

News Release



San Joaquin Valley
Air Pollution
Control District

**Local News Editor
& Business Editor**

North District Contact
Anthony Presto
(209) 557-6400

Central District Contact
Janis Parker
(559) 230-5800

South District Contact
Kelly Hogan Malay
(661) 326-6900

New rules on wood-burning devices affect home sales, new construction

Dec. 30, 2003—Beginning Jan. 1, 2004, new rules will govern wood-burning fireplace inserts and freestanding stoves in San Joaquin Valley homes. Rule 4901, amended by the San Joaquin Valley Air Pollution Control District in July 2003 to further reduce wintertime particulate pollution, allows only the cleanest wood-burning heaters to remain in a home when it is sold or transferred. The rule also limits the number of wood-burning heaters allowed in new homes and new developments.

Wood-burning fireplaces and stoves are a significant source of particulate matter air pollution in the San Joaquin Valley. Due to the severity of the Valley's wintertime air pollution problem, the Air District is mandated by the U.S. Environmental Protection Agency to reduce particulate matter emissions Valley-wide.

Beginning Jan. 1, when a home is sold or transferred, the seller is required to certify that any wood-burning heater left in the home is either an open-hearth fireplace, a pellet-fueled heater or an EPA Phase II-certified insert or stove. Any other wood-burning heater has to be removed, replaced or made inoperable by the seller before the real estate transaction can be completed. A signed Statement of Compliance must be returned to the District as part of the sale.

There are no exemptions to this requirement. The restrictions do not apply, however, to natural gas- or propane-fueled devices.

Rule 4901 also restricts the number and type of wood-burning devices that can be installed in new residential developments. For example, as shown in the following chart, in developments with a density ratio of two or fewer homes per acre, one wood-burning heater is allowed per home. In developments

- more -

with a density greater than two dwelling units per acre, up to two EPA Phase II-certified stoves are allowed per acre but no open-hearth fireplaces are allowed. The new restrictions apply to any single or multi-family housing unit that starts construction on or after January 1, 2004.

San Joaquin Valley Air District Rule 4901 Limits on Wood-Burning Devices in New Residential Developments

Density Ratios	2 or fewer homes per acre	More than 2, fewer than 3 homes per acre	3 or more homes per acre
Open-hearth fireplace allowed?	Yes	No	No
EPA Phase II certified wood burning heater or pellet stove allowed?	Yes	Yes	Yes
Number of solid fuel* burning devices allowed	One per home	One per home	One per home; but only two per acre

**Solid fuel is any solid material burned in a fireplace, wood stove or insert, including wood, pellets and manufactured fire logs.*

Wood stoves and fireplace inserts manufactured prior to July 1, 1990, will most likely NOT meet the new requirement and will need to be removed before the close of the real estate transaction (or escrow).

Wood stoves and fireplace inserts manufactured after July 1, 1990, are more likely to be in compliance with the EPA Phase II certification requirement. To be certain, stove and insert owners should check for a metal plate or sticker that verifies the device’s manufacture date and certification level. Although wood-burning heaters are now required to be EPA Phase II-certified before they can be sold, the seller should ensure that the sticker or label is present on used stoves or those imported from outside of the United States. For more information, and a listing of certified devices, visit www.epa.gov/compliance/monitoring/programs/woodstoves.

It is illegal to sell or install a non-EPA Phase II stove or insert unless it is a pellet-fueled heater. Old stoves can be re-sold for decorative purposes but they must first be made permanently inoperable for burning.

Failure to comply with the requirements could lead to the seller being responsible for future costs of replacement or removal of the equipment and fines.

The Valley Air District covers eight counties including San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare and the valley portion of Kern. For more information about this and other air quality or compliance issues, visit www.valleyair.org, or call the nearest District office: Modesto (209) 557-6400, Fresno (559) 230-6000 and Bakersfield (661) 326-6900.

####