

To: Mayor and Ross Town Council
From: Elise Semonian, Senior Planner
Re: Discussion of Potential Town Regulation of Wood Burning Fireplaces
Date: September 30, 2009

I. Project Summary

Town Council initial discussion of new Bay Area Air Quality Management District regulations requiring cleaner burning fireplaces, such as EPA-certified fireplace inserts or natural gas devices, to be installed in new construction or remodels. The Council will discuss potential additional Town regulations of indoor and outdoor fireplaces to implement General Plan 2007-2025 Program 2.C “Adopt Wood smoke or Biomass Smoke Ordinance” at the October and November Council meetings. Additional regulations could include further restriction on indoor and outdoor wood burning fireplaces including their removal or replacement.

II. Discussion

The Council requested staff to include a discussion of potential regulation of wood burning fireplaces, including outdoor recreational fireplaces, to the Council agenda as a measure to improve air quality. Wood smoke from fire places and wood stoves can be a significant air pollution and public health problem during the winter.

The Town of Ross General Plan 2007-2025 included a goal to adopt a woodsmoke or biomass smoke ordinance:

Adopt a Woodsmoke or Biomass Smoke Ordinance to reduce particulate emissions from wood or biomass burning appliances, including fireplaces, that do not meet EPA standards of emission. The purposes of the ordinance will be to either require or encourage the removal of existing wood or biomass burning appliances that do not meet standards of emission, and to implement requirements at the time of major remodel projects. (New Idea 2.C, page 12)

Current building and zoning regulations do not require Council review of outdoor fireplaces or fire pits unless they are in a yard or watercourse setback, or are part of a larger project that requires discretionary review. Since the adoption of the General Plan, the Council has required several outdoor fireplaces to be changed from wood-burning to gas in association with design review and variance applications. The Council has permitted three “Rumford” design outdoor fireplaces. The Rumford fireplace is designed to reflect as much heat out of the face of the fireplace as possible and, because of its efficiency, certain tests have shown that Rumford fireplaces meet equivalent EPA emission standards.

In 2008, the Bay Area Air Quality Management District (BAAQMD), the regional district that adopts and enforces regulations to keep the Bay Area in compliance with State air quality standards, passed regulations to reduce pollution from wood smoke. The BAAQMD regulations took effect January 1, 2009 and apply to residents of Ross. The regulations:

- Permit only cleaner burning fireplaces, such as EPA-certified fireplace inserts or natural gas devices, to be installed in new construction or remodels.
- Make it illegal to burn wood, fire logs, or pellets in a fireplace, woodstove or outdoor firepit on BAAQMD Winter Spare the Air days (issued periodically November through February).¹ Residents may use gas or electric fireplaces.
- Prohibit burning garbage, plastics, wrapping paper, and other harmful materials.

III. Recommendation

Staff recommends that the Town Council review the BAAQMD regulations, which are attached, receive public comments, and discuss if more stringent local regulation of wood smoke and wood burning appliances is necessary for indoor or outdoor fireplaces.

In order to provide ample opportunity for public input on this issue, staff has scheduled the discussion of any potential regulations for both the October and November Town Council meetings.

Additional regulations could include requiring the replacement of existing fireplaces or wood stoves with cleaner-burning models when a house is sold, clarification of what “remodels” trigger replacement of wood-burning fireplaces (since it is not defined by the BAAQMD regulations), and/or specifically banning indoor or outdoor wood-burning fireplaces and requiring their removal.

¹ Residents whose dwellings have no natural gas or electrical service, or whose only source of heat is provided by wood burning, are exempt from the *Winter Spare the Air Alert* wood-burning restriction.