

## Residential woodstove emissions compliance.

e-mail thread between APCD staff and TSBOR's Advocate referencing the implications of Rule 225 as amended upon existing (pre-existing) woodstove requirements. 09 Nov – 22 Nov 2010.

\*Note: All highlights, bolding, italics, underlining, and/or ⇐⇒ margin symbols were included by the advocate (not as a component of the original text).

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From: John R. Falk [mailto:jrfintel@charter.net]

Sent: Tuesday, November 09, 2010 3:34 PM

To: Placer County Air Pollution Control District; Margie Koltun

Subject: Re: Residential woodstove emissions compliance.

09 November 2010

Hello Ms. Koltun:

Thank you for your ongoing effort to both distribute the information my organization has provided and for your responsiveness to my inquiries. I was asked recently by one of the members of my leadership team to define the area(s) covered by the current limited woodstove change-out at-sale provision. I recognized that the provision was only in-force in two areas at present, Squaw Valley and the Martis Valley. Yet, I was unable to delineate the specific geographic areas included or excluded from this standing rule. If I might impose upon you to enlighten me, so that I might inform my membership of these boundaries it would be of great assistance. The inquiry I received was specifically directed to the "Martis Valley's" reach; asking if the Northstar development, Lahonton project, Timalick, and/or Martis Camp were included in the 'at-sale' provision as it exists today? Frankly, I couldn't recall any mention in the Supervisors' Code nor in the APCD's implementation of Rule 225 et al., the specific geographic references. In follow-up to the

question posed, I began to wonder just where the Squaw Valley woodstove requirement begins and ends. It might be as simply as, 'if your improved residential property is within the Olympic Valley zip code as assigned/defined by the US Postal Service, then the compliant stove rule applies'. I'm sure to receive this inquiry as well by a member, so I figured it would be prudent to have both areas of interest well-defined in advance.

While as you know, we find the point-of-sale methodology to be suboptimal, we are committed to providing our members with the most accurate and complete/comprehensive information possible. With the at-sale compliance rule in place in at least two known locations within our High Sierra community, our RE professionals seek to comply in good faith with the provision(s). First and foremost, we, like you, are committed to improving and protecting the healthfulness of the air. Any information that you could provide to me that I could utilize in disseminating the materials to my general membership would be most helpful. Thank you for your time, effort, expertise, and understanding in this matter.

All the best,

*John*

John Falk

John R. Falk, Legislative Advocate  
Governmental & Public Affairs Consulting

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From: Margie Koltun [mailto:MKoltun@placer.ca.gov]

Sent: Tuesday, November 09, 2010 4:28 PM

Mr. Falk,

Rule 225, as adopted in December 2007, applies to all of Placer County.

Margie

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From: John R. Falk [mailto:jrfintel@charter.net]

Sent: Tuesday, November 09, 2010 6:17 PM

To: Margie Koltun

Subject: RE: Residential woodstove emissions compliance.

09 Nov 2010

Hi:

Thanks for the fast response. I understand that the Rule 225 amendments as adopted in 2007 apply to the entire County, but I was/am referencing those areas that have an active program in place today. It is understood that the county-wide Rule 225, section 300, subsection 303 provisions, will go into effect on January 1st, 2012. In the Rule 225 FAQs sheet that I found, it notes that, "Rule 225, Wood Fired Appliances, was adopted on June 17, 1986 and affects Squaw Valley residents only. It requires that all installed wood burning appliances be EPA certified or equivalent." This Q & A doc then goes on to explain how and why the Rule is being amended (i.e., to become a county-wide requirement). Given the verbiage of the info sheet, it appears that it was drafted on or before 2007 amendments were finalized/enacted. Nonetheless, the fact that a "Squaw Valley" version was in-place and enforced prior to the county-wide provision was adopted seems to be little known among our members. However, I'm told by a few members that they have been following this compliance mandate in Squaw for years. Does the county-wide amendments to Rule 225 supersede the earlier localized

requirement that applied to Squaw Valley? If so, then those folks who are operating 'as if' it has continued without interruption would appear to be jumping the gun in applying the subsection 303 provisions, which are not slated to become effective for another fourteen months. If the Rule revisions did not nullify the previously adopted Squaw Valley enforcement provisions, then my question regarding its boundaries remains and would be of import to my members and their clients.

To complicate things further, no one I've spoken with to-date can tell me how County Code Section 15.26.010, subsections 'A' through 'D', as applied to the "Martis Valley" co-exist with Rule 225 as amended. Again, this Code provision was put in place well before the 2007 APCD amendments to Rule 225. Did the Rule 225 amendments supersede the County Code provisions as applied to Martis Valley? If so, then again the implementation of an at-sale trigger would be premature given the 2012 start date for the 303 provisions of Rule 225. If not, then the question of the boundaries of this woodstove change-out ordinance remains. It has proven to be somewhat confusing, at least to me, who is to implement, monitor, and enforce the provisions in the Martis Valley.

I guess that the cleanest and clearest approach to the matter would indeed be to give standing to Rule 225 as amended in 2007. This would nullify all of the aforementioned questions and confusion regarding boundaries and trigger dates for various provisions in the Rule. If you could confirm this, I would be

sure to inform my members so that they can both act in accord with the overarching mandate that has precedence, as well as to prepare for the phasing/triggering of various provisions (such as 303) that have yet to take effect. Thanks again.

John

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Margie Koltun [MKoltun@placer.ca.gov]

Wed 11/10/2010 8:42 AM

Mr. Falk,

I have forwarded your questions on to one of our staff who has more technical expertise regarding this rule than I do. We have a holiday tomorrow and a furlough day on Friday so she probably will not be able to get back to you until next week.

Margie

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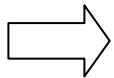
Heather Kuklo [HKuklo@placer.ca.gov]

Mon 11/22/2010 3:58 PM

Dear Mr. Falk,

Thank you for your inquiry in regards to the relationship between District Rule 225 and other regulations which include point of sale/transfer conditions for wood burning appliances within the County. I hope that this response will answer your questions about how property owners need to comply with existing regulations which may affect point of sale/transfer transactions. I will also be looking at our Rule 225 FAQ Sheet to make sure the information it provides is accurate and up to date.

The original adoption of District Rule 225 was in 1986 and only applied to Squaw Valley, but in December of 2007 the rule was amended to include additional provisions and to encompass the entire county. The 2007



adoption of the amended Rule 225 replaced the 1986 version, and is what your members and clients should be following.

In regards to your specific question about which agency to follow when trying to comply with the point of sale condition for wood burning appliances, the answer is that a person must comply with all existing regulations that affect them. In addition to the District, the agencies which have similar point of sale conditions include Placer County and the Tahoe Regional Planning Agency (TRPA).



- As of January 1, 2004, Placer County Code 15.26.050 requires that all non EPA certified appliances, including wood burning masonry

fireplaces, wood stoves, and non approved zero-clearance fireplaces be removed or rendered inoperable at point of property sale/transfer.

- Chapter 91 of TRPA's Air Quality Control regulation requires that all wood heaters (excluding fireplaces), prior to any property sale/transfer, meet the EPA Phase II certification standards. This condition went into effect on January 1, 1993.

Implementing section 303 of District Rule 225 for the Martis Valley and Lake Tahoe area should be no problem then, as the Placer County and TRPA Codes have already been implemented and are equivalent to or more stringent than Rule 225 in regards to the point of sale condition.



In addition, the Town of Truckee requires in section 7.06.030 of their regulation that all solid fuel burning appliances as defined by section 7.06.020 be removed from all properties by July 15, 2007. Although the Town of Truckee's condition is not dependent on point of sale/transfer transactions, this regulation does not conflict with Rule 225 and in fact compliments the point of sale/transfer condition of our Rule because both conditions focus on primarily removing non EPA certified free standing wood stoves. The majority of the city limits of Truckee also lie within Nevada County, not Placer County, and therefore there is minimal jurisdictional overlapping.

In conclusion, if multiple agencies are implementing similar conditions within the same area, and all have jurisdiction, then it will be necessary to follow the requirements established by each agency. A strategy to help deal with this condition is to identify which agency sets the most stringent

standard and to comply with that standard, that way all conditions are met for an area. **If each agency requires documentation to be submitted in order to verify compliance with their regulations, then a response to each agency is required as well.**

As you have been informed, **any decision on whether to retain the point of sale provision or to go with another approach has been deferred to the next year.** Until we receive other direction, our efforts towards the point of sale implementation will continue and we will keep you advised of that process.

If you have additional questions, feel free to email me or contact me directly at (530) 745-2339.

Sincerely,

Heather Kuklo  
Air Quality Specialist II

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~END OF EMAIL THREAD~