

TITLE 7 AIR QUALITY

CHAPTER 7.01 DEFINITIONS

7.01.010 Purpose of Chapter

This Chapter provides definitions of terms and phrases used in this Title that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Title conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Title.

7.01.020 Definitions of Specialized Terms and Phrases

The following terms, words and/or phrases shall have the meaning herein provided.

Director. The Town of Truckee Community Development Director, or his/her designee.

EPA. The United States Environmental Protection Agency.

EPA Certified Appliance. Any wood or other solid fuel burning appliance utilized for space or water heating or cooking that meets the performance and emission standards set forth in Part 60, Title 40, Subpart AAA and QQQQ, Code of Federal Regulations. Phase II appliances (including solid fuel burning appliances, heaters or devices, pellet fueled wood heaters, wood-fired hydronic heaters and forced-air furnaces) must meet the emission requirements adopted by the EPA. For solid fuel burning appliances, heaters or devices, or pellet fueled wood heaters the PM limit is 4.5 grams per hour for catalytic and non-catalytic devices. For wood-fired hydronic heaters, the PM limit is .32 pounds per million Btu heat output. For wood-fired forced-air furnaces, the PM limit is .93 pounds per million Btu heat output. As of May 15, 2020, Phase II appliances (including solid fuel burning appliances, heaters or devices, pellet fueled wood heaters, wood-fired hydronic heaters and forced-air furnaces) must meet the following emission requirements adopted by the EPA: For solid fuel burning appliances, heaters or devices, or pellet fueled wood heaters the PM limit is 2.0 grams per hour for catalytic and non-catalytic devices, if emissions are tested using cribs (if tested with cord wood, the limit is 2.5 grams per hour). For wood-fired hydronic heaters, the PM limit is .10 pounds per million Btu heat output (if tested with cord wood, the limit is .15 pounds per million Btu heat output). For wood-fired forced-air furnaces, the PM limit is .15 pounds per million Btu heat output.

Open Masonry Fireplace. Any solid fuel burning appliance primarily constructed on site of masonry products such as brick, stone, clay, or other precast stone or concrete products.

Pellet Fueled Wood Heater. Any solid fuel burning appliance designed to heat the interior of a building that operates on pelletized wood and has an automatic feed.

Permanently Inoperable. Modified in such a way that the appliance can no longer function as a solid fuel burning appliance or be easily remodified to function as a solid fuel burning appliance. Conversion to gaseous or liquid fuels, such as natural gas, is permitted.

PM Limit. The EPA-established limit on particulate matter emissions allowed to be emitted by solid fuel burning appliances, heaters or devices. This limit is expressed in grams/per hour of operation for solid fuel burning appliances, heaters or devices and pounds per million Btu heat output for wood-fired hydronic heaters and forced-air furnaces.

Solid Fuel Burning Appliance, Heater, or Device. Any fireplace, fireplace insert, wood stove, wood heating device, pellet fueled wood heater, wood-fired hydronic heater or wood-fired forced-air furnace or coal stove or structure that burns wood, coal, or any other nongaseous or nonliquid fuels, or any similar device burning any solid fuel for aesthetic, water heating, or space heating purposes.

CHAPTER 7.03 SOLID FUEL BURNING APPLIANCES

7.03.010 Purpose of Chapter

The Town Council hereby finds that:

- (a) The Truckee Particulate Matter Air Quality Management Plan was adopted on July 15, 1999, which recognized the severity of particulate matter pollution in the Town of Truckee and its environs and the urgency for reducing particulate matter emissions; and
- (b) The Air Quality Management Plan documents the adverse health and environmental effects that particulate matter has on the residents and visitors of Truckee; and
- (c) A key control strategy of the Air Quality Management Plan is to limit emissions from solid fuel burning appliances and total emissions from a residential unit, such that emission limits from appliances shall not exceed the emission requirements for an EPA-certified Phase II solid fuel burning appliance and total emissions of PM₁₀ from a residential unit shall not exceed the following limits:

| Device Type | Required as of May 15, 2015 | Required as of May 15, 2020 |
|---|--|--|
| Solid fuel burning appliance, heater or pellet fueled wood heater | 4.5 grams per hour for catalytic and non-catalytic devices | 2.0 grams per hour for catalytic and non-catalytic devices, if emissions are tested using cribs (If tested with cord wood, the limit is 2.5 grams per hour) |
| Wood-fired hydronic heater | .32 pounds per million Btu heat output | .10 pounds per million Btu heat output (If tested with cord wood, the limit is .15 pounds per million Btu heat output) |
| Wood-fired forced-air furnaces | .93 pounds per million Btu heat output | .15 pounds per million Btu heat output. |

- (d) Accordingly, the Town Council finds that the health, safety, and general welfare of the residents of, persons employed in, and persons who frequent this Town would be benefited by the regulation of emissions from solid fuel burning appliances.

7.03.020 Installation of Solid Fuel Burning Appliances

- (a) No solid fuel burning appliance shall be permitted to be installed within the Town unless the solid fuel burning appliance is:
 1. An EPA Certified Appliance meeting the emission requirements for Phase II certification;
 2. An EPA Certified pellet fueled wood heater;
 3. An open masonry fireplace supplied with gas and fitted with artificial logs;
 4. One open masonry fireplace located in a hotel/motel lobby or similar common area lobby or in the common area of a condominium project; or
 5. A zero clearance fireplace that is not an EPA Certified Appliance and is approved for use by the San Luis Obispo Air Pollution Control District as shown on their most current "List of APCD-Approved Woodburning Devices".
- (b) There shall be no combination of solid fuel burning appliances and/or pellet fueled wood heaters within a dwelling unit or within a business that will exceed 4.5 grams per hour of particulate matter emissions (or .32 pounds per million Btu heat output for wood-fired hydronic heaters or .93 pounds per million Btu heat output for wood-fired forced-air furnaces) except for one

fireplace located in a hotel/motel lobby or similar common area lobby. As of May 15, 2020, there shall be no combination of solid fuel burning appliances and/or pellet fueled wood heaters within a dwelling unit or within a business that will exceed 2.0 grams per hour of particulate matter emissions (or .10 pounds per million Btu heat output for wood-fired hydronic heaters or .15 pounds per million Btu heat output for wood-fired forced-air furnaces) except for one fireplace located in a hotel/motel lobby or similar common area lobby. Notwithstanding the emission restrictions of this subsection, an existing solid fuel burning appliance may be replaced with an EPA Certified Appliance meeting the emission requirements for Phase II certification.

- (c) Solid fuel burning appliances shall not be the primary form of heat in any new construction.
- (d) A new or replacement solid fuel burning appliance, including previously used appliances, shall not be installed without first obtaining a building permit from the Town. All installations shall require an inspection and approval by the Building and Safety Division prior to operation.
- (e) It shall be unlawful for any person to sell, offer for sale, supply, or install a used solid fuel burning appliance which has been removed from its dwelling unit or commercial or industrial building unless the appliance has been rendered permanently inoperable or unless it is:
 - 1. An EPA Certified Appliance meeting the emission requirements for Phase I certification; or
 - 2. An EPA certified pellet fueled wood heater.

This regulation does not prohibit the sale of any solid fuel burning appliance which is transferred as an appurtenance to a dwelling unit or commercial or industrial building in compliance with this Title.

- (f) Verification of compliance may be certified by an inspector of the Building and Safety Division, by an individual certified by the Wood Heating Education and Research Foundation for the installation of solid fuel appliances, or by individuals possessing equivalent certification. The inspector of record shall verify in writing that the appliance complies with the required emission standards and shall file that certification with the Town. Inspectors independent of the Town shall verify their qualifications with the Chief Building Official before appliance certification will be accepted by the Town.

7.03.030 Prohibited Materials

It shall be unlawful for any person to cause or allow any of the following materials to be burned in a solid fuel burning appliance:

- (a) Garbage;
- (b) Treated wood;
- (c) Plastic products;
- (d) Rubber products;
- (e) Waste petroleum;
- (f) Paints and paint solvents;
- (g) Coal having a sulfur content of more than 0.5 percent by weight as measured by ASTM Test Method D3177-84.

CHAPTER 7.04 REMOVAL OF NON-TOWN APPROVED SOLID FUEL BURNING APPLICANCES

(Repealed ORD 2006-02 04-20-06)

CHAPTER 7.06 REMOVAL OF NON-TOWN APPROVED SOLID FUEL BURNING APPLIANCES BY JULY 15, 2007

(ORD 2006-02 04-20-06)

7.06.010 Purpose

The Town Council hereby finds that:

- (a) The Truckee Particulate Matter Air Quality Management Plan was adopted on July 15, 1999, which recognized the severity of particulate matter pollution in the Town of Truckee and its environs and the urgency for reducing particulate matter emissions; and
- (b) The Air Quality Management Plan documents the adverse health and environmental effects that particulate matter has on the residents and visitors of Truckee; and
- (c) A key control strategy of the Air Quality Management Plan is to facilitate the removal or replacement of non-certified woodstoves and fireplace inserts, thereby reducing PM₁₀ and PM_{2.5} emissions from these gross-polluting appliances.
- (d) Accordingly, the Town Council finds that the health, safety, and general welfare of the residents of, persons employed in, and persons who frequent this Town would be benefited by the removal of all non-Town approved solid fuel burning appliances within the Town of Truckee.

7.06.020 Definition of Town Approved Solid Fuel Burning Appliance

For the purposes of this Chapter, a Town Approved Solid Fuel Burning Appliance shall mean:

- (a) An open masonry fireplace constructed in accordance with Nevada County or Town regulations applicable at the time of construction;
- (b) A zero-clearance fireplace constructed in accordance with Nevada County or Town regulations applicable at the time of construction;
- (c) An open masonry fireplace that burns natural or liquid propane gas as its fuel through a ceramic or otherwise non-combustible gas log that is permanently installed in the fireplace;
- (d) An EPA Certified Appliance, including appliances meeting the emission requirements for Phase I certification;
- (e) An appliance certified as meeting the emission requirements of the Oregon Department of Environmental Quality;
- (f) An EPA Certified pellet fueled wood heater;
- (g) A zero clearance fireplace that is not an EPA Certified Appliance and is approved for use by the San Luis Obispo Air Pollution Control District as shown on their most current "List of APCD-Approved Woodburning Devices"; and
- (h) A wood stove used for ornamental purposes that has been rendered permanently inoperable.

7.06.030 Removal of Non-Town Approved Solid Fuel Burning Appliances by July 15, 2007

- (a) All solid fuel burning appliances within the Town of Truckee that are not Town Approved Solid Fuel Burning Appliances as defined by Section 7.06.020 shall be removed from all properties by July 15, 2007 or rendered permanently inoperable by July 15, 2007 unless an extension of time to comply with this Chapter is granted by the Community Development Director in accordance with Section 7.06.040.
- (b) It shall be a violation of this Chapter for any person or other legal entity on or after July 15, 2007 to possess or operate a solid fuel burning appliance within the Town of Truckee unless the appliance is a Town Approved Appliance or has been rendered permanently inoperable, or the person has been granted an extension of time to comply with this Chapter from the Community Development Director in accordance with Section 7.06.040 or is authorized by the Community Development Director to collect and dispose of non-Town Approved Appliances.

(ORD 2006-02 04-20-06)

7.06.040 Extension of Time to Comply

The Community Development Director may grant an extension of time not exceeding six months from July 15, 2007 to comply with the requirements of this Chapter if the Director finds that there are extenuating circumstances warranting an extension. Any decision by the Director on an extension of time may be appealed to the Town Council in accordance with Section 2.04.100 et seq. of the Municipal Code.

(ORD 2006-02 04-20-06)

7.06.050 Implementation and Enforcement

The Town Council shall adopt administrative procedures and guidelines for the implementation and enforcement of the provisions of this Chapter by no later than November 1, 2006. These administrative procedures and guidelines shall include a presumption of compliance with the provisions of this Chapter for those properties that are undeveloped as of July 15, 2007, those properties in which all improvements on the property were constructed in accordance with a Town building permit issued on or after January 1, 1994, and those properties to which a certificate of compliance has been issued in accordance with Section 7.04.040 of the Municipal Code in effect from January 1, 2002 to September 1, 2005, unless the Director has knowledge or evidence to the contrary.

(ORD 2005-03 03-17-05; ORD 2006-02 04-20-06)

7.06.060 Violations and Enforcement

In addition to the penalties and punishments as set forth in Chapter 1.02 of this Municipal Code, the Director shall have the authority to issue an administrative citation in accordance with Chapter 1.03 of this Municipal Code for a violation of any provision of this Chapter. The amount of the fine for a first conviction shall be not more than One Thousand Dollars (\$1,000), for a second conviction within a period of one year shall not be more than Two Thousand, Five Hundred Dollars (\$2,500), and for a third or any subsequent conviction within a period of one year shall not be more than Five Thousand Dollars (\$5,000).

(ORD 2003-06 12-4-03)

CHAPTER 7.10 VIOLATIONS

7.10.010 Violations

Any person who violates any of the requirements of this Title, or who falsely attests as to information as part of compliance with this Title, is subject to the penalties and punishments as set forth in Chapter 1.02 of this Municipal Code and may be subjected to the applicable penalties and punishments prescribed by law for perjury and may have any license or permit issued by the Community Development Director pursuant to this Title revoked.