

The table below identifies the attachments to this memo.

<b>Item</b>	<b>Attachment</b>	<b>Page Number</b>
<b>Board Resolution</b>	<b>A</b>	<b>8</b>
<b>Proposed Rule 421</b>	<b>B</b>	<b>11</b>
<b>Options for Rule 421</b>	<b>C</b>	<b>16</b>
<b>Comments Received after September Hearing</b>	<b>D</b>	<b>28</b>

September Board Package	E	67
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## **Background**

Three issues were discussed at some length during the September Board meeting: outreach, estimates of the number of devices and related emissions, and exemptions for EPA certified devices and pellet stoves. This document will discuss only those issues, but additional information about the proposed Rule 421 can be found in the September Board materials (Attachment E.)

### Outreach

Rule 421 will rely on the existing public outreach structure well established through the Spare the Air program. The program will be called Check Before You Burn. Our Communications office and public relations consultant have prepared an outreach strategy that will use hundreds, if not thousands, of partnerships already in place to educate the community, including ethnic and grass roots community groups.

### Estimates

Staff evaluated the information presented by Duraflame at the September hearing. When the industry data sources are used, the wood smoke emissions inventory is slightly higher than the inventory prepared by the California Air Resources Board, but within the range of staff's original estimates. The industry figures were used for the calculations and the estimate of wood smoke emission reductions that would be needed for attainment in this Board letter.

### Certified devices and pellet stoves

In the discussion on certified devices and pellet stoves, several issues were raised including: 1) whether Rule 421 conflicts with the District's incentive program which encourages replacement with certified devices and pellet stoves, while Rule 421 prohibits their use on some days; and 2) whether emissions from certified devices and pellet stoves are small enough to be exempted without interfering with attainment goals.

The District began the incentive program at the same time staff was preparing Rule 421 for adoption. As originally conceived, Rule 421 would have banned all wood fires on days when air quality was predicted to exceed federal health standards. Since the Rule would have prohibited use of the devices on no-burn days, encouraging the purchase of the devices through the incentive program did not conflict with clean air goals.

If certified and pellet devices are exempt from the no-burn days, the incentive program will have the unintended effect of increasing emissions on no-burn days, when air quality is at its worst.

At the outset, the exemption will allow the emission of 2.5 tons of PM<sub>2.5</sub> per day from the existing 45,196 certified and pellet stoves already installed within the district<sup>1</sup>. These emissions will increase over time, because the incentive program will encourage people to shift away from devices that would have been subject to the ban and toward installation of devices that will be allowed to operate on no-burn days. To date, the incentive program has replaced 52 uncertified devices and 195 fireplaces with certified devices and pellet stoves.

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<sup>1</sup> Total number of wood stoves is from 2004 American Housing Survey. The percent of stoves certified is from Amanda Aldridge, EPA (10/3/07). Number of pellet stoves is from US Census Projection.

The interplay between a Rule 421 exemption and Rule 417 may also lessen the emission reduction potential of Rule 421. Rule 417 prohibits the sale and installation of uncertified devices or open hearth fireplaces. That rule could result in the installation of more certified and pellet stoves (in addition to natural-gas fired stoves). Since these devices would be allowed to burn on no-burn days, the level of uncaptured emission reductions will be more than the current 2.5 tons of missed reductions.

Between the incentive program and Rule 417, staff has estimated that emissions from new and replacement wood-burning devices will increase annually by 0.2 tons per day on no-burn days. If these emissions occur, the staff analysis indicates that the district will not meet the PM2.5 attainment goals.

In addition, based on the usage information obtained by staff, certified devices are used more often than fireplaces (28 days per year versus 43 days per year). As the number of these devices increases, there is a risk that the number of no-burn days will increase because people will be burning more frequently.

Moreover, staff has calculated that to achieve the same reductions achieved under an all-inclusive no-burn rule, the area would have to replace over 60,000 uncertified devices and open hearth fireplaces with certified or pellet stoves. Since this replacement rate is unrealistic, the District will have to look at other regulations that could replace the 2.5-plus loss in emission reductions. It is important to note we have not yet identified sufficient reductions to offset the entire 2.5 tons, either individually or collectively. A more comprehensive search may identify additional strategies. The potential programs identified to date include:

Regulations	Potential PM Emission reductions (tons/day)
Controls for agricultural and non-agricultural open burning, including residential burning of vegetative waste (currently allowed in parts of southern Sacramento County)	0.325
Controls for fugitive dust from bulk materials storage and handling (e.g. aggregate plants or animal silage)	Unknown
Design restrictions to reduce fugitive dust from new and modified paved roads	0.004
Control of fugitive dust from agricultural sources such as tilling, off-field operations, paved and unpaved roads, and livestock operations	0.03
Control of chipping and grinding operations, and co-composting with biosolids and/or manure	Unknown
More stringent control efficiency requirements for PM control devices such as baghouses, wet scrubbers, and electrostatic precipitators (e.g. concrete batch plants, cabinet shops, and wood processing operations)	Unknown

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### Summary of Proposed Rule and Options

One of the most critical aspects for the success of this rule is public education. Residents in Sacramento County already hear no burn announcements for San Joaquin County. Local

meteorologists have provided information on the San Joaquin Valley's program during weather forecasts for several years. Consistent media messaging with San Joaquin will decrease confusion for both the public and the meteorologists that we will be relying on to assist us in getting out our no burn messages. In addition, having consistent graphics and messages will improve the likelihood of meteorologists broadcasting our information. San Joaquin uses the following graphics and messages in their "Check Before Your Burn" program:

GOOD or MODERATE AIR =  
Burn Cleanly



AIR UNHEALTHY FOR  
SENSITIVE GROUPS =  
Wood Burning Discouraged



UNHEALTHY AIR =  
Wood Burning Prohibited



At the October hearing, the Board of Directors could choose to adopt proposed Rule 421, including the financial hardship exemption, or adopt a revised Rule 421 under one or more of the options discussed below. The benefits and disadvantages of each option are also discussed.

### **Proposed Rule 421 without any options**

The original proposed Rule 421 can be consistent with the graphics and messaging already in use by San Joaquin. The District would rely on the "Please Burn Cleanly" and "Wood Burning Prohibited" graphics and messages for this rule.

### **Option 1 – Voluntary No Burn**

This option adds a voluntary no burn component. Voluntary no burn days would be called below the federal health standards in Rule 421 that trigger mandatory no burn days. Adding this component would make proposed Rule 421 most consistent with San Joaquin Valley's no burn rule. On voluntary no burn days, wood burning would be discouraged. Those that choose to burn would be advised to burn cleanly, preferably in a certified device or pellet stove. Two thresholds are proposed; 25 micrograms per cubic meter of air ( $\mu\text{g}/\text{m}^3$ ) which is estimated to result in 24 voluntary no burn days (in addition to the 23 mandatory no burn days), or 30  $\mu\text{g}/\text{m}^3$ , which leads to 8 voluntary days. Additional days may decrease compliance rates if the public gets oversaturated by the requests or defies the requests because they perceive it as too frequent. All three of San Joaquin's graphics and messages could be used for this rule.

### **Option 2 – 1 year exemption**

This option adds a limited exemption for EPA certified devices and pellet stoves that do not produce visible smoke. There are two alternatives proposed. Under the first, the exemption expires in one year unless the federal standard is met (using 2007/2008 burn season data). Under the second, the exemption expires unless the Board extends it. One year is used because attainment must be demonstrated during 2009, 2010, and 2011, to avoid requirements associated with nonattainment, including the additional regulations noted above.

If certified devices and pellet stoves are exempted from the rule, then their emissions (2.5 tons/day and growing by 0.2 tons/day each year) would contribute to high particulate concentrations on poor air quality days. Under the first exemption, if Sacramento meets the

health standards with emissions from certified devices and pellet stoves, then the exemption would continue. Weather conditions, which vary from year to year, have dramatic effects on air quality. Meeting federal health standards during the first year doesn't guarantee that the exemption would not contribute to nonattainment in future years. The second exemption allows the Board to consider any reason for extending the exemption.

San Joaquin's graphic and media messaging for a no burn day would require changes to be consistent with exempting devices from the "Wood Burning Prohibited."

In addition, media messaging and outreach materials would change if the exemption expires. This will add costs to outreach efforts and may cause some confusion. This version of the rule may help meet the federal health based standards, particularly if it expires after one year.

### **Option 3 – 2-stage mandatory no burn program**

This option is a two stage mandatory no burn program. During a first stage mandatory no-burn, EPA certified devices and pellet stoves that do not produce visible smoke would be exempt. A first stage no burn day would be called if air quality is forecast to exceed the federal health standards, but is not likely to exceed  $40 \mu\text{g}/\text{m}^3$ . During the second stage no burn, above  $40 \mu\text{g}/\text{m}^3$ , all wood burning would be prohibited.

San Joaquin proposed a two stage program at a public workshop, but after considering comments received, chose not to implement a two stage mandatory program. This option has a greater potential for confusion on part of the media and the public. Because certified devices are prohibited from operating if air quality is forecast to exceed  $40 \mu\text{g}/\text{m}^3$ , staff estimates that this option may meet attainment goals and avoid other regulations. However, continued emissions growth from certified devices and pellet stoves may result in future nonattainment designation. Staff estimates that emissions from certified devices and pellet stoves may contribute to nonattainment levels in about ten years.

The Hearth Patio and Barbeque Association supported this option, provided the first stage is called at 20 or  $25 \mu\text{g}/\text{m}^3$ . Staff is not recommending this because: 1) staff could not identify a health related basis for selection of a threshold other than the federal health standards, and 2) starting with a program that has significantly more mandatory no burn days is more likely to increase public frustration and resulting non-compliance rates.

San Joaquin's graphic and media messaging for no burn days would not be able to be used because it would not be consistent with having a two-stage "Wood Burning Prohibited."

### **Option 4 – exemption without expiration date**

This option adds an exemption, without an expiration date, from the mandatory no-burn rule for EPA certified devices and pellet stoves and inserts that do not produce visible smoke. Fireplaces and uncertified wood burning would be prohibited if federal health standards are forecast to be exceeded.

The lost emissions reductions from exempting certified devices will likely cause us to fail to meet federal health standards.

San Joaquin's graphic and media messaging for a no burn day would not be able to be used because it would not be consistent with exempting devices from the "Wood Burning Prohibited."



## **Environmental Review and Compliance**

Rule 421 was created as part of the response to the requirements of Senate Bill 656 that the District implement cost-effective control measures for particulate matter emissions. Staff finds that the proposed rule is exempt from the California Environmental Quality Act as an action by a regulatory agency for protection of the environment (Class 8 Categorical Exemption, Section 15308 State CEQA Guidelines) and because it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment (Section 15061(b)(3), State CEQA Guidelines).

California Public Resources Code (Section 21159) requires an environmental analysis of the reasonably foreseeable methods of compliance. The proposed rule will not increase emissions and will not cause any significant adverse effects on the environment; therefore the Environmental Coordinator has concluded that no environmental impacts will be caused by compliance with the proposed rule.

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## **Conclusion**

Proposed Rule 421 will reduce emissions from the single largest PM2.5 emissions source, which was largely unregulated in the past. It will also reduce the serious health effects of wintertime particulate pollution, potentially avoiding some consequences from a federal nonattainment designation, and satisfy the requirements of state law (Health and Safety Code Section 39614).

Proposed Rule 421 provides the simplest, most easily understood rule with appropriate exemptions to avoid undue burdens on the public.

Option 1, adding a voluntary no burn element to proposed Rule 421 would be most consistent with the San Joaquin Valley program and is consistent with the District's incentive program.

Option 2, provides a one year exemption for certified devices. This provides an opportunity to test impacts from exempting certified devices. However, this option gives less certainty that the District will meet federal health standards and allows the exemption to be automatically extended even if air quality improvements are primarily related to uncharacteristically good weather. It also causes a conflict between the District's current incentive program and air quality goals because it increases the number of polluting devices operating when federal health standards are exceeded, because certified devices pollute even if they don't emit visible smoke.

Option 3, with a staged no burn program that exempts certified devices from the first stage, provides the marketing advantage requested by hearth products manufacturing representatives and provides for attainment with a small, but declining, margin of safety. This option also causes a conflict between the District's incentive program and air quality goals by increasing the number of polluting devices operating when air quality levels exceed the federal health standards and may cause confusion because of differences in the media message.

Option 4 adds an exemption, without an expiration date, for certified devices and pellet stoves. This option also causes the incentive program conflict described previously, results in additional adverse health impacts, and is not likely to lead to attainment, thereby potentially triggering

additional controls on other businesses.

Staff requests approval of proposed Rule 421 with or without one or more of the options described above.

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Respectfully Submitted

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Larry Greene; Air Pollution Control Officer  
Sacramento Metropolitan  
Air Quality Management District

Approved as to form:

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Kathrine Pittard, District Counsel  
Sacramento Metropolitan  
Air Quality Management District

Attachments

**Attachment A**

**Board Resolution**

**RESOLUTION NO. AQM \_\_\_\_\_**

**Rule 421 – MANDATORY EPISODIC CURTAILMENT OF WOOD AND OTHER SOLID FUEL BURNING**

**THE BOARD OF DIRECTORS  
OF THE SACRAMENTO METROPOLITAN AIR QUALITY  
MANAGEMENT DISTRICT**

**WHEREAS**, the Board of Directors of the Sacramento Metropolitan Air Quality Management District is authorized to adopt, amend or repeal rules and regulations by Sections 40001, 40702, 40716, 41010, 41013, and 42402.5 of the California Health and Safety Code (Health and Safety Code Section 40727(b)(2)); and

**WHEREAS**, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that a need exists to adopt Rule 421 – MANDATORY EPISODIC CURTAILMENT OF WOOD AND OTHER SOLID FUEL BURNING to meet the requirements of Section 39614 of the California Health and Safety Code (Health and Safety Code Section 40727(b)(1)); and

**WHEREAS**, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined recent air quality data shows that Sacramento County exceeds attaining the 24 hour PM2.5 national ambient air quality standards set by EPA in 2006 and that a need exists to adopt Rule 421 – MANDATORY EPISODIC CURTAILMENT OF WOOD AND OTHER SOLID FUEL BURNING to make progress towards attaining that standard; and

**WHEREAS**, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that the meaning of Rule 421 can be easily understood by the persons affected by it (Health and Safety Code Section 40727(b)(3)); and

**WHEREAS**, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that Rule 421 is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations (Health and Safety Code Section 40727(b)(4)); and

**WHEREAS**, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that Rule 421 does not impose the same requirements as any existing state or federal rule or regulation that applies to affected sources within the District (Health and Safety Code Section 40727(b)(5)); and

**WHEREAS**, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that Rule 421 implements Health and Safety Code Section 39614 (SB 656 Particulate Matter) (Health and Safety Code Section 40727(b)(6)); and

**WHEREAS**, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has considered a written analysis prepared by staff (Health and Safety Code Section 40727.2); and

**WHEREAS**, the Board of Directors of the Sacramento Metropolitan Air Quality

Management District has maintained records of the rulemaking proceedings (Health and Safety Code Section 40728); and

**WHEREAS**, the Board of Directors of the Sacramento Metropolitan Air Quality Management District held a duly noticed public hearing on September 27, 2007 and October 25, 2007 and considered public comment on the proposed Rule 421 and the additional optional rule language requested by the Board of Directors at the September 27, 2007 hearing (Health and Safety Code Sections 40725 and 40726); and

**WHEREAS**, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has considered the socioeconomic impacts of the rule (Health and Safety Code Section 40728.5); and

**WHEREAS**, the California Environmental Quality Act (CEQA) under Section 15308 of the State CEQA Guidelines, exempts actions by a regulatory agency for the protection of the environment; and Section 15061(b)(3) of the State CEQA Guidelines exempts actions that can be seen with certainty that there is no possibility that may have a significant adverse effect on the environment.

**NOW, THEREFORE, BE IT RESOLVED THAT** the adoption of Rule 421 is exempt from the California Environmental Quality Act (CEQA); and

**BE IT FUTHER RESOLVED THAT** the Board of Directors of the Sacramento Metropolitan Air Quality Management District has considered the need for an economic hardship exemption and approves and adopts proposed Rule 421 – MANDATORY EPISODIC CURTAILMENT OF WOOD AND OTHER SOLID FUEL BURNING; including option(s) \_\_\_\_\_ and

**BE IT ORDERED** that Rule 421 be effective as of December 1, 2007.

**ON A MOTION** by Director \_\_\_\_\_, seconded by Director \_\_\_\_\_, the foregoing Resolution was passed and adopted by the Board of Directors of the Sacramento Metropolitan Air Quality Management District, State of California, this 25<sup>th</sup> day of October, 2007, by the following vote, to wit:

AYES: Directors

NOES: Directors

ABSENT: Directors

\_\_\_\_\_  
Chairperson of the Board  
Sacramento Metropolitan Air Quality Management District  
State of California

(SEAL)

ATTEST: \_\_\_\_\_  
Clerk of the Board

Sacramento Metropolitan Air Quality Management District

**Attachment B**

**Draft Rule 421**

**RULE 421 – MANDATORY EPISODIC CURTAILMENT OF WOOD AND OTHER  
SOLID FUEL BURNING**  
Adopted XX-XX-07

**INDEX**

100	<b>GENERAL</b>
101	PURPOSE
102	APPLICABILITY
103	SEVERABILITY
110	EXEMPTION – GASEOUS FUEL
111	EXEMPTION – COOKSTOVES
112	EXEMPTION – SOLE SOURCE OF HEAT
113	EXEMPTION – RELIGIOUS ACTIVITY
114	EXEMPTION – HARDSHIP
200	<b>DEFINITIONS</b>
201	COOKSTOVE
202	FIRE
203	FIREPLACE
204	PELLET-FUELED WOOD BURNING HEATER
205	SEASON
206	SOLE SOURCE
207	SOLID FUEL
208	WOOD BURNING DEVICE
209	WOOD BURNING HEATER
300	<b>STANDARDS</b>
301	MANDATORY CURTAILMENT
400	<b>ADMINISTRATIVE REQUIREMENTS</b>
401	NOTIFICATION OF MANDATORY CURTAILMENT
402	PENALTIES
403	HARDSHIP WAIVER
500	<b>MONITORING AND RECORDS (NOT INCLUDED)</b>

100     **GENERAL**

- 101     **PURPOSE:** To limit emissions of particulate matter to the atmosphere from fires or the operation of wood burning devices.
- 102     **APPLICABILITY:** This rule applies to any person who operates a wood burning device or fire.
- 103     **SEVERABILITY:** If a court of competent jurisdiction issues an order that any provision of this rule is invalid, it is the intent of the Board of Directors of the District that other provisions of this rule remain in full force and affect to the extent allowed by law.
- 110     **EXEMPTION – GASEOUS FUEL:** The provisions of this rule shall not apply to devices that operate exclusively with a gaseous fuel.
- 111     **EXEMPTION – COOKSTOVES:** The provisions of this rule shall not apply to cookstoves.
- 112     **EXEMPTION – SOLE SOURCE OF HEAT:** The provisions of this rule shall not apply to wood burning devices that are the sole source of heat in a residence.
- 113     **EXEMPTION – RELIGIOUS ACTIVITY:** The provisions of this rule shall not apply to fires conducted as part of a religious ceremony.
- 114     **EXEMPTION – HARDSHIP:** The provisions of Section 301 shall not apply to any person who has an approved Hardship Waiver pursuant to Section 403.

200     **DEFINITIONS**

- 201     **COOKSTOVE:** Any wood fired appliance used primarily for cooking food as described in Title 40 of the Code of Federal Regulations (CFR) Section 60.531.
- 202     **FIRE:** A solid fuel fire not in a wood burning device. Examples include, but are not limited to, fire pits and bonfires.
- 203     **FIREPLACE:** Any permanently installed masonry or factory built device designed to operate with solid fuel.
- 204     **PELLET-FUELED WOOD BURNING HEATER:** Any wood burning heater which is operated on compressed pellets of wood or other biomass material.
- 205     **SEASON:** The consecutive entire months of November, December, January, and February.
- 206     **SOLE SOURCE:** The only permanent source of heat that is capable of meeting the space heating demands of a residence.
- 207     **SOLID FUEL:** Any wood, non-gaseous, or non-liquid fuel.
- 208     **WOOD BURNING DEVICE:** Any fireplace, wood burning heater, pellet-fueled wood burning heater, or any similar indoor or outdoor device burning any solid fuel used for aesthetic or space-heating purposes.
- 209     **WOOD BURNING HEATER:** An enclosed, wood burning appliance capable of, and intended for space heating as described in Title 40 CFR Section 60.531 (e.g., wood stove or fireplace insert).

**300 STANDARDS**

- 301 **MANDATORY CURTAILMENT:** The requirements of this section shall be in effect during the burning season.
- 301.1 No person may have a fire or operate a wood burning device when a Mandatory Curtailment is in effect.
- 301.2 The Air Pollution Control Officer will declare a Mandatory Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 35 µg/m<sup>3</sup>.

**400 ADMINISTRATIVE REQUIREMENTS**

- 401 **NOTIFICATION OF MANDATORY CURTAILMENT:** The Air Pollution Control Officer will provide public notice of a Mandatory Curtailment by all of the following methods:
- 401.1 A recorded telephone message for which the telephone number is published in the telephone directory or newspapers of general circulation within Sacramento County.
- 401.2 Messages posted on the District Web site, [www.AirQuality.org](http://www.AirQuality.org), and the Spare The Air Web site, [www.SpareTheAir.com](http://www.SpareTheAir.com).
- 401.3 Electronic mail messages to persons or entities that have requested electronic notice and provided accurate address information. The District is not responsible for the failure to receive notices, and failure to receive does not excuse violations of Section 301.1.
- 401.4 Notifying radio and television stations operating in Sacramento County and newspapers of general circulation within Sacramento County.
- 401.5 Any other such methods that the Air Pollution Control Officer determines are appropriate.
- 402 **PENALTIES:** Any person who violates Section 301.1 of this rule is subject to the following penalties:
- 402.1 For first-time violations, the person shall pay an administrative civil penalty of \$50 or shall attend a wood smoke awareness course that has been approved by the Air Pollution Control Officer.
- 402.2 For subsequent violations, the penalty will be determined in accordance with the District's Mutual Settlement Program.
- 402.3 The administrative civil penalty specified in Section 402.1 may be adjusted on an annual basis. Any adjustment must be proposed and approved through the annual budget process. If the Board of Directors approves a change in the penalty with the final budget, the Air Pollution Control Officer may adjust the penalty by up to the maximum rate approved by the Board.
- 403 **HARDSHIP WAIVER:** The Air Pollution Control Officer may issue a waiver from this rule if there are compelling economic reasons to do so and the waiver will not have adverse impacts. A written application must be submitted by anyone requesting a waiver.
- 403.1 **Application Information:** The application must state the compelling reason for the waiver and must include the following information:
- Address of the household where the wood burning device is located;
  - Total gross monthly income for all person's living in the household;
  - Total number of persons living in the household;
  - Type of dwelling and age;
  - Types of fuel and the devices used for heating;
  - Copy of utility bill(s) paid;

- g. Identification of all wood burning devices being used;
  - h. Estimate of the amount of wood or other solid fuel that will be burned on a Mandatory No Burn day;
  - i. Certification by the applicant that the information contained in the application is accurate to the best of their knowledge under penalty of perjury under the laws of the State of California; and
  - j. Other information requested by the Air Pollution Control Officer.
- 403.2 **Waiver Approval Process:** Before granting the waiver, the Air Pollution Control Officer will consider the above information and any other information that he or she deems appropriate.
- a. The Air Pollution Control Officer will grant or deny the waiver, in writing, within 10 working days of the receipt of the application. If the Air Pollution Control Officer does not respond, the request is deemed denied. The Air Pollution Control Officer's decision is final.
  - b. The waiver is only valid for one season. A person must apply for a waiver each season.
  - c. The Air Pollution Control Officer may rescind the granting of a waiver at any time if an adverse impact is identified, or if information relied upon to grant the waiver is incorrect.

**Attachment C**

**Proposed Options for Rule 421**

## Rule 421 Options for Board Consideration

Any one of the following, or a combination of the following, options may be considered for adoption at the October 25, 2007 Board hearing.

1. Add a voluntary no burn program for days on which air quality is expected to be between a specified range which recommends wood burning be discontinued for that day, except for EPA certified devices and EPA exempt pellet stoves and inserts that do not produce visible smoke.
  - a. Set range between  $25 \mu\text{g}/\text{m}^3$  -  $35 \mu\text{g}/\text{m}^3$
  - b. Set range between  $30 \mu\text{g}/\text{m}^3$  -  $35 \mu\text{g}/\text{m}^3$
2. Add a 1 year exemption from the mandatory no-burn rule for EPA certified devices and pellet stoves and inserts that do not produce visible smoke. Two alternatives are proposed:
  - a. Exemption expires in one year unless federal standards met.
  - b. Exemption expires in one year unless extended by the Board.
3. Add an exemption from the mandatory no-burn rule for EPA certified devices and pellet stoves and inserts that do not produce visible smoke unless the air quality is forecast to exceed  $40 \mu\text{g}/\text{m}^3$ .
4. Add an exemption from the mandatory no-burn rule for EPA certified devices and pellet stoves and inserts that do not produce visible smoke. (no expiration date)

Additional rule language implementing Option 1.a.

- 115 **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 302 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided the devices do not emit visible smoke.
- 208 U.S. EPA: The United States Environmental Protection Agency.
- 209 U.S. EPA Phase II Certified: Any appliance certified by the U.S. EPA to meet the performance and emission standards set forth in Title 40 CFR, Part 60, Subpart AAA.
- 302 **Voluntary Curtailment:** The requirements of this section shall be in effect during the burning season. The Air Pollution Control Officer will declare a Voluntary Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 25 µg/m<sup>3</sup> but is not likely to exceed 35 µg/m<sup>3</sup>.
- Renumber existing Section 208 and 209 to 210 and 211

Additional rule language implementing Option 1.b.

- 115 **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 302 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided the devices do not emit visible smoke.
- 208 U.S. EPA: The United States Environmental Protection Agency.
- 209 U.S. EPA Phase II Certified: Any appliance certified by the U.S. EPA to meet the performance and emission standards set forth in Title 40 CFR, Part 60, Subpart AAA.
- 302 **Voluntary Curtailment:** The requirements of this section shall be in effect during the burning season. The Air Pollution Control Officer will declare a Voluntary Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 30 µg/m<sup>3</sup> but is not likely to exceed 35 µg/m<sup>3</sup>.
- Renumber existing Section 208 and 209 to 210 and 211

Additional rule language implementing Option 2.a.

- 115 **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 301 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided the devices do not emit visible smoke. This exemption shall expire September 1, 2008, unless the Air Pollution Control Officer determines that the 98<sup>th</sup> percentile of the PM<sub>2.5</sub> concentrations from every Federal Reference Method sampler is 35 µg/m<sup>3</sup> or less for the period April 1, 2007 through March 31, 2008.
- 208 U.S. EPA: The United States Environmental Protection Agency.
- 209 U.S. EPA Phase II Certified: Any appliance certified by the U.S. EPA to meet the performance and emission standards set forth in Title 40 CFR, Part 60, Subpart AAA.
- 404 **Notification of Expiration of Certified Wood Heaters and Pellet Stoves Exemption:** The Air Pollution Control Officer will provide notice if the Section 115 exemption expires using the same methods identified in Section 401.
- Renumber existing Section 208 and 209 to 210 and 211

Additional rule language implementing Option 2.b.

- 115 Exemption – Certified Wood Heaters and Pellet Stoves: The provisions of Section 301 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided the devices do not emit visible smoke. This exemption shall expire September 1, 2008, unless extended by the Board of Directors.
- 208 U.S. EPA: The United States Environmental Protection Agency.
- 209 U.S. EPA Phase II Certified: Any appliance certified by the U.S. EPA to meet the performance and emission standards set forth in Title 40 CFR, Part 60, Subpart AAA.
- 404 Notification of Expiration of Certified Wood Heaters and Pellet Stoves Exemption: The Air Pollution Control Officer will provide notice if the Section 115 exemption expires using the same methods identified in Section 401.
- Renumber existing Section 208 and 209 to 210 and 211

Additional rule language implementing Option 3

- 115 Exemption – Certified Wood Heaters and Pellet Stoves: The provisions of Section 301 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided:
- 115.1 the devices do not emit visible smoke; and
- 115.2 a Stage 1 Mandatory Curtailment is in effect.
- 208 U.S. EPA: The United States Environmental Protection Agency.
- 209 U.S. EPA Phase II Certified: Any appliance certified by the U.S. EPA to meet the performance and emission standards set forth in Title 40 CFR, Part 60, Subpart AAA.
- Amend Section 301.2
- 301.2 The Air Pollution Control Officer will declare a Stage 1 Mandatory Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 35 µg/m<sup>3</sup> but is not likely to exceed 40 µg/m<sup>3</sup>
- 301.3 The Air Pollution Control Officer will declare a Stage 2 Mandatory Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 40 µg/m<sup>3</sup>.
- Renumber existing Section 208 and 209 to 210 and 211

Additional rule language implementing Option 4

- 115 Exemption – Certified Wood Heaters and Pellet Stoves: The provisions of Section 301 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided the devices do not emit visible smoke.
- 208 U.S. EPA: The United States Environmental Protection Agency.
- 209 U.S. EPA Phase II Certified: Any appliance certified by the U.S. EPA to meet the performance and emission standards set forth in Title 40 CFR, Part 60, Subpart AAA.
- Renumber existing Section 208 and 209 to 210 and 211

Rule Language Implementing Combinations of Options:

The various options may be adopted as proposed or in combination with each other. Staff have identified representative combinations below, but the Board of Directors may identify and approve another

combination of the proposed options at the October hearing.

Additional rule language implementing Options 1.a. and 2.a.

- 115 **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 301 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided the devices do not emit visible smoke. This exemption shall expire September 1, 2008, unless the Air Pollution Control Officer determines that the 98<sup>th</sup> percentile of the PM<sub>2.5</sub> concentrations from every Federal Reference Method sampler is 35 µg/m<sup>3</sup> or less for the period April 1, 2007 through March 31, 2008.
- 116 **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 302 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided the devices do not emit visible smoke.
- 208 U.S. EPA: The United States Environmental Protection Agency.
- 209 U.S. EPA Phase II Certified: Any appliance certified by the U.S. EPA to meet the performance and emission standards set forth in Title 40 CFR, Part 60, Subpart AAA.
- 302 **Voluntary Curtailment:** The requirements of this section shall be in effect during the burning season. The Air Pollution Control Officer will declare a Voluntary Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 25 µg/m<sup>3</sup> but is not likely to exceed 35 µg/m<sup>3</sup>.
- 404 **Notification of Expiration of Certified Wood Heaters and Pellet Stoves Exemption:** The Air Pollution Control Officer will provide notice if the Section 115 exemption expires using the same methods identified in Section 401.
- Renumber existing Section 208 and 209 to 210 and 211

Additional rule language implementing Options 1.a. and 2.b.

- 115 **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 301 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided the devices do not emit visible smoke. This exemption shall expire September 1, 2008, unless extended by the Board of Directors.
- 116 **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 302 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided the devices do not emit visible smoke.
- 208 U.S. EPA: The United States Environmental Protection Agency.
- 209 U.S. EPA Phase II Certified: Any appliance certified by the U.S. EPA to meet the performance and emission standards set forth in Title 40 CFR, Part 60, Subpart AAA.
- 302 **Voluntary Curtailment:** The requirements of this section shall be in effect during the burning season. The Air Pollution Control Officer will declare a Voluntary Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 25 µg/m<sup>3</sup> but is not likely to exceed 35 µg/m<sup>3</sup>.
- 404 **Notification of Expiration of Certified Wood Heaters and Pellet Stoves Exemption:** The Air Pollution Control Officer will provide notice if the Section 115 exemption expires using the same methods identified in Section 401.
- Renumber existing Section 208 and 209 to 210 and 211

Additional rule language implementing Options 1.a. and 3

- 115     **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 301 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided:
- 115.1     the devices do not emit visible smoke; and
- 115.2     a Stage 1 Mandatory Curtailment is in effect.
- 116     **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 302 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided the devices do not emit visible smoke.
- 208     **U.S. EPA:** The United States Environmental Protection Agency.
- 209     **U.S. EPA Phase II Certified:** Any appliance certified by the U.S. EPA to meet the performance and emission standards set forth in Title 40 CFR, Part 60, Subpart AAA.
- Amend Section 301.2
- 301.2     The Air Pollution Control Officer will declare a Stage 1 Mandatory Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 35 µg/m<sup>3</sup> but is not likely to exceed 40 µg/m<sup>3</sup>
- 301.3     The Air Pollution Control Officer will declare a Stage 2 Mandatory Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 40 µg/m<sup>3</sup>.
- 302     **Voluntary Curtailment:** The requirements of this section shall be in effect during the burning season. The Air Pollution Control Officer will declare a Voluntary Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 25 µg/m<sup>3</sup> but is not likely to exceed 35 µg/m<sup>3</sup>.
- Renumber existing Section 208 and 209 to 210 and 211

Additional rule language implementing Options 1.a. and 4

- 115     **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 301 and 302 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided the devices do not emit visible smoke.
- 208     **U.S. EPA:** The United States Environmental Protection Agency.
- 209     **U.S. EPA Phase II Certified:** Any appliance certified by the U.S. EPA to meet the performance and emission standards set forth in Title 40 CFR, Part 60, Subpart AAA.
- 302     **Voluntary Curtailment:** The requirements of this section shall be in effect during the burning season. The Air Pollution Control Officer will declare a Voluntary Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 25 µg/m<sup>3</sup> but is not likely to exceed 35 µg/m<sup>3</sup>.
- Renumber existing Section 208 and 209 to 210 and 211

Additional rule language implementing Options 1.b. and 2.a.

- 115     **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 301 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided the devices do not emit visible smoke. This exemption shall expire

September 1, 2008, unless the Air Pollution Control Officer determines that the 98<sup>th</sup> percentile of the PM<sub>2.5</sub> concentrations from every Federal Reference Method sampler is 35 µg/m<sup>3</sup> or less for the period April 1, 2007 through March 31, 2008.

116 **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 302 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided the devices do not emit visible smoke.

208 **U.S. EPA:** The United States Environmental Protection Agency.

209 **U.S. EPA Phase II Certified:** Any appliance certified by the U.S. EPA to meet the performance and emission standards set forth in Title 40 CFR, Part 60, Subpart AAA.

302 **Voluntary Curtailment:** The requirements of this section shall be in effect during the burning season. The Air Pollution Control Officer will declare a Voluntary Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 30 µg/m<sup>3</sup> but is not likely to exceed 35 µg/m<sup>3</sup>.

404 **Notification of Expiration of Certified Wood Heaters and Pellet Stoves Exemption:** The Air Pollution Control Officer will provide notice if the Section 115 exemption expires using the same methods identified in Section 401.

Renumber existing Section 208 and 209 to 210 and 211

Additional rule language implementing Options 1.b. and 2.b.

115 **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 301 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided the devices do not emit visible smoke. This exemption shall expire September 1, 2008, unless extended by the Board of Directors.

116 **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 302 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided the devices do not emit visible smoke.

208 **U.S. EPA:** The United States Environmental Protection Agency.

209 **U.S. EPA Phase II Certified:** Any appliance certified by the U.S. EPA to meet the performance and emission standards set forth in Title 40 CFR, Part 60, Subpart AAA.

302 **Voluntary Curtailment:** The requirements of this section shall be in effect during the burning season. The Air Pollution Control Officer will declare a Voluntary Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 30 µg/m<sup>3</sup> but is not likely to exceed 35 µg/m<sup>3</sup>.

404 **Notification of Expiration of Certified Wood Heaters and Pellet Stoves Exemption:** The Air Pollution Control Officer will provide notice if the Section 115 exemption expires using the same methods identified in Section 401.

Renumber existing Section 208 and 209 to 210 and 211

Additional rule language implementing Options 1.b. and 3

115 **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 301 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided:

115.1 the devices do not emit visible smoke; and

- 115.2 a Stage 1 Mandatory Curtailment is in effect.
- 116 **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 302 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided the devices do not emit visible smoke.
- 208 **U.S. EPA:** The United States Environmental Protection Agency.
- 209 **U.S. EPA Phase II Certified:** Any appliance certified by the U.S. EPA to meet the performance and emission standards set forth in Title 40 CFR, Part 60, Subpart AAA.
- Amend Section 301.2
- 301.2 The Air Pollution Control Officer will declare a Stage 1 Mandatory Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 35 µg/m<sup>3</sup> but is not likely to exceed 40 µg/m<sup>3</sup>
- 301.3 The Air Pollution Control Officer will declare a Stage 2 Mandatory Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 40 µg/m<sup>3</sup>.
- 302 **Voluntary Curtailment:** The requirements of this section shall be in effect during the burning season. The Air Pollution Control Officer will declare a Voluntary Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 30 µg/m<sup>3</sup> but is not likely to exceed 35 µg/m<sup>3</sup>.
- Renumber existing Section 208 and 209 to 210 and 211

Additional rule language implementing Options 1.b. and 4

- 115 **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 301 and 302 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided the devices do not emit visible smoke.
- 208 **U.S. EPA:** The United States Environmental Protection Agency.
- 209 **U.S. EPA Phase II Certified:** Any appliance certified by the U.S. EPA to meet the performance and emission standards set forth in Title 40 CFR, Part 60, Subpart AAA.
- 302 **Voluntary Curtailment:** The requirements of this section shall be in effect during the burning season. The Air Pollution Control Officer will declare a Voluntary Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 30 µg/m<sup>3</sup> but is not likely to exceed 35 µg/m<sup>3</sup>.
- Renumber existing Section 208 and 209 to 210 and 211

Additional rule language implementing Options 2.a and 3

- 115 **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 301 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided:
- 115.1 the devices do not emit visible smoke; and
- 115.2 a Stage 1 Mandatory Curtailment is in effect.
- This exemption shall expire September 1, 2008, unless the Air Pollution Control Officer determines that the 98<sup>th</sup> percentile of the PM<sub>2.5</sub> concentrations from every Federal Reference Method sampler is 35 µg/m<sup>3</sup> or less for the period April 1, 2007 through March 31, 2008.
- 208 **U.S. EPA:** The United States Environmental Protection Agency.

- 209 U.S. EPA Phase II Certified: Any appliance certified by the U.S. EPA to meet the performance and emission standards set forth in Title 40 CFR, Part 60, Subpart AAA.
- Amend Section 301.2
- 301.2 The Air Pollution Control Officer will declare a Stage 1 Mandatory Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 35 µg/m<sup>3</sup> but is not likely to exceed 40 µg/m<sup>3</sup>.
- 301.3 The Air Pollution Control Officer will declare a Stage 2 Mandatory Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 40 µg/m<sup>3</sup>.
- 404 **Notification of Expiration of Certified Wood Heaters and Pellet Stoves Exemption:** The Air Pollution Control Officer will provide notice if the Section 115 exemption expires using the same methods identified in Section 401.
- Renumber existing Section 208 and 209 to 210 and 211

Additional rule language implementing Options 2.b and 3

- 115 **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 301 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided:
- 115.1 the devices do not emit visible smoke; and
- 115.2 a Stage 1 Mandatory Curtailment is in effect.
- This exemption shall expire September 1, 2008, unless extended by the Board of Directors.
- 208 U.S. EPA: The United States Environmental Protection Agency.
- 209 U.S. EPA Phase II Certified: Any appliance certified by the U.S. EPA to meet the performance and emission standards set forth in Title 40 CFR, Part 60, Subpart AAA.
- Amend Section 301.2
- 301.2 The Air Pollution Control Officer will declare a Stage 1 Mandatory Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 35 µg/m<sup>3</sup> but is not likely to exceed 40 µg/m<sup>3</sup>
- 301.3 The Air Pollution Control Officer will declare a Stage 2 Mandatory Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 40 µg/m<sup>3</sup>.
- 404 **Notification of Expiration of Certified Wood Heaters and Pellet Stoves Exemption:** The Air Pollution Control Officer will provide notice if the Section 115 exemption expires using the same methods identified in Section 401.
- Renumber existing Section 208 and 209 to 210 and 211

Additional rule language implementing Options 1.a., 2.a and 3

- 115 **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 301 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided:
- 115.1 the devices do not emit visible smoke; and
- 115.2 a Stage 1 Mandatory Curtailment is in effect.
- This exemption shall expire September 1, 2008, unless the Air Pollution Control Officer determines that the 98<sup>th</sup> percentile of the PM<sub>2.5</sub> concentrations from every Federal Reference Method sampler is 35 µg/m<sup>3</sup> or less for the period April 1, 2007 through March

31, 2008.

116 **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 302 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided the devices do not emit visible smoke.

208 U.S. EPA: The United States Environmental Protection Agency.

209 U.S. EPA Phase II Certified: Any appliance certified by the U.S. EPA to meet the performance and emission standards set forth in Title 40 CFR, Part 60, Subpart AAA.

Amend Section 301.2

301.2 The Air Pollution Control Officer will declare a Stage 1 Mandatory Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 35 µg/m<sup>3</sup> but is not likely to exceed 40 µg/m<sup>3</sup>.

301.3 The Air Pollution Control Officer will declare a Stage 2 Mandatory Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 40 µg/m<sup>3</sup>.

302 **Voluntary Curtailment:** The requirements of this section shall be in effect during the burning season. The Air Pollution Control Officer will declare a Voluntary Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 25 µg/m<sup>3</sup> but is not likely to exceed 35 µg/m<sup>3</sup>.

404 **Notification of Expiration of Certified Wood Heaters and Pellet Stoves Exemption:** The Air Pollution Control Officer will provide notice if the Section 115 exemption expires using the same methods identified in Section 401.

Renumber existing Section 208 and 209 to 210 and 211

#### Additional rule language implementing Options 1.a., 2.b and 3

115 **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 301 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided:

115.1 the devices do not emit visible smoke; and

115.2 a Stage 1 Mandatory Curtailment is in effect.

This exemption shall expire September 1, 2008, unless extended by the Board of Directors.

116 **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 302 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided the devices do not emit visible smoke.

208 U.S. EPA: The United States Environmental Protection Agency.

209 U.S. EPA Phase II Certified: Any appliance certified by the U.S. EPA to meet the performance and emission standards set forth in Title 40 CFR, Part 60, Subpart AAA.

Amend Section 301.2

301.2 The Air Pollution Control Officer will declare a Stage 1 Mandatory Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 35 µg/m<sup>3</sup> but is not likely to exceed 40 µg/m<sup>3</sup>

301.3 The Air Pollution Control Officer will declare a Stage 2 Mandatory Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 40 µg/m<sup>3</sup>.

302 **Voluntary Curtailment:** The requirements of this section shall be in effect during the burning season. The Air Pollution Control Officer will declare a Voluntary Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed

- 25  $\mu\text{g}/\text{m}^3$  but is not likely to exceed 35  $\mu\text{g}/\text{m}^3$ .
- 404 **Notification of Expiration of Certified Wood Heaters and Pellet Stoves Exemption:**  
The Air Pollution Control Officer will provide notice if the Section 115 exemption expires using the same methods identified in Section 401.  
Renumber existing Section 208 and 209 to 210 and 211

Additional rule language implementing Options 1.b., 2.a. and 3

- 115 **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 301 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided:  
115.1 the devices do not emit visible smoke; and  
115.2 a Stage 1 Mandatory Curtailment is in effect.  
This exemption shall expire September 1, 2008, unless the Air Pollution Control Officer determines that the 98<sup>th</sup> percentile of the PM<sub>2.5</sub> concentrations from every Federal Reference Method sampler is 35  $\mu\text{g}/\text{m}^3$  or less for the period April 1, 2007 through March 31, 2008.
- 116 **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 302 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided the devices do not emit visible smoke.
- 208 U.S. EPA: The United States Environmental Protection Agency.  
209 U.S. EPA Phase II Certified: Any appliance certified by the U.S. EPA to meet the performance and emission standards set forth in Title 40 CFR, Part 60, Subpart AAA.
- Amend Section 301.2  
301.2 The Air Pollution Control Officer will declare a Stage 1 Mandatory Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 35  $\mu\text{g}/\text{m}^3$  but is not likely to exceed 40  $\mu\text{g}/\text{m}^3$ .  
301.3 The Air Pollution Control Officer will declare a Stage 2 Mandatory Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 40  $\mu\text{g}/\text{m}^3$ .
- 302 **Voluntary Curtailment:** The requirements of this section shall be in effect during the burning season. The Air Pollution Control Officer will declare a Voluntary Curtailment whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 30  $\mu\text{g}/\text{m}^3$  but is not likely to exceed 35  $\mu\text{g}/\text{m}^3$ .
- 404 **Notification of Expiration of Certified Wood Heaters and Pellet Stoves Exemption:**  
The Air Pollution Control Officer will provide notice if the Section 115 exemption expires using the same methods identified in Section 401.  
Renumber existing Section 208 and 209 to 210 and 211

Additional rule language implementing Options 1.b., 2.b. and 3

- 115 **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 301 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood burning heaters provided:  
115.1 the devices do not emit visible smoke; and  
115.2 a Stage 1 Mandatory Curtailment is in effect.

116 This exemption shall expire September 1, 2008, unless extended by the Board of Directors.  
117 **Exemption – Certified Wood Heaters and Pellet Stoves:** The provisions of Section 302  
118 shall not apply to U.S. EPA Phase II Certified wood burning heaters and pellet-fueled wood  
119 burning heaters provided the devices do not emit visible smoke.

208 U.S. EPA: The United States Environmental Protection Agency.

209 U.S. EPA Phase II Certified: Any appliance certified by the U.S. EPA to meet the  
performance and emission standards set forth in Title 40 CFR, Part 60, Subpart AAA.

Amend Section 301.2

301.2 The Air Pollution Control Officer will declare a Stage 1 Mandatory Curtailment whenever he  
or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 35 µg/m<sup>3</sup> but  
is not likely to exceed 40 µg/m<sup>3</sup>

301.3 The Air Pollution Control Officer will declare a Stage 2 Mandatory Curtailment whenever he  
or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed 40 µg/m<sup>3</sup>.

302 **Voluntary Curtailment:** The requirements of this section shall be in effect during the  
burning season. The Air Pollution Control Officer will declare a Voluntary Curtailment  
whenever he or she determines that the 24-hour average PM<sub>2.5</sub> concentration may exceed  
30 µg/m<sup>3</sup> but is not likely to exceed 35 µg/m<sup>3</sup>.

404 **Notification of Expiration of Certified Wood Heaters and Pellet Stoves Exemption:**  
The Air Pollution Control Officer will provide notice if the Section 115 exemption expires  
using the same methods identified in Section 401.

Renumber existing Section 208 and 209 to 210 and 211

**Attachment D**

**Comments Received after Sept Hearing**

**Attachment E**

**September Hearing Board Package**