



*Procedure for the Implementation of the Point of Sale/Transfer
Condition for Non-Certified Free Standing Wood Stoves*

Adopted October 13, 2011

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Background

In December of 2007, the Placer County Air Pollution Control District (District) amended Rule 225, Wood Burning Appliances, by adding Section 303. This new section of the rule prohibits the sale of property that includes a non-EPA Phase II Certified free-standing wood stove, and requires a seller of real property that includes a wood stove to notify the buyer, and the Placer County Air Pollution Control Officer, that compliance with Section 303 of the Rule will be met. This point of property sale/transfer requirement is applicable throughout Placer County. If a property to be sold or transferred includes a non-certified free standing wood stove (inserts and fireplaces are exempt), then the stove must be rendered inoperable prior to sale/transfer. This 2007 rule amendment was made in order to help reduce particulate matter emissions from already existing non-certified stoves within the County. The new section of the rule is as follows:

303 Sale or Transfer of Real Property

303.1 Effective January 1, 2012;

- 303.1.1 No person shall sell or transfer any real property which contains an operable free standing wood stove which is not EPA Phase II certified.
- 303.1.2 Prior to the sale or transfer of improved real property, the seller shall provide to the recipient of the real property, and the Placer County Air Pollution Control Officer, documentation of compliance with section 303.1.1 of this Rule. The Placer County Air Pollution Control District Board will approve a procedure to implement this Rule to become effective January 1, 2012.
- 303.1.3 Each property which contains a free standing wood burning stove may be subject to an inspection prior to sale or transfer by the District or other District approved agency, in order to verify compliance with this rule.

Section 303 outlined above is one of several sections included in Rule 225 which helps to reduce particulate matter pollution (PM) from wood burning appliances. It is a method designed to reduce PM from already existing non-certified appliances over a period of time, whereas other sections of Rule 225 address the emission requirements for new installations of wood burning appliances only. As a whole, the requirements of Rule 225 will achieve greater PM emission reductions than if the Rule relied on a single compliance method and will potentially reduce additional wood burning restrictions such as a “no burn night” program, which is unsuitable for county-wide implementation.

Section 303 requires that only free standing non-certified wood stoves be rendered inoperable at point of sale or transfer (POS/T). Stove inserts, dedicated cook stoves, fireplaces, pellet stoves, and zero clearance fireplaces are exempt from this condition. This condition does not require that a stove be replaced with a cleaner burning appliance; however the property owner can choose to upgrade the appliance with a compliant stove if he/she wishes to continue with the ability to burn wood. Complete copies of Rule 225 are available from the District or by going to the District’s website, www.placer.ca.gov/apcd.

Process of Disclosure

A District POS/T Disclosure Form (form) shall be included with all of the real estate forms given to both sellers and buyers of real property only for properties that include one or more free standing wood stoves. Note that if the form is not provided to either the seller or buyer by a third party (such as an agent/broker) for whatever reason, then the seller or buyer will still be held responsible for compliance with Section 303. The District approved disclosure form can be found at the end of this document. The District approved form is the only form that will be accepted by the District for this purpose.

The form shall be filled out and submitted to the District prior to the close of escrow by the seller. The form shall identify which compliance option will be performed in order to satisfy the requirements of Section 303. The five options that a seller and buyer can choose from on the form in order to demonstrate compliance are:

- The seller shall declare all of the wood stoves present at point of sale are EPA Phase II Certified.
- The seller shall destroy all non-certified stoves prior to the close of escrow.
- The seller shall destroy and replace all non-certified stoves with EPA Phase II certified stoves prior to the close of escrow.
- The buyer shall destroy all non-certified stoves within 30 days after the close of escrow.
- The buyer shall destroy and replace all non-certified stoves within 30 days after the close of escrow.

The options above will allow a seller and buyer to choose a method of compliance that works best for their situation.

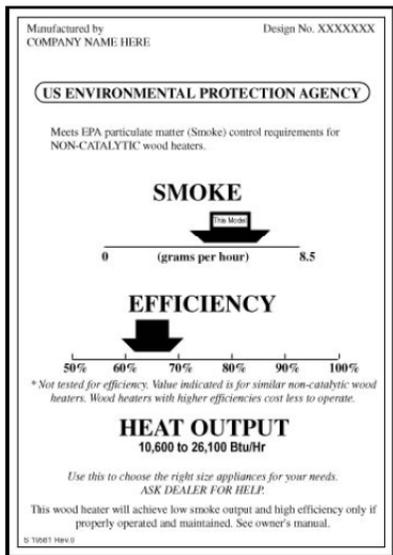
Once the method of compliance is identified on the form it shall be faxed, emailed, mailed or delivered, by the seller or his/her representative, to the District anytime during the escrow period but no later than the close of escrow. The disclosure form or a copy of the form shall be kept by both the seller and the buyer for not less than five years. If there is any fraud or noncompliance identified both parties may be held responsible.

If for some reason the seller is unable or unwilling to comply with Section 303 for reasons out of his/her control, such as due to foreclosure or short sale then the buyer will be responsible for submitting the form to the District and destroying any non-certified stoves, if present, within 30 days after the close of escrow.

The disclosure form can be obtained from the District's website located at www.placer.ca.gov/apcd or by calling (530) 745-2330. Only a District approved disclosure form shall be used for verifying compliance with Rule 225's section 303, "Sale or Transfer of Real Property." Any other form will not be accepted and will be considered in violation of Rule 225. (All District approved forms will be identified as such.)

How to Identify if a Stove is EPA Phase II Certified

EPA Phase II Certified stoves will have a label permanently affixed to them which states that the stove is “certified to comply with the July 1, 1990, particulate matter emission standards” by the USEPA (United States Environmental Protection Agency) (see below). The emission standard established for Phase II Certified stoves is 7.5 g/hr or less of particulate matter. If a stove was installed prior to 1990, it does not meet this emission requirement. Stoves which are approved by the States of Washington or Oregon, or the San Luis Obispo Air Quality Management District, are not considered to be EPA Phase II certified and will most likely not meet the emission requirements of Rule 225. The EPA’s list of certified wood stoves is a primary resource used to determine if a stove is certified. A web link to this list can be found under “Related Links” at the end of this document.



Temporary Wood Stove Label
(often found attached to wood stoves for sale)



Permanent Wood Stove Label
(typically affixed to the back of a stove)

Methods of Approved Stove Destruction

There are several ways that a stove may be permanently rendered inoperable. Below is a list of approved methods of destruction. It is preferred that one of the following methods be used to destroy a non certified stove however, if a buyer or seller wishes to destroy a stove in a manner not outlined below, then the buyer or seller must contact the District for approval prior to the stove’s destruction.

- Knocking the door hinges off of the body of the stove with a sledge hammer (this is usually the easiest)
- Torching, cutting, or drilling a complete hole (not less than 2 inches) through the side of the stove’s fire box (see images below)
- Crushing the stove so the door can no longer close
- Filling fire box with concrete



Above are example images of older stoves which have been rendered inoperable by cutting a whole in the firebox.

District Assistance during Escrow

At some point in time, a buyer, seller, or agent may require assistance in order to comply with the POS/T condition. A situation may arise where one party or another may be unwilling or unable to comply with the requirements of Section 303. At times it may also be difficult to determine if a stove meets the EPA Phase II emission requirements. If a situation should arise where assistance is required for whatever reason, then it is recommended that the District be contacted directly in order to prevent any complications. The District can be contacted by calling (530) 745-2339.

Enforcement

The District may conduct audits after properties have closed escrow and have been recorded under the new owner's name in order to determine compliance with the point of sale requirements found in Rule 225. If the District has identified that the POS/T requirement was not followed, mitigation will be required. Rule 225 requires that non-certified free standing wood stoves be rendered inoperable at point of property sale or transfer, and if it has been discovered that this has not occurred the District will require that the stove be rendered inoperable within 30 days of notifying the current property owner. A financial penalty may be issued if noncompliance has been identified or if the current property owner fails to render a stove inoperable. The level of the penalty will be determined on a case by case basis, depending on the circumstances of the situation.

Resolving unforeseen Issues

The Air Pollution Control Officer (APCO) shall have the right to resolve any issues related to the implementation of this procedure consistent with the District procedure manual and Section 303 of Rule 225.

Contact Information

The disclosure form can be emailed, mailed, faxed, or delivered to the District as follows:

Mail: Placer County Air Pollution Control District
110 Maple Street
Auburn, CA 95603

Fax:
(530) 745-2373

Email:
pcapcd@placer.ca.gov

Phone:
(530)745-2330

Related Links

PCAPCD website:

www.placer.ca.gov/apcd

List of EPA Phase II Certified Wood Stoves:

<http://www.epa.gov/Compliance/resources/publications/monitoring/caa/woodstoves/certifiedwood.pdf>

Placer County Building Department

<http://www.placer.ca.gov/Departments/CommunityDevelopment/Building.aspx>

Wood Burning Handbook – Best Practices for burning Wood Efficiently

<http://www.placer.ca.gov/Departments/Air/~media/apc/documents/WoodburningHandbookReduced.ashx>



Wood Stove Statement of Compliance Disclosure at Point of Property Sale/Transfer

APN: _____

Section 303 of the Placer County Air Pollution Control District's (District) **Rule 225, Wood Burning Appliances**, contains the requirement that no person shall sell or transfer any property (commercial or residential) which contains a free standing non-EPA Phase II Certified wood stove, as of January 1, 2012. All non-certified free standing wood stoves must be rendered inoperable at the point of property sale/transfer. For more information and a copy of this rule, go to www.placer.ca.gov/apcd.

Section 303 does not require a stove to be removed or replaced, only rendered inoperable. This condition also does not apply to open hearth masonry or zero-clearance fireplaces, inserts, pellet stoves, or dedicated wood burning cook stoves with ovens. An EPA Phase II Certified wood stove should have a permanent label attached to it which indicates that the stove meets the EPA's July 1, 1990, emission standards. A list of certified wood burning stoves can be found on the District's website.

The Seller and Buyer are required to complete this form for all properties which have a free standing wood burning stove(s) present at point of real property sale/transfer, only. A copy of this completed form, shall be faxed or mailed by the SELLER (see reverse for info) to the Placer County Air Pollution Control District (District) no later than the close of escrow.

Property Address: _____ City _____ Zip _____ Phone: _____

Seller's current mailing address: _____ City _____

State _____ Zip _____ (If, after escrow the mailing address will be different from what is above then provide the new mailing address, if known, below.)

Seller's future mailing address: _____ City _____

State _____ Zip _____

Seller's and Buyer's Disclosure Agreement

Seller and Buyer declare and agree that the subject property will meet the following requirements of Section 303 of the District's Rule 225 by choosing to do one of the following methods below (**check all boxes that apply**):

Number of non-certified stoves present: _____

- All free standing wood stoves included in the property sale/transfer are EPA Phase II Certified and therefore meet the requirements of Rule 225.
- Seller will render inoperable all non-EPA Certified wood burning stoves prior to the close of escrow.
- Seller will render inoperable and replace all non-EPA Certified stoves with an EPA Phase II Certified, gas, or pellet stove prior to the close of escrow.
- Buyer will render inoperable all non-EPA Certified wood burning stoves within 30 days after the close of escrow.
- Buyer will render inoperable and replace all non-EPA Certified stoves with an EPA Phase II certified, gas, or pellet stove within 30 days after the close of escrow.

Seller*: _____

Signature

Print Name

Date

Check here if this is a bank owned property. If bank owned then seller information is not required.

Buyer*: _____

Signature

Print Name

Date

Buyer's phone number: _____

* If the Seller is unable or unwilling to perform any of the above actions due to; the selling of bank owned property, auction, foreclosure, or short sale, the Buyer will take full responsibility for compliance with Section 303 of the Rule and for submitting this form to the District no later than 30 days after the close of escrow.

- A copy of this form shall be kept by the Seller and Buyer for not less than five years.
- This transaction may be subject to an inspection and/or audit by the District. If noncompliance with Rule 225 is discovered, the owner of record at time of the audit/inspection may be subject to a financial penalty.

Additional Information

DISTRICT Contact Information:

Placer County Air Pollution Control District
110 Maple Street, Auburn, CA 95603
Phone: (530) 745-2330
Fax: (530) 745-2373
Email: pcapcd@placer.ca.gov

This form ensures compliance with section 303 of Rule 225, *Wood Burning Appliances*. If you need assistance through this process or in determining whether your free standing wood stove is certified or not, then please go to our website at www.placer.ca.gov/apcd for more information or contact us at (530) 745-2330. More instruction and information about compliance with Section 303 of Rule 225 can be found in the *Procedure for Implementation of the Point of Sale/Transfer Condition for Non-Certified Free Standing Wood Stoves* found on the District's website. In instances where this form is not used, and a non-certified stove was not rendered inoperable at point of sale/transfer, the buyer on record will be held liable for meeting the requirements of Section 303.

Approved Methods of Stove Destruction (for non EPA Certified free standing wood stoves only):

- Torching, cutting, or drilling a complete hole (not less than 2 inches) through the side of the stove's fire box
- Knocking the door hinges off of the body of the stove with a sledge hammer (this is usually the easiest)
- Crushing the stove
- Filling fire box with concrete
- Other District pre-approved method (must receive permission from the District prior to destruction)

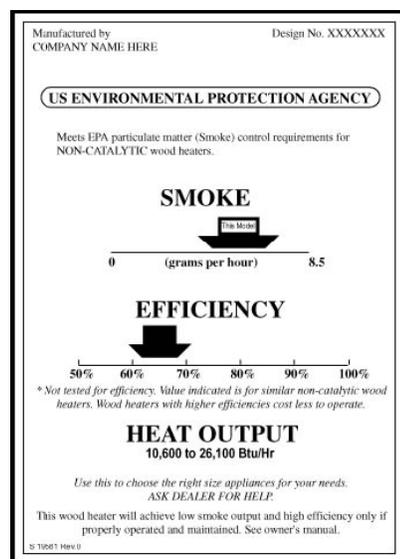
Section 303 requires that non-certified free standing stoves be rendered inoperable only. There is no requirement which requires the stove to be removed or replaced with a cleaner burning unit.

Disposal of Old Stove

The District does not have a requirement on where old stoves may be disposed of, however it is typical for old stoves to be taken to a metal recycling facility and/or sold as scrap. Contact your local wood stove retailer or yellow pages for additional resources for stove disposal. Under no circumstances can a non-certified stove be sold or installed within Placer County. This would be a violation of Rule 225.

Condition 303 of Rule 225 requires that non-certified stoves be rendered inoperable at point of property sale/transfer. There is no requirement to upgrade a stove with a cleaner burning unit or to have it removed from the property. If the buyer or seller chooses to upgrade a non-certified stove, they should check with their local jurisdiction for requirements and permitting.

How to identify an EPA Phase II Certification Label



Temporary Wood Stove Label



Permanent Wood Stove Label affixed to a stove