

NOTICE OF FINAL RULEMAKING
MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS ORDINANCES
P-26: RESIDENTIAL BURNING RESTRICTIONS

The Maricopa County Air Quality Department (MCAQD) revised Ordinance P-26 (Residential Burning Restrictions). The Control Officer is posting this Notice of Final Rulemaking on the MCAQD website as required by A.R.S. § 49-471.07(G). This notice includes the preamble, as prescribed in A.R.S. § 49-471.05, and the text of the final ordinance. This notice also includes a list of all previous notices posted on the Maricopa County Enhanced Regulatory Outreach Program (EROP) website addressing the proposed rule and the concise explanatory statement prescribed in A.R.S. § 49-471.07, subsection B.

PREAMBLE

1. Statutory authority for the rulemaking:

A.R.S. §§ 11-871, 49-112, 49-474, 49-479 and 49-480

2. Name and address of department personnel with whom persons may communicate regarding the rulemaking:

Name: Kristi Beck or Kimberly Butler
Maricopa County Air Quality Department
Planning and Analysis Division

Address: 3800 N Central Avenue, Suite 1400
Phoenix, AZ 85012

Telephone: (602) 506-6010

Fax: (602) 506-6179

Submit Comments At: <http://maricopa.gov/FormCenter/Regulatory-Outreach-17/Citizen-Comments-94>

3. Rulemaking process:

This rulemaking followed procedures identified in state statutes and the Maricopa County EROP Policy.

County Manager Briefing: January 2019

Stakeholder Workshops: March 28, 2019

Board of Health Meeting to Approve Expedited Rulemaking: April 22, 2019

Notice of Proposed Rulemaking:	June 19, 2019
Board of Supervisors Formal Meeting to Set the Public Hearing:	September 4, 2019
Board of Supervisors Public Hearing:	October 23, 2019

4. Explanation of the rule, including the control officer's reasons for initiating the rulemaking:

Fires emit nitrogen oxides and volatile organic compounds (which are precursors to ozone formation), carbon monoxide, particulate matter, and a variety of hazardous air pollutants. Ordinance P-26 restricts residential burning when monitoring or forecasting indicates that air quality standards are likely to be exceeded.

Maricopa County residents and visitors ignite fires in fireplaces, chimineas, and fire pits for a variety of reasons, including warmth, recreation, ambiance, and even for cooking.

Unfortunately, residential woodburning is a significant source of air pollution in Maricopa County. Because Maricopa County has a history of nonattainment with several National Ambient Air Quality Standards (NAAQS) set by the U.S. Environmental Protection Agency (EPA), the Arizona State Legislature has adopted several statutes related to burning in Maricopa County.

A.R.S. § 11-871 required Maricopa County to adopt and implement a residential woodburning restriction ordinance when monitoring or forecasting indicates that the carbon monoxide or particulate matter standards are likely to be exceeded. This statute outlines several exemptions that must be included in the ordinance and specifies violations for persons who violate the ordinance.

A.R.S. § 49-501 states that it is unlawful for any person to ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any open outdoor fire, except for fires that are specifically listed in A.R.S. § 49-501(B).

Based on these statutes, the MCAQD revised Ordinance P-26 and Rule 314 (Open Outdoor Fires and Indoor Fireplaces at Commercial and Institutional Establishments) in 2008. Over the last ten years, as the MCAQD has been implementing and enforcing Ordinance P-26 and Rule 314, the MCAQD has found some situations where there are overlaps and contradictions between Ordinance P-26 and Rule 314. In addition, the MCAQD has

determined that there are some inconsistencies between Ordinance P–26 and the relevant state statutes. As a result, the MCAQD revised Ordinance P–26 to:

- Clarify which fires at residential locations are subject to Ordinance P–26;
- Exempt fires and appliances used for cooking from Ordinance P–26 (because A.R.S. § 49-501(B) specifies that open outdoor fires used for cooking shall be allowed at any time);
- Clarify the ordinance by removing definitions of terms that are not used in the ordinance;
- Rephrase the ordinance to clarify the requirements that are applicable during restricted burn periods and the requirements that are applicable at all times;
- Reference the air quality standards in Rule 510 (so that Ordinance P–26 does not have to be revised each time the EPA revises a NAAQS);
- Update the methods that the MCAQD will use to notify the public when a restricted burn period has been declared;
- Delete the provision which stated that only violations of the ordinance which occurred within one year of a present offense shall be considered as prior violations (because the statute that specifies the consequences for violating the ordinance does not include that provision);
- Update the names of low income assistance programs (that are used to determine when low income residents may qualify for a temporary exemption) and the name of the implementing agency; and
- Make other changes to ensure the revised ordinance can be approved into the Arizona State Implementation Plan.

5. Studies relied on in the control officer's evaluation of or justification for the rule and where the public may obtain or review the studies, all data underlying the studies, any analysis of the studies and other supporting material.

Not applicable.

6. An economic, small business and consumer impact statement:

The following discussion addresses each of the elements required for an economic, small business and consumer impact statement, as prescribed by A.R.S. §§ 41-1055, subsections A, B and C, and 41-1035:

An identification of the rulemaking, including all of the following:

This rulemaking revised Ordinance P-26.

(a) The conduct and its frequency of occurrence that the rule is designed to change.

Every year, the MCAQD receives hundreds of citizen complaints regarding residential woodburning. Some complaints indicate that neighbors are burning trash and other prohibited materials. Other complaints indicate that neighbors are burning wood during a restricted burn period.

(b) The harm resulting from the conduct the rule is designed to change and the likelihood it will continue to occur if the rule is not changed.

If Ordinance P-26 had not been revised and clarified, it is likely that Maricopa County would continue measuring air pollution concentrations that exceed the following NAAQS:

- 1987 NAAQS for particulate matter with a diameter less than or equal to 10 micrometers (PM₁₀);
- 2008 NAAQS for ozone; and
- 2015 NAAQS for ozone.

If Maricopa County fails to attain these standards, the MCAQD will be required to implement additional regulations to reduce emissions of PM₁₀ and/or ozone precursors. In addition, if Maricopa County is classified as a serious nonattainment area for either the 2008 or 2015 ozone NAAQS, the MCAQD will be required to lower the Title V permitting thresholds for ozone precursors, which would increase the number of facilities requiring Title V permits. Title V permits are more expensive to obtain and require the source to pay an annual fee based on their emissions of particulate matter and ozone precursors.

If this ordinance had not been revised, it is also possible that Maricopa County could exceed the 2012 NAAQS for PM_{2.5}. If Maricopa County is designated as nonattainment for the PM_{2.5} NAAQS, the MCAQD would have to develop a plan to reduce PM_{2.5} emissions. In addition, emissions offsets would be required for the construction of any new major source of PM_{2.5} emissions or for any major modification at an existing major source of PM_{2.5}. There are currently six major sources of PM_{2.5} in Maricopa County (one semiconductor manufacturer and five power plants).

If this ordinance had not been revised, sensitive groups (such as children, the elderly, and people with pre-existing cardiovascular disease) would have continued to experience health effects associated with elevated concentrations of air pollutants. Elevated concentrations of PM_{2.5} are associated with increases in serious health effects, such as asthma attacks and heart attacks. In addition, historical data has demonstrated that an increased concentration of PM_{2.5} is associated with increased hospital admissions during the pollution event and for several days after the pollution event ends.

(c) The estimated change in frequency of the targeted conduct expected from the rule change.

The MCAQD revised Ordinance P-26. As with other regulatory changes, the MCAQD will use education, outreach, and other compliance assurance tools to increase the number of people in compliance with the revised ordinance. The MCAQD strives to achieve the highest possible compliance rates.

A brief summary of the information included in the economic, small business and consumer impact statement.

The revised ordinance should not have an economic impact on small businesses and consumers in Maricopa County.

Name and address of agency employees who may be contacted to submit or request additional data on the information included in the economic, small business and consumer impact statement.

Name: Kristi Beck or Kimberly Butler
Maricopa County Air Quality Department
Planning and Analysis Division

Address: 3800 N Central Avenue, Suite 1400
Phoenix, AZ 85012

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An identification of the persons who will be directly affected by, bear the costs of or directly benefit from the rulemaking.

The revised ordinance will directly affect residents and visitors that want to burn wood. The revised ordinance should not impose any significant new costs on businesses or individuals. The revised ordinance will benefit children, senior citizens, and anyone with a preexisting health condition that makes them more susceptible to harm caused by air pollution. The revised ordinance will also benefit businesses by helping to ensure that the NAAQS are attained in Maricopa County.

A cost benefit analysis of the following:

(a) The probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the rulemaking.

The revised ordinance should not impose any new costs on the MCAQD or on any other agencies affected by the revised ordinance.

(b) The probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the rulemaking.

The revised ordinance should not impose any new costs on political subdivisions of this state affected by the revised ordinance.

(c) The probable costs and benefits to businesses directly affected by the rulemaking, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the rulemaking.

The revised ordinance should not increase costs for any businesses in Maricopa County and should not have any effect on revenues or payroll expenditures for businesses affected by the revised ordinance. The revised ordinance should benefit businesses by improving the health of employees and their families, thus improving employee productivity.

A general description of the probable impact on private and public employment in businesses, agencies and political subdivisions of this state directly affected by the rulemaking.

The revised ordinance should have no impact on private or public employment in businesses, agencies, and political subdivisions of this state.

A statement of the probable impact of the rulemaking on small businesses. The statement shall include:

(a) An identification of the small businesses subject to the rulemaking.

There are no small businesses subject to the revised ordinance.

(b) The administrative and other costs required for compliance with the rulemaking.

There are no small businesses subject to the revised ordinance.

(c) A description of the methods that the agency may use to reduce the impact on small businesses.

i. Establish less stringent compliance or reporting requirements in the rule for small businesses.

There are no small businesses subject to the revised.

ii. Establish less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses.

There are no small businesses subject to the revised.

iii. Consolidate or simplify the rule's compliance or reporting requirements for small businesses.

There are no small businesses subject to the revised.

iv. Establish performance standards for small businesses to replace design or operational standards in the rule.

There are no small businesses subject to the revised.

v. Exempt small businesses from any or all requirements of the rule.

There are no small businesses subject to the revised.

(d) The probable cost and benefit to private persons and consumers who are directly affected by the rulemaking.

The revised ordinance should not result in any significant costs for private persons and consumers. Very minor costs may be incurred to purchase seasoned wood for use during residential woodburning.

However, seasoned wood combusts more completely so it produces more heat than unseasoned wood. Any costs associated with the purchase of seasoned wood will likely be offset by a reduction in the amount of wood needed to achieve a similar heat output.

A statement of the probable effect on state revenues.

The ordinance will not impose increased monetary or regulatory costs on other state agencies, political subdivisions of this state, persons, or individuals so regulated. Without costs to pass through to customers, there is no projected change in consumer purchase patterns and, thus, no impact on state revenues from sales taxes.

A description of any less intrusive or less costly alternative methods of achieving the purpose of the rulemaking, including the monetizing of the costs and benefits for each option and providing the rationale for not using nonselected alternatives.

The revised ordinance does not include any intrusive or costly methods for reducing emissions from outdoor fires.

A description of any data on which a rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data.

Not applicable.

7. The effective date of the rule:

The revised rule was adopted and took effect on October 23, 2019.

8. Such other matters as are prescribed by statute and that are applicable to the county or to any specific rule or class of rules:

Under A.R.S. § 49-479(C), a county may not adopt a rule or ordinance that is more stringent than the rules adopted by the Director of the Arizona Department of Environmental Quality (ADEQ) for similar sources unless it demonstrates compliance with the applicable requirements of A.R.S. §49-112.

§ 49-112 County regulation; standards

§ 49-112(A)

When authorized by law, a county may adopt a rule, ordinance or regulation that is more stringent than or in addition to a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if all of the following requirements are met:

1. The rule, ordinance or regulation is necessary to address a peculiar local condition.
2. There is credible evidence that the rule, ordinance or regulation is either;
 - (a) Necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible.

- (b) Required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule, ordinance or regulation is equivalent to federal statutes or regulation.
- 3. Any fee or tax adopted under the rule, ordinance or regulation does not exceed the reasonable costs of the county to issue and administer the permit or plan approval program.

§ 49-112(B)

When authorized by law, a county may adopt rules, ordinances or regulations in lieu of a state program that are as stringent as a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if the county demonstrates that the cost of obtaining permits or other approvals from the county will approximately equal or be less than the fee or cost of obtaining similar permits or approvals under this title or any rule adopted pursuant to this title. If the state has not adopted a fee or tax for similar permits or approvals, the county may adopt a fee when authorized by law in the rule, ordinance or regulation that does not exceed the reasonable costs of the county to issue and administer that permit or plan approval program.

The MCAQD is in compliance with A.R.S. §§ 49-112(A) and (B). The State of Arizona does not have any residential woodburning restrictions. Ordinance P-26 is allowed in lieu of a state program because Maricopa County contains a maintenance area for the 1971 NAAQS for carbon monoxide, and nonattainment areas for the following NAAQS:

- 1987 NAAQS for PM₁₀;
- 2008 NAAQS for ozone; and
- 2015 NAAQS for ozone.

There are no permits required by the revised ordinance.

9. List of all previous notices posted on the Maricopa County EROP website addressing the proposed rule and a concise explanatory statement, as prescribed by A.R.S. § 49-471.07, subsection B:

(a) List of all previous notices posted on the Maricopa County EROP website addressing the proposed rule:

Notice of Stakeholder Workshop:	March 12, 2019 (Date of Posting)
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Notice of Board of Health Meeting:	April 4, 2019 (Date of Posting)
Notice of Proposed Rulemaking:	June 19, 2019 (Date of Posting)
Notice of Public Hearing	September 4, 2019 (Date of Posting)

(b) The following discussion addresses each of the elements required for a concise explanatory statement, as prescribed by A.R.S. § 49-471.07, subsection B:

The following non-substantive changes were made after the Notice of Proposed Rulemaking was published on June 19, 2019:

1. Corrected the references to the definition of sole source of heat in Sections 4A and 4D of the ordinance (changed 2(O) to 2(P)).
2. Corrected Section 2(H) of the ordinance index to match the heading in Section 2(H) of the ordinance (changed “firelogs” to “firelog”).

The following discussion evaluates the arguments for and against the rule and includes responses to comments received on the proposed ordinance or the preamble in the Notice of Proposed Rulemaking. The MCAQD received written comments from two stakeholders. The comments were reviewed and evaluated by the MCAQD.

Comment #1: I have a pyromaniac inconsiderate neighbor who likes to burn green logs started with gasoline and left to burn and smolder all night long dozens of times per year. Many of these fires have been on no burn days. Myself and several other neighbors have reported these fires over and over again and not once has this person ever been cited! My home and business are completely contaminated by soot from these fires and I have suffered numerous sleepless nights coughing and choking on smoke that has filled the entire area. I have asthma and I also now have to sleep with supplemental oxygen being pumped into my face through a mask all night long. I smell musty smoke in my home every day and sometimes I can't even tell if there is another fire next door or not. The inspectors are completely unable to do their jobs. They cannot even get out of their vehicles, or go to an adjacent property with invitation, or go down an alley on foot. This is completely unacceptable for an enforcement arm of your agency to

be so incapable of doing absolutely anything to confirm these crimes. I'm attaching a list of calls to an address that is a pervasive open fire burner that has NEVER BEEN CITED ONCE!

[Attached Spreadsheet](#)

Response #1: Thank you for your comment. The MCAQD has retained restrictions on burning of green logs and gasoline and the ordinance has been revised to strengthen and clarify these restrictions.

To prevent burning of green logs and gasoline, revised ordinance prohibits burning of any material other than seasoned wood which contains no more than 20 percent moisture. This prohibition is applicable to residential woodburning devices, chimineas, outdoor fireplaces, and other outdoor devices that burn solid fuel. This prohibition is also applicable to fire pits and similar outdoor fires at residential locations. In addition, this prohibition is applicable at all times and not just during restricted burn periods.

The revised ordinance retains restrictions on residential woodburning during a restricted burn period. The revised ordinance prohibits the use of chimineas, outdoor fireplaces, outdoor devices that burn solid fuel, fire pits, and similar outdoor fires during restricted burn periods. The revised ordinance also prohibits the use of residential woodburning devices, unless the Control Officer has issued an exemption for the residential woodburning device.

The MCAQD understands your concerns and is taking action to reduce air pollution from residential woodburning in manner that is consistent with the statutory authority granted to the MCAQD. We appreciate your feedback regarding implementation of Ordinance P-26. We have forwarded comments regarding implementation of the ordinance to the Compliance and Enforcement Division of the MCAQD.

Comment #2: I've attached comments on your proposed revisions to Maricopa County P-26 Ordinance. Sorry for the delay in getting these comments to you. If you have any questions, please do not hesitate to contact me.

[Attached Comments](#)

Response #2: Thank you for your comments. Below is a response to each comment provided in the attached comment sheet.

2.1: The MCAQD does not have statutory authority to require the removal of uncertified woodburning stoves upon home resale, to restrict the use of woodburning devices in new construction, to restrict the installation of woodburning fireplaces, or to require that all wood burning stoves sold or transferred meet current NSPS certification standards. However, some similar requirements have previously been incorporated into Arizona Revised Statutes and are implemented by other regulatory agencies.

2.2: The MCAQD revised Section B.1 of the ordinance to clarify that devices certified to meet the new Standards of Performance for Residential Wood Heaters, which were finalized on March 16, 2015, are also approved woodburning devices.

2.3: The MCAQD revised Section B.4 to clarify the types of devices that can be approved by the Control Officer and the Administrator of the EPA. This option is specifically for masonry heaters and other types of solid fuel burning devices that are not subject to the particulate matter standards in 40 CFR 60, Subpart AAA.

2.4: The MCAQD adopted Ordinance P-26 to comply with A.R.S. § 11-875, which states that “the ordinance shall prohibit the installation or construction of a fireplace or wood stove in Area

A.” If the statutory definition of Area A is revised, the MCAQD will evaluate the relevant statutes to determine if revisions to Ordinance P-26 are necessary.

- 2.5: The MCAQD defined pellet fuel and added pellet fuel to the definition of seasoned wood.
- 2.6: The MCAQD revised the definition of “sole source of heat” to ensure the definition is clear and enforceable.
- 2.7: The MCAQD removed the reference to Rule 318 which is outdated.
- 2.8: The MCAQD did not remove the reference to the primary ambient air quality standard for ozone in Rule 510 of these rules. The MCAQD is updating Rule 510 to include the 2015 ozone standard and the revised rule will be submitted as a revision to the Arizona SIP.
- 2.9: The MCAQD has noted that Section 3.E of the Ordinance should not be submitted for approval into the Arizona SIP.
- 2.10: The MCAQD removed the reference to Rule 318 which is outdated.

EXACT WORDING OF THE ORDINANCE

**MARICOPA COUNTY ORDINANCE
AIR POLLUTION CONTROL REGULATIONS**

P-26

RESIDENTIAL ~~WOODBURNING RESTRICTION~~ BURNING RESTRICTIONS

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Adopted 10/05/94
 Revised 04/21/99
 Revised 11/17/99
 Revised 03/26/08

Adopted 10/05/94; Revised 04/21/99; Revised 11/17/99; Revised 03/26/08; Revised 10/23/2019

**MARICOPA COUNTY ORDINANCE
 AIR POLLUTION CONTROL REGULATIONS**

P-26

RESIDENTIAL WOODBURNING RESTRICTION BURNING RESTRICTIONS

SECTION 1 – GENERAL

- A. **PURPOSE:** ~~The Residential Woodburning Restriction Ordinance~~ This ordinance restricts residential woodburning in a non-approved device, outdoor fire pits, woodburning chimineas, and similar outdoor fires burning when monitoring or forecasting indicates that air quality standards are likely to be exceeded and restricts residential burning of prohibited materials.
- B. **APPLICABILITY:** ~~The Residential Woodburning Restriction Ordinance~~ This ordinance applies to: any residential woodburning device, outdoor fire pits, woodburning chimineas, and similar outdoor fires that are within Maricopa County or within incorporated cities and towns in such sections. The Residential Woodburning Restrictions Ordinance does not apply to barbecue devices and mesquite grills.
 - 1. Any residential woodburning device that is located within sections of Area A that are within Maricopa County;
 - 2. Any chiminea, outdoor fireplace, or other outdoor device that is located at a residence and burns solid fuel; and
 - 3. Any outdoor fire pit or similar outdoor fire that is located at a residence, burns solid fuel, and is used exclusively for recreation or ambiance, or to provide warmth for human beings. However, any outdoor fire pit or similar outdoor fire that is not used exclusively for these purposes must comply with Rule 314 of these rules.
- C. **EXEMPTIONS:** This ordinance does not apply to:
 - 1. Appliances, including but not limited to, grills, ovens, and smokers, that are used exclusively for the cooking, smoking, or flavoring of food; however any appliance that is

exempt from this ordinance must comply with all applicable requirements in Rule 314 of these rules.

2. Devices or equipment, including fire pits and fireplaces, that are designed and used to burn natural gas, propane, or liquefied petroleum gas exclusively.

SECTION 2 – DEFINITIONS: For the purpose of this ordinance, the following definitions shall apply:

- A. **ADEQUATE SOURCE OF HEAT:** A permanently installed furnace or heating system, connected to or disconnected from its energy source, designed to heat utilizing oil, natural gas, electricity, or propane, and designed to maintain a minimum of 70° Fahrenheit at a point three feet above the floor in all normally inhabited areas of a residence.
- B. **APPROVED WOODBURNING DEVICE:** The following ~~residential~~ devices shall be approved woodburning devices, even though such devices may burn a solid fuel other than wood:
 1. A device that has been certified by the Environmental Protection Agency (EPA) as conforming to Phase II EPA Standards of Performance for Wood Heaters in 40 Code of Federal Regulations (CFR) 60, Subpart AAA as amended through July 1, 2006.
 2. A device that has been certified by the EPA as conforming to the particulate matter standards in 40 CFR 60, Subpart AAA, §60.532(a)-(c), as amended through [insert date of rule adoption].
 2. ~~3.~~ Any pellet stove.
 3. ~~Any gas burning hearth appliances, including a dedicated gas logset permanently installed in any kind of indoor or outdoor woodburning fireplace which is designed to burn exclusively natural gas or propane.~~
 4. Any masonry heater or any other solid fuel burning device that meets all of the following requirements: performance standards that are equivalent to the standards in 40 CFR 60, Subpart AAA as amended through July 1, 2006, and that is approved by the Control Officer and the Administrator of EPA.
 - a. Is not subject to the particulate matter standards in 40 CFR 60, Subpart AAA, as amended through [insert date of rule adoption];
 - b. Meets performance standards that are equivalent to the standards in 40 CFR 60, Subpart AAA as amended through July 1, 2006; and
 - c. Is approved by the Control Officer and the Administrator of the EPA.
- C. **AREA A:** As defined in Arizona Revised Statutes (A.R.S.) § 49-541(1), the area in Maricopa County delineated as follows:

Township 8 North, Range 2 East and Range 3 East
Township 7 North, Range 2 West through Range 5 East
Township 6 North, Range 5 West through Range 6 East
Township 5 North, Range 5 West through Range 7 East
Township 4 North, Range 5 West through Range 8 East
Township 3 North, Range 5 West through Range 8 East

Township 2 North, Range 5 West through Range 8 East
Township 1 North, Range 5 West through Range 7 East
Township 1 South, Range 5 West through Range 7 East
Township 2 South, Range 5 West through Range 7 East
Township 3 South, Range 5 West through Range 1 East
Township 4 South, Range 5 West through Range 1 East

- ~~D. **BURN-DOWN PERIOD:** That period of time, not to exceed three hours after declaring a restricted burn period, required for the cessation of combustion within any residential woodburning device, outdoor fire pit, woodburning chiminea, or similar outdoor fire by withholding fuel or by modifying the air-to-fuel ratio.~~
- E. **CARBON MONOXIDE (CO) STANDARD:** The maximum allowable eight-hour concentration that is nine parts of contaminant per million parts of air by volume (ppm).
- D. **CHARCOAL:** The carbon and hydrocarbon residue that remains after water and other volatile constituents of wood have been removed by pyrolysis.
- E. **CHIMINEA:** A device made from clay, aluminum, steel, or another non-combustible material, that is designed to burn solid fuel, and that is used outside to provide warmth or for aesthetic purposes.
- F. **CHIMNEY:** A passage for smoke that is usually made of bricks, stone, or metal and often rises two feet above the roof of a building. An approved, factory-built chimney will have a label on each chimney connector and gas vent specifying that such chimney can be used for all fuels and will show the minimum safe clearances to combustibles.
- G. **FLUE:** Any duct or passage for air or combustion gases, such as a stack or chimney.
- G. ~~**INAPPROPRIATE FUEL:** Includes, but is not limited to: leaves, grass clippings, green plants, refuse, paper, rubbish, books, magazines, fiberboard, packaging, rags, fabrics, animal waste, animal carcasses, coal, waste oil, liquid or gelatinous hydrocarbons, tar, asphalt products, waste petroleum products, paints and solvents, chemically soaked wood, wood with a moisture content of greater than 20 percent, treated wood, plastic or plastic products, rubber or rubber products, office records, sensitive or classified wastes, or any substance which normally emits dense smoke or obnoxious odors other than paper to start the fire or properly seasoned wood.~~
- H. ~~**NONATTAINMENT AREA:** An area so designated by the Administrator of the EPA, acting pursuant to Section 107 of the Clean Air Act, as exceeding national primary or secondary ambient air standards for a particular pollutant or pollutants.~~
- H. **MANUFACTURED FIRELOG:** A log that is made from recycled wood, such as sawdust, that is compressed to form a log or mixed with a binder and extruded into a log shape.
- I. **OUTDOOR FIRE PITS AND SIMILAR OUTDOOR FIRES:** Any combustion of material outdoors, where solid fuels including wood or any other non-gaseous or non-liquid fuels are burned in the fuel bed, and the products of combustion are not directed through a flue or chimney.

- J. OUTDOOR FIREPLACES AND OTHER OUTDOOR DEVICES:** Any combustion of solid fuels in an outdoor fuel bed where the products of combustion are directed through a flue or chimney.
- ~~J. OZONE STANDARD: The maximum allowable eight-hour concentration within a 24-hour period (midnight to midnight) that is 0.08 parts of contaminant per million parts of air by volume (ppm):~~
- ~~K. PARTICULATE MATTER NO-BURN STANDARD: If either of the following maximum allowable 24-hour concentrations is forecast for particulate matter:~~
~~PM₁₀-120 micrograms per cubic meter;~~
~~PM_{2.5}-30 micrograms per cubic meter.~~
- ~~L. PARTICULATE MATTER STANDARDS: The maximum allowable 24-hour concentration that is:~~
~~PM₁₀-150 micrograms per cubic meter;~~
~~PM_{2.5}-35 micrograms per cubic meter.~~
- K. PELLET FUEL:** Refined and densified fuel shaped into small pellets or briquettes that are uniform in size, shape, moisture, density and energy content.
- L. PROHIBITED MATERIAL:** Aerosol spray cans; animal carcasses; animal waste; antifreeze; asbestos; asphalt, asphalt shingles and other asphalt products; batteries; chemically treated or soaked wood; cleaners; coal; counter tops; electrical wire insulation; explosives or ammunition; fabrics; fiberboard; flammable liquids; flooring; furniture; garbage; grass clippings; green plants; hazardous material containers, including those that contain lead, cadmium, mercury, and arsenic compounds; hazardous waste; insulation; landscape waste; painted wood; paper and paper products, including books, magazines, and office records; leaves; liquid or gelatinous hydrocarbons; oleanders; packaging; paints; pesticides, pesticide bags, and pesticide containers; plastic, including plastic bags and other plastic products; polyester products; rags; refuse; rubbish; solvents; stains; tar and tar paper; tires; transformer oils; tree trimmings; varnishes; waste petroleum products, including waste crankcase oil, transmission oil, and oil filters; any substance that emits dense smoke or obnoxious odors; and any material other than seasoned wood.
- M. RESIDENTIAL WOODBURNING DEVICE:** A woodburning device designed for solid fuel combustion so that generates usable heat is derived for the interior of inside a residence. These devices can be used for aesthetic or space-heating purposes.
- N. RESTRICTED-BURN PERIOD:** A condition declared by the Control Officer whenever meteorological conditions are conducive to an accumulation of CO, ozone and/or particulate matter in exceedance of the standards or when air quality reaches other limits established by the Control Officer.
- O. SEASONED WOOD:** Wood with a moisture content less than or equal to 20 percent, as determined using a moisture meter that is operated in accordance with the manufacturer's

recommendations. For the purposes of this rule, seasoned wood includes charcoal, pellet fuel, and manufactured firelogs.

- Θ. **P. SOLE SOURCE OF HEAT:** One or more residential woodburning devices which constitute the only source of heat in a residence and/or the sole source of ~~fuel~~ heat for cooking for a residence. No residential woodburning device shall be considered the sole source of heat if the residence is equipped with a permanently installed furnace or heating system which utilizes oil, natural gas, electricity, or propane and which is designed to heat the residence whether or not such furnace or heating system is connected to or disconnected from its energy source. ~~However, this definition shall not supersede municipal or County Building Code requirements as per authority of A.R.S. §§ 9-499.01, 9-240(B)(7), 9-276(A)(13)–(A)(15), A.R.S. § 9-801 et seq.~~ Nothing in this definition shall relieve the owner or operator of a residential woodburning device from complying with all applicable laws, rules, and regulations, including municipal or county building codes and public safety requirements.
- P. ~~WOODBURNING CHIMINEA: Chimineas are burning devices made from clay, aluminum, or steel and are used for warmth and aesthetics outside in yards and patios. Chimineas are designed to burn solid fuels.~~
- Q. SOLID FUEL:** Any fuel that is in a solid state prior to combustion.

SECTION 3 – BURNING RESTRICTIONS:

- A. ~~RESTRICTED OPERATION DURING RESTRICTED-BURN PERIODS: During a declared restricted-burn period, a person shall be restricted from operating a residential woodburning device, an outdoor fire pit, a woodburning chiminea, or similar outdoor fire, in sections of Area A that are within Maricopa County or within incorporated cities and towns in such sections. Exemptions to this requirement are described in Section 3(C) and Section 4 of this ordinance.~~
- B. **A. UNLAWFUL OPERATION:** A person shall: **RESTRICTED-BURN PERIODS:** During a restricted-burn period declared by the Control Officer, a person shall:
1. ~~Not operate a residential woodburning device, an outdoor fire pit, a woodburning chiminea, or similar outdoor fire such that emissions to the atmosphere are visible during a restricted-burn period declared by the Control Officer.~~ Not operate a residential woodburning device, unless one of the following exemptions applies:
 - a. During a declared restricted-burn period, a person may operate a residential woodburning device if the Control Officer has issued an exemption for such device according to Section 4 of this ordinance, the device is installed according to the instructions and restrictions specified by the manufacturer, only seasoned wood is ignited, and no visible emissions to the atmosphere are produced after 20 consecutive minutes immediately following an ignition of, or a refueling of, such residential woodburning device.
 - b. During a declared restricted-burn period, a person may operate an approved woodburning device if the device is installed according to the instructions and restrictions specified by the manufacturer, only seasoned wood is ignited, and no

visible emissions to the atmosphere are produced after 20 consecutive minutes immediately following an ignition of, or a refueling of, such residential woodburning device.

2. Not operate a residential woodburning device, an outdoor fire pit, a woodburning chiminea, or similar outdoor fire unless such residential woodburning device, outdoor fire pit, woodburning chiminea, or similar outdoor fire has been installed according to the instructions and restrictions specified by the manufacturer. Not operate a chiminea, outdoor fireplace, or any other outdoor device that burns solid fuel.
3. Not use a fuel in a residential woodburning device, an outdoor fire pit, a woodburning chiminea, or similar outdoor fire except those fuels that are recommended by the manufacturer. Not operate a fire pit or similar outdoor fire.
4. Not burn inappropriate fuel in a residential woodburning device, an outdoor fire pit, a woodburning chiminea, or similar outdoor fire.

B. WHEN RESIDENTIAL BURNING IS ALLOWED: When the Control Officer has not declared a restricted burn period, a person shall not:

1. Operate a residential woodburning device, unless such residential woodburning device has been installed according to the instructions and restrictions specified by the manufacturer.
2. Ignite any fuel other than seasoned wood.

C. LAWFUL OPERATION: ADDITIONAL RESTRICTIONS: At any time, a person shall not:

1. During a declared restricted-burn period, a person may operate a residential woodburning device if the Control Officer has issued an exemption for such device according to Section 4 of this ordinance and if no visible emissions to the atmosphere are produced after 20 consecutive minutes immediately following an ignition of or a refueling of such residential woodburning device. Burn or attempt to burn any prohibited material in a residential woodburning device.
2. During a declared restricted-burn period, a person may operate a residential woodburning device if such device meets the requirements of Maricopa County Air Pollution Control Regulations Rule 318 (Approval of Residential Woodburning Devices) and if no visible emissions to the atmosphere are produced after 20 consecutive minutes immediately following an ignition of, or a refueling of, such residential woodburning device. Burn or attempt to burn any prohibited material in a chiminea, an outdoor fireplace, or any other outdoor device that burns solid fuel.
3. During a declared restricted-burn period, a person may operate a residential woodburning device, an outdoor fire pit, woodburning chiminea, or similar outdoor fire, if such device is designed to burn exclusively natural gas or propane. Burn or attempt to burn any prohibited material in a fire pit or similar outdoor fire.

D. DECLARATION OF A RESTRICTED-BURN PERIOD:

1. The Control Officer shall declare a restricted-burn period if, after reviewing available meteorological data, atmospheric conditions, and ambient temperatures, the Control

Officer determines that air pollution levels could exceed: ~~the carbon monoxide (CO) standard, the ozone standard, and/or the particulate matter no-burn standard.~~

- a. The primary ambient air quality standard for carbon monoxide, eight-hour average, in Rule 510 of these rules;
 - b. The primary ambient air quality standard for ozone, eight-hour average, in Rule 510 of these rules; or
 - c. Either of the following 24-hour average concentrations for particulate matter:
 - (1) PM₁₀ – 120 micrograms per cubic meter; or
 - (2) PM_{2.5} – 30 micrograms per cubic meter.
2. A person responsible for ~~any a residential woodburning device, outdoor fire pit, woodburning chiminea, or similar outdoor fire or device listed in Section 1(B) of this ordinance,~~ excluding those devices described in ~~Section 3(C)~~ Sections 3(A)(1)(a) and 3(A)(1)(b) of this ordinance, already in operation at the time a restricted-burn period is declared shall withhold new fuel from the ~~residential woodburning device, outdoor fire pit, woodburning chiminea, or similar outdoor fire or device~~ for the duration of the restricted-burn period.
 3. Any person operating or in control of a ~~residential woodburning device, outdoor fire pit, woodburning chiminea, or similar outdoor fire~~ in sections of Area A that are within Maricopa County or within incorporated cities and towns in such sections ~~fire or device listed in Section 1(B) of this ordinance~~ has a duty to know when a restricted-burn period has been declared.
 4. Notice of a restricted-burn period shall be distributed ~~over the wire service to electronic and print media~~ and/or announced by a recorded telephone message at least three hours before initiating any enforcement action for a violation of this ordinance. Notice of a restricted-burn period shall be distributed and/or announced using one or more of the following methods:
 - a. Press releases to electronic and print media;
 - b. Email and/or text messages;
 - c. Social media;
 - d. The Maricopa County Air Quality Department website;
 - e. The Clean Air Make More website and mobile application;
 - f. By a recorded telephone message.

E. VIOLATIONS, NOTICES, AND PENALTIES: For purposes of this ordinance, and in accordance with A.R.S. §11-871(D):

1. When the Control Officer has reasonable cause to believe that any person has violated or is in violation of any provision of this ordinance, the Control Officer shall issue, for the first violation of this ordinance, a warning notice which includes a summary of the Maricopa County Residential ~~Woodburning Restriction Ordinance~~ Burning Restrictions ordinance and information on proper woodburning techniques.

2. The Control Officer ~~may~~ shall impose a civil penalty of \$50 to any person who violates this ordinance for the second ~~violation within a one year period~~ time after having been issued a warning notice for the first violation of this ordinance.
3. For the third violation of this ordinance, the Control Officer ~~may~~ shall impose a civil penalty of \$100. The Control Officer ~~may~~ shall impose a civil penalty of \$250 for the fourth or any subsequent violation of this ordinance. After having been issued a citation for a violation of this ordinance, the violation may be refuted by demonstration that the smoke was not caused by a ~~residential woodburning device, an outdoor fire pit, a woodburning chiminea, or similar outdoor fire~~ or a device listed in Section 1(B) of this ordinance or by proof of an exemption pursuant to Section 4 of this ordinance.
4. ~~Only those violations of this ordinance which have occurred within one year of a present offense shall be considered as prior violations. No person shall be cited for a violation of this ordinance more than once in any calendar day. Each day of violation constitutes a separate offense.~~

SECTION 4 – PARTIAL EXEMPTIONS THAT REQUIRE CONTROL OFFICER APPROVAL

- A. **RESIDENTIAL SOLE SOURCE OF HEAT EXEMPTION:** The Control Officer may grant a residential sole source of heat exemption if the Control Officer determines that a residential woodburning device meets the criteria of sole source of heat as described in Section ~~2(⊖)~~ 2(P) of this ordinance. The recipient of a residential sole source of heat exemption must apply annually to the Control Officer for renewal of such exemption, if such exemption is still necessary. The Control Officer shall not issue a residential sole source of heat exemption after December 31, 1995. However, the Control Officer may renew a residential sole source of heat exemption if such exemption was issued before December 31, 1995 and if the residential woodburning device meets the criteria of sole source of heat as described in Section ~~2(⊖)~~ 2(P) of this ordinance.
- B. **TEMPORARY SOLE SOURCE OF HEAT EXEMPTION:** The Control Officer may issue a temporary sole source of heat exemption for economic or health reasons if the Control Officer determines that the applicant qualifies for financial assistance, according to the economic guidelines established under the ~~Food Stamps~~ Nutrition Assistance, ~~Medicaid~~ Medical Assistance, or low income home energy assistance programs, as administered by the ~~Income Support Division~~ Arizona Department of Economic Security, or if the Control Officer determines that failure to grant a temporary sole source of heat exemption would endanger the health of the applicant. A temporary sole source of heat exemption shall not be issued for more than 150 days.
- C. **EMERGENCY EXEMPTION:** The Control Officer may issue an emergency exemption if the Control Officer determines that an emergency situation exists. An emergency exemption shall be valid for a period determined by the Control Officer, but shall not exceed one year from the date it is issued. An emergency situation shall include, but is not limited to, the following:
 1. A situation where a person demonstrates that his heating system, other than a residential woodburning device, is inoperable for reasons other than his own actions; or

2. A situation where a person demonstrates that his heating system has been involuntarily disconnected by a utility company or other fuel supplier.

D. INADEQUATE ALTERNATE SOURCE OF HEAT EXEMPTION: The Control Officer may issue an inadequate alternate source of heat exemption if the Control Officer determines:

1. That there is a heat source other than a residential woodburning device available to the residence;
2. That such heat source is not a sole source of heat, as defined in Section ~~2(O)~~ 2(P) of this ordinance, and that such heat source is used in conjunction with a residential woodburning device;
3. That such heat source is not an approved woodburning device, ~~as defined in Maricopa County Air Pollution Control Regulations Rule 318 (Approval of Residential Woodburning Devices);~~ and
4. That such heat source is not an adequate source of heat, as defined in Section 2(A) of this ordinance.

The recipient of an inadequate alternate source of heat exemption must comply with municipal or County Building Code requirements (as per authority of A.R.S. §§ 9-499.01, 9-240(B)(7), 9-276(A)(13)–(A)(15), A.R.S. § 9-801 *et seq.*) and must apply annually to the Control Officer for renewal of such exemption, if such exemption is still necessary. The Control Officer shall not issue an inadequate alternate source of heat exemption after December 31, 1995. However, the Control Officer may renew an inadequate alternate source of heat exemption, if such exemption was issued before December 31, 1995 and if the residential woodburning device meets the criteria of this ordinance.

E. APPLICATION FOR AN A PARTIAL EXEMPTION: Any person seeking an exemption shall do so by submitting an acceptable written application to the Control Officer. An application shall state:

1. The applicant's name and mailing address;
2. The address for which the exemption is sought; and
3. The reasons for seeking the exemption.

F. ACTION ON AN A PARTIAL EXEMPTION APPLICATION: Following the receipt of an exemption application, the Control Officer shall either grant the exemption, grant the exemption subject to conditions, or deny the exemption. The Control Officer shall notify, in writing, the applicant of such decision.

Attachment to Comment #1:

rf_cmpe_id	description	status
31	BURNING IN BACKYARD, VERY SMOKEY.	CO
56	BONFIRE ON NO BURN DAY	MAT
56	BURNING ON A NO BURN DAY	CO
31	SMOKE FROM BURNING OF TWIGS, ETC. PLEASE CONTACT CC BELOW THEY WILL TELL YOU THE ADDRESS	CO
31	NEIGHBOR IS BURNING WOOD AND OTHER STUFF IN BACK YARD WHICH IS CREATING A LOT OF SMOKE. COMPLAINTANT HAS LUNG PROBLEMS.	CO
31	BURNING IN BACK YARD NOT SURE WHAT THEY ARE BURNING BUT THEY DONT BELIEVE IT IS CLEAN WOOD.	CO
31	LEFT ON VM 11/11/14@1107PM ILLEGAL BURNING OF TRASH, ETC. SMOKE IS EVERY WHERE	CO
56	BURNING ON A NO BURN DAY	CO
31	NEIGHBOR IS BURNING ALL NIGHT WHICH CREATES HEAVY SMOKE OUTSIDE AND INSIDE OF HOME. (MAP 104)	CO
31	BURNING OF TRASH (4TH AVE & MOUNTAIN VIEW RD)	CO
31	CONSTANT/CONTINUOUS BURNING OF TRASH, LOGS, ETC.,	CO
31	BURNING OF DEBRIS ETC., BURNED ALL NIGHT AND TODAY IT IS STILL SMOLDERING ON A HPA DAY (SEE CC272355)	CO
31	PHONE 5/13@1045PM BURNING LATE AT NIGHT A CONTINUOUS PROBLEM BURNS ALL THE TIME EVEN ON HPA DAYS ETC.,	CO
31	PHONE 5/13@1120PM CONTINUOUS BURNING SEE CC272858	CO
31	PHONE 5/13@101AM STILL BURNING IF THIS DOESN'T GET RESOLVED HE WANTS TO SPEAK TO A SUPERVISOR SEE CC272858 & CC272859	CO
31	NEIGHBOR BURNING RIGHT NOW (4:40PM) & JUST ADDED ACCELERANT TO FIRE.	CO
31	PHONE 5/18@431PM CONTINUOUS BURNING STATED HE HAS COMPLAINED BEFORE MULTIPLE TIMES AND THE PERSON STILL CONTINUES TO BURN ETC., ETC.,	CO
31	5/22/18@4:45 RESIDENT HAS A FIRE ONGOING IN HIS BACKYARD, CC NOT HAPPY WITH ALL THE SMOKE. VINCINITY 7TH AVE AND MOUNTAIN VIEW RD.	CO
31	5/29/18@2:40 - RESIDENTCONSTANTLY BURNING WOOD IN BACKYARD, SMOKE IS STRONG CAUSING CC ALLERGIE PROBLEMS. HARD TRYING TO GET SMOKE SMELL OUT OF CC HOME. VINCINITY 4TH AVE AND MOUNTAIN VIEW RD.	CO
31	CC STATES NEIGHBOR IS BURNING WOOD AGAIN ON A NO BURN DAY. THE SMOKE SMELL IS BOTHERSOME. 4TH AVE/MOUNTAIN VIEW RD	CO
31	LEFT ON VM 6/6@847PM PERSON BURNING AGAIN A LOT OF SMOKE IN THE NEIGHBORHOOD	CO
31	LEFT ON VM 6/24@749PM PERSON BURNING AGAIN A LOT OF SMOKE IN THE NEIGHBORHOOD ETC.,	CO
31	BURNING OPEN WOOD FIRE AT9625 N 4TH AVE.	HFO
31	SMOKE FROM BURNING WOOD FIRE 3 TIME LAST WEEK AND APRIL 19, 2019, NO BURN DAY. BURNING OPEN FIRE TILL 6PM	HFO

status_date	received_date	routed_cd	ct_cmpl_id	complaint_date	caller_first_name	caller_last_name	caller_phone	business_name	compute_0013	assigned_to	rf_cmpt_id	ct_cmpt_id	complaint_city	complaint_st_num
12/31/2009 13:15:00	12/30/2009 16:15:00	AC	237880	12/30/2009 16:14:51.587				NA	9625 N 4TH AVE	SDEPENBR	88	238064	PHOENIX	9625
12/27/2013 09:49:00	12/26/2013 15:53:00	AC	253568	12/26/2013 15:53:01.997				RESIDENCE	9625 N 4TH AVE	DSHAW	348	253752	PHOENIX	9625
01/02/2014 15:51:00	01/02/2014 14:54:00	AC	253737	01/02/2014 14:54:12.653				RESIDENCE	9625 N 4TH AVE	HZOLKIEW	348	253921	PHOENIX	9625
10/21/2014 11:28:00	10/14/2014 16:59:00	AC	256753	10/14/2014 16:59:01.55				RESIDENCE	9625 N 4TH AVE	ELEM	88	256937	PHOENIX	9625
10/17/2014 17:49:00	10/16/2014 11:10:00	AC	256768	10/16/2014 11:09:42.81				UNKNOWN	9625 N 4TH AVE	SFLYNN	88	256952	PHOENIX	9625
10/27/2014 13:54:00	10/27/2014 10:00:00	AC	256853	10/27/2014 10:00:10.647				RESIDENCE	9625 N 4TH AVE	PGARCIA	88	257037	PHOENIX	9625
11/14/2014 12:15:00	11/12/2014 10:53:00	AC	257052	11/12/2014 10:53:25.517				RESIDENCE	9625 N 4TH AVE	ELEM	88	257236	PHOENIX	9625
12/09/2014 14:22:00	12/08/2014 09:09:00	AC	257366	12/08/2014 09:09:14.73				RESIDENCE	9625 N 4TH AVE	ARUBIO	348	257550	PHOENIX	9625
12/31/2014 13:06:00	12/31/2014 10:08:00	AC	257844	12/31/2014 10:08:27.027				UNKNOWN	9625 N 4TH AVE	MMETCALF	88	258028	PHOENIX	9625
05/01/2018 14:55:00	04/05/2018 13:28:00	AC	272206	04/05/2018 13:27:39.863				RESIDENT	9625 N 4TH AVE	MBLAZE	88	272390	PHOENIX	9625
04/12/2018 11:48:00	04/12/2018 07:36:00	AC	272355	04/12/2018 07:36:09.667				RESIDENT	9625 N 4TH AVE	MMETCALF	88	272539	PHOENIX	9625
04/12/2018 11:52:00	04/12/2018 07:39:00	AC	272356	04/12/2018 07:39:16.003				RESIDENT	9625 N 4TH AVE	MMETCALF	88	272540	PHOENIX	9625
05/23/2018 12:20:00	05/14/2018 08:34:00	AC	272858	05/14/2018 08:33:54.24				RESIDENT	9625 N 4TH AVE	MBLAZE	88	273042	PHOENIX	9625
05/23/2018 12:19:00	05/14/2018 08:39:00	AC	272859	05/14/2018 08:39:18.957				RESIDENT	9625 N 4TH AVE	MBLAZE	88	273043	PHOENIX	9625
05/23/2018 12:20:00	05/14/2018 08:43:00	AC	272860	05/14/2018 08:42:56.89				RESIDENT	9625 N 4TH AVE	MBLAZE	88	273044	PHOENIX	9625
05/29/2018 09:22:00	05/15/2018 17:34:00	AC	272903	05/15/2018 17:34:23.847				RESIDENT	9625 N 4TH AVE	MBLAZE	88	273087	PHOENIX	9625
05/21/2018 13:38:00	05/21/2018 08:17:00	AC	272965	05/21/2018 08:16:31.257				RESIDENT	9625 N 4TH AVE	MMETCALF	88	273149	PHOENIX	9625
05/29/2018 10:17:00	05/22/2018 16:50:00	AC	273018	05/22/2018 16:49:44.633				UNKNOWN	9625 N 4TH AVE	MBLAZE	88	273202	PHOENIX	9625
08/06/2018 07:54:00	05/29/2018 15:06:00	AC	273119	05/29/2018 15:05:31.313				UNKNOWN	9625 N 4TH AVE	MBLAZE	88	273303	PHOENIX	9625
08/06/2018 07:53:00	05/30/2018 16:03:00	AC	273135	05/30/2018 16:02:32.18				CHOPCO	9625 N 4TH AVE	MBLAZE	88	273319	PHOENIX	9625
06/07/2018 09:07:00	06/07/2018 07:57:00	AC	273268	06/07/2018 07:57:11.45				RESIDENT	9625 N 4TH AVE	MBLAZE	88	273452	PHOENIX	9625
06/25/2018 09:11:00	06/25/2018 07:23:00	AC	273566	06/25/2018 07:22:48.407				RESIDENT	9625 N 4TH AVE	MBLAZE	88	273750	PHOENIX	9625
04/22/2019 16:18:00	04/22/2019 10:44:00	AC	276704	04/22/2019 10:43:34.75				TOMMY CHOPKO	9625 N 4TH AVE	MBLAZE	88	276888	PHOENIX	9625
04/22/2019 16:47:00	04/22/2019 11:01:00	AC	276705	04/22/2019 11:00:53.88				TOMMY CHOPCO	9625 N 4TH AVE	MBLAZE	88	276889	PHOENIX	9625

complaint_st_dir	complaint_st_name	complaint_st_suffix	complaint_zip	last_modified_by	site_location	complaint_cross_st1	complaint_cross_st2	caller_email	latitude	longitude	description
N	4TH AVE		85021	MRODRIGU		7TH AVE	DUNLAP AVE				OPEN OR ILLEGAL OUTSIDE BURNING
N	4TH AVE		85021	DPEREZ		7TH AVE	DUNLAP AVE				P-26 RESIDENTIAL WOODBURNING RESTRICTION
N	4TH AVE		85021	DPEREZ		7TH AVE	DUNLAP AVE				P-26 RESIDENTIAL WOODBURNING RESTRICTION
N	4TH AVE			BMUNOZ		7TH AVE	NORTHERN AVE				OPEN OR ILLEGAL OUTSIDE BURNING
N	4TH AVE		85021	ARONCAL		7TH AVE	DUNLAP AVE				OPEN OR ILLEGAL OUTSIDE BURNING
N	4TH AVE		85021	DPEREZ		7TH AVE	DUNLAP AVE				OPEN OR ILLEGAL OUTSIDE BURNING
N	4TH AVE			BMUNOZ		5TH AVE	HATCHER				OPEN OR ILLEGAL OUTSIDE BURNING
N	4TH AVE			DPEREZ		7TH AVE	DUNLAP AVE				P-26 RESIDENTIAL WOODBURNING RESTRICTION
N	4TH AVE		85021	ALEO							OPEN OR ILLEGAL OUTSIDE BURNING
N	4TH AVE		85021	BMUNOZ		4TH AVE	HATCHER RD				OPEN OR ILLEGAL OUTSIDE BURNING
N	4TH AVE		85021	BMUNOZ		CENTRAL AVE	HATCHER RD				OPEN OR ILLEGAL OUTSIDE BURNING
N	4TH AVE		85021	BMUNOZ		CENTRAL AVE	HATCHER RD				OPEN OR ILLEGAL OUTSIDE BURNING
N	4TH AVE		85021	BMUNOZ		CENTRAL AVE	HATCHER RD				OPEN OR ILLEGAL OUTSIDE BURNING
N	4TH AVE		85021	BMUNOZ		CENTRAL AVE	HATCHER RD				OPEN OR ILLEGAL OUTSIDE BURNING
N	4TH AVE		85021	BMUNOZ		CENTRAL AVE	HATCHER RD				OPEN OR ILLEGAL OUTSIDE BURNING
N	4TH AVE			SMACDONA		7TH ST	HATCHER				OPEN OR ILLEGAL OUTSIDE BURNING
N	4TH AVE			BMUNOZ		CENTRAL AVE	HATCHER RD				OPEN OR ILLEGAL OUTSIDE BURNING
N	4TH AVE		85021	VADAMS		7TH AVE	DUNLAP AVE				OPEN OR ILLEGAL OUTSIDE BURNING
N	4TH AVE		85021	VADAMS		7TH AVE	HATCHER RD				OPEN OR ILLEGAL OUTSIDE BURNING
N	4TH AVE			TGREENE		7TH AVE	DUNLAP AVE				OPEN OR ILLEGAL OUTSIDE BURNING
N	4TH AVE		85021	BMUNOZ		CENTRAL AVE	HATCHER RD				OPEN OR ILLEGAL OUTSIDE BURNING
N	4TH AVE		85021	BMUNOZ		CENTRAL AVE	HATCHER RD				OPEN OR ILLEGAL OUTSIDE BURNING
N	4TH AVE		85201	AUGBOR		7TH AVE	DUNLAP RD				OPEN OR ILLEGAL OUTSIDE BURNING
N	4TH AVE		85201	AUGBOR		7TH AVE	DUNLAP AVE				OPEN OR ILLEGAL OUTSIDE BURNING



AQ-2019-002-Ordinance P-26 (Residential Woodburning Restriction)
Draft Ordinance P-26 for Board of Health Meeting: April 22, 2019
Submit Comments on [EROP](#)

Maricopa County Air Quality Department
Planning & Analysis Division
3800 N. Central Avenue, Suite 1400
Phoenix, AZ 85012

**_MARICOPA COUNTY ORDINANCE
AIR POLLUTION CONTROL REGULATIONS**

P-26

RESIDENTIAL WOODBURNING RESTRICTION BURNING RESTRICTIONS

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- C. EXEMPTIONS

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- C. AREA A
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- N. M. RESTRICTED-BURN PERIOD
- N. SEASONED WOOD

Comment 2.1

Commented [WC1]:

- removal of uncertified wood burning stoves upon home resale
- restrictions on wood burning devices in new construction,
- restrictions on the installation of wood burning fireplaces
- requirement that all wood burning stoves sold or transferred meet current NSPS certification standards



- O. SOLE SOURCE OF HEAT
- ~~P. WOODBURNING CHIMNEY~~
- P. SOLID FUEL

SECTION 3 – BURNING RESTRICTIONS

- A. ~~RESTRICTED OPERATION DURING RESTRICTED-BURN PERIODS~~
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- C. ~~LAWFUL OPERATION~~ ADDITIONAL RESTRICTIONS
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~~Adopted 10/05/94~~
~~Revised 04/21/99~~
~~Revised 11/17/99~~
~~Revised 03/26/08~~

Adopted 10/05/94; Revised 04/21/99; Revised 11/17/99; Revised 03/26/08; Revised
 XX/XX/XXXX

**MARICOPA COUNTY ORDINANCE
 AIR POLLUTION CONTROL REGULATIONS**

P-26

RESIDENTIAL WOODBURNING RESTRICTION BURNING RESTRICTIONS

SECTION 1 – GENERAL

- A. **PURPOSE:** ~~The Residential Woodburning Restriction Ordinance. This ordinance restricts residential woodburning in a non-approved device, outdoor fire pits, woodburning chimineas, and similar outdoor fires burning when monitoring or forecasting indicates that air quality standards are likely to be exceeded and restricts residential burning of prohibited materials.~~
- B. **APPLICABILITY:** ~~The Residential Woodburning Restriction Ordinance. This ordinance applies to any residential woodburning device, outdoor fire pits, woodburning chimineas, and similar outdoor fires that are within Maricopa County or within incorporated cities and towns in such sections. The Residential Woodburning Restrictions Ordinance does not apply to barbecue devices and mesquite grills.~~
 - 1. Any residential woodburning device that is located within sections of Area A that are within Maricopa County;
 - 2. Any chiminea, outdoor fireplace, or other outdoor device that is located at a residence and burns solid fuel; and
 - 3. Any outdoor fire pit or similar outdoor fire that is located at a residence, burns solid fuel, and is used exclusively for recreation or ambiance, or to provide warmth for human beings. However, any outdoor fire pit or similar outdoor fire that is not used exclusively for these purposes must comply with Rule 314 of these rules.
- C. **EXEMPTIONS:** This ordinance does not apply to:
 - 1. Appliances, including but not limited to, grills, ovens, and smokers, that are used exclusively for the cooking, smoking, or flavoring of food; however any appliance that is exempt from this ordinance must comply with all applicable requirements in Rule 314 of these rules.
 - 2. Devices or equipment, including fire pits and fireplaces, that are designed and used to burn natural gas, propane, or liquefied petroleum gas exclusively.



SECTION 2 – DEFINITIONS: For the purpose of this ordinance, the following definitions shall apply:

A. ADEQUATE SOURCE OF HEAT: A permanently installed furnace or heating system, connected to or disconnected from its energy source, designed to heat utilizing oil, natural gas, electricity, or propane, and designed to maintain a minimum of 70° Fahrenheit at a point three feet above the floor in all normally inhabited areas of a residence.

B. APPROVED WOODBURNING DEVICE: The following residential devices shall be approved woodburning devices, even though such devices may burn a solid fuel other than wood:

1. A device that has been certified by the Environmental Protection Agency (EPA) as conforming to Phase II EPA Standards of Performance for Wood Heaters in 40 Code of Federal Regulations (CFR) 60, Subpart AAA as amended through July 1, 2006~~2018~~.

2. Any pellet stove.

~~3. Any gas burning hearth appliances, including a dedicated gas logset permanently installed in any kind of indoor or outdoor woodburning fireplace which is designed to burn exclusively natural gas or propane.~~

4. ~~3.~~ Any masonry heater or any other solid fuel burning device that meets performance standards that are equivalent to the standards in 40 CFR 60, Subpart AAA as amended through July 1, 2006, and that is approved by the Control Officer and the Administrator of EPA.

C. AREA A: ~~As defined in Arizona Revised Statutes (A.R.S.) § 49-541(1),~~ the area in Maricopa County delineated as follows:

- Township 8 North, Range 2 East and Range 3 East
- Township 7 North, Range 2 West through Range 5 East
- Township 6 North, Range 5 West through Range 6 East
- Township 5 North, Range 5 West through Range 7 East
- Township 4 North, Range 5 West through Range 8 East
- Township 3 North, Range 5 West through Range 8 East
- Township 2 North, Range 5 West through Range 8 East
- Township 1 North, Range 5 West through Range 7 East
- Township 1 South, Range 5 West through Range 7 East
- Township 2 South, Range 5 West through Range 7 East
- Township 3 South, Range 5 West through Range 1 East
- Township 4 South, Range 5 West through Range 1 East

D. BURN DOWN PERIOD: ~~That period of time, not to exceed three hours after declaring a restricted burn period, required for the cessation of combustion within any residential woodburning device, outdoor fire pit, woodburning chiminea, or similar outdoor fire by withholding fuel or by modifying the air to fuel ratio.~~

Comment 2.2

Commented [WC2]: Recommend updating this to the latest version of the NSPS

Comment 2.3

Commented [WC3]: Recommend deleting to avoid director's discretion issue. Also, EPA probably would not be able to "approve" any devices that do not meet current (2015) NSPS.

Commented [WC4]: Suggest deleting in case the statutory definition is subsequently revised

Comment 2.4



- ~~E. **CARBON MONOXIDE (CO) STANDARD:** The maximum allowable eight-hour concentration that is nine parts of contaminant per million parts of air by volume (ppm).~~
- ~~D. **CHARCOAL:** The carbon and hydrocarbon residue that remains after water and other volatile constituents of wood have been removed by pyrolysis.~~
- ~~E. **CHIMINEA:** A device made from clay, aluminum, steel, or another non-combustible material, that is designed to burn solid fuel, and that is used outside to provide warmth or for aesthetic purposes.~~
- ~~F. **CHIMNEY:** A passage for smoke that is usually made of bricks, stone, or metal and often rises two feet above the roof of a building. An approved, factory-built chimney will have a label on each chimney connector and gas vent specifying that such chimney can be used for all fuels and will show the minimum safe clearances to combustibles.~~
- ~~G. **FLUE:** Any duct or passage for air or combustion gases, such as a stack or chimney.~~
- ~~G. **INAPPROPRIATE FUEL:** Includes, but is not limited to: leaves, grass clippings, green plants, refuse, paper, rubbish, books, magazines, fiberboard, packaging, rags, fabrics, animal waste, animal carcasses, coal, waste oil, liquid or gelatinous hydrocarbons, tar, asphalt products, waste petroleum products, paints and solvents, chemically soaked wood, wood with a moisture content of greater than 20 percent, treated wood, plastic or plastic products, rubber or rubber products, office records, sensitive or classified wastes, or any substance which normally emits dense smoke or obnoxious odors other than paper to start the fire or properly seasoned wood.~~
- ~~H. **NONATTAINMENT AREA:** An area so designated by the Administrator of the EPA, acting pursuant to Section 107 of the Clean Air Act, as exceeding national primary or secondary ambient air standards for a particular pollutant or pollutants.~~
- ~~H. **MANUFACTURED FIRELOG:** A log that is made from recycled wood, such as sawdust, that is compressed to form a log or mixed with a binder and extruded into a log shape.~~
- ~~I. **OUTDOOR FIRE PITS AND SIMILAR OUTDOOR FIRES:** Any combustion of material outdoors, where solid fuels including wood or any other non-gaseous or non-liquid fuels are burned in the fuel bed, and the products of combustion are not directed through a flue or chimney.~~
- ~~J. **OUTDOOR FIREPLACES AND OTHER OUTDOOR DEVICES:** Any combustion of solid fuels in an outdoor fuel bed where the products of combustion are directed through a flue or chimney.~~
- ~~J. **OZONE STANDARD:** The maximum allowable eight-hour concentration within a 24-hour period (midnight to midnight) that is 0.08 parts of contaminant per million parts of air by volume (ppm).~~



- ~~K.~~ **PARTICULATE MATTER NO-BURN STANDARD:** If either of the following maximum allowable 24-hour concentrations is forecast for particulate matter:
 PM₁₀-120 micrograms per cubic meter;
 PM_{2.5}-30 micrograms per cubic meter.
- ~~L.~~ **PARTICULATE MATTER STANDARDS:** The maximum allowable 24-hour concentration that is:
 PM₁₀-150 micrograms per cubic meter;
 PM_{2.5}-35 micrograms per cubic meter.
- K.** **PROHIBITED MATERIAL:** Aerosol spray cans; animal carcasses; animal waste; antifreeze; asbestos; asphalt, asphalt shingles and other asphalt products; batteries; chemically treated or soaked wood; cleaners; coal; counter tops; electrical wire insulation; explosives or ammunition; fabrics; fiberboard; flammable liquids; flooring; furniture; garbage; grass clippings; green plants; hazardous material containers, including those that contain lead, cadmium, mercury, and arsenic compounds; hazardous waste; insulation; landscape waste; painted wood; paper and paper products, including books, magazines, and office records; leaves; liquid or gelatinous hydrocarbons; oleanders; packaging; paints; pesticides, pesticide bags, and pesticide containers; plastic, including plastic bags and other plastic products; polyester products; rags; refuse; rubbish; solvents; stains; tar and tar paper; tires; transformer oils; tree trimmings; varnishes; waste petroleum products, including waste crankcase oil, transmission oil, and oil filters; any substance that emits dense smoke or obnoxious odors; and any material other than seasoned wood.
- ~~M.~~ **L.** **RESIDENTIAL WOODBURNING DEVICE:** A woodburning device designed for solid fuel combustion so that ~~generates usable heat is derived for the interior of~~ inside a residence. These devices can be used for aesthetic or space-heating purposes.
- ~~N.~~ **M.** **RESTRICTED-BURN PERIOD:** A condition declared by the Control Officer whenever meteorological conditions are conducive to an accumulation of CO, ozone and/or particulate matter in exceedance of the standards or when air quality reaches other limits established by the Control Officer.
- N.** **SEASONED WOOD:** Wood with a moisture content less than or equal to 20 percent, as determined using a moisture meter that is operated in accordance with the manufacturer's recommendations. For the purposes of this rule, seasoned wood includes charcoal and manufactured firelogs.
- O.** **SOLE SOURCE OF HEAT:** One or more residential woodburning devices which constitute the only source of heat in a residence and/or the sole source of fuel for cooking for a residence. No residential woodburning device shall be considered the sole source of heat if the residence is equipped with a permanently installed furnace or heating system which utilizes oil, natural gas, electricity, or propane and which is designed to heat the residence whether or not such furnace or heating system is connected to or disconnected

Comment 2.5

Commented [WC5]: What about pellets?



from its energy source. However, this definition shall not supersede municipal or County Building Code requirements as per authority of A.R.S. §§ 9-499.01, 9-240(B)(7), 9-276(A)(13)-(A)(15), A.R.S. § 9-801 *et seq.*

Comment 2.6

Commented [WC6]: MCAQD should explain what these provisions are and how they will not interfere with enforceability of the rule

- P. **WOODBURNING CHIMINEA:** Chimineas are burning devices made from clay, aluminum, or steel and are used for warmth and aesthetics outside in yards and patios. Chimineas are designed to burn solid fuels.
- P. **SOLID FUEL:** Any fuel that is in a solid state prior to combustion.

SECTION 3 – BURNING RESTRICTIONS:

- A. **RESTRICTED OPERATION DURING RESTRICTED BURN PERIODS:** During a declared restricted burn period, a person shall be restricted from operating a residential woodburning device, an outdoor fire pit, a woodburning chiminea, or similar outdoor fire, in sections of Area A that are within Maricopa County or within incorporated cities and towns in such sections. Exemptions to this requirement are described in Section 3(C) and Section 4 of this ordinance.
- B. **A. UNLAWFUL OPERATION:** A person shall: **RESTRICTED-BURN PERIODS:** During a restricted-burn period declared by the Control Officer, a person shall:
 1. Not operate a residential woodburning device, an outdoor fire pit, a woodburning chiminea, or similar outdoor fire such that emissions to the atmosphere are visible during a restricted burn period declared by the Control Officer. Not operate a residential woodburning device, unless one of the following exemptions applies:
 - a. During a declared restricted-burn period, a person may operate a residential woodburning device if the Control Officer has issued an exemption for such device according to Section 4 of this ordinance, the device is installed according to the instructions and restrictions specified by the manufacturer, only seasoned wood is ignited, and no visible emissions to the atmosphere are produced after 20 consecutive minutes immediately following an ignition of, or a refueling of, such residential woodburning device.
 - b. During a declared restricted-burn period, a person may operate an approved residential woodburning device if such device meets the requirements of Maricopa County Air Pollution Control Regulations Rule 318 (Approval of Residential Woodburning Devices), the device is installed according to the instructions and restrictions specified by the manufacturer, only seasoned wood is ignited, and no visible emissions to the atmosphere are produced after 20 consecutive minutes immediately following an ignition of, or a refueling of, such residential woodburning device.
 2. Not operate a residential woodburning device, an outdoor fire pit, a woodburning chiminea, or similar outdoor fire unless such residential woodburning device, outdoor fire pit, woodburning chiminea, or similar outdoor fire has been installed according to

Comment 2.7

Commented [WC7]: Recommend deleting the reference to Rule 318, which is outdated (relies on old NSPS and has director's discretion issues) and instead just use "approved residential woodburning device" (already defined in this ordinance)



~~the instructions and restrictions specified by the manufacturer. Not operate a chiminea, outdoor fireplace, or any other outdoor device that burns solid fuel.~~

3. ~~Not use a fuel in a residential woodburning device, an outdoor fire pit, a woodburning chiminea, or similar outdoor fire except those fuels that are recommended by the manufacturer. Not operate a fire pit or similar outdoor fire.~~
4. ~~Not burn inappropriate fuel in a residential woodburning device, an outdoor fire pit, a woodburning chiminea, or similar outdoor fire.~~

B. WHEN RESIDENTIAL BURNING IS ALLOWED: When the Control Officer has not declared a restricted burn period, a person shall not:

1. Operate a residential woodburning device, unless such residential woodburning device has been installed according to the instructions and restrictions specified by the manufacturer.
2. Ignite any fuel other than seasoned wood.

C. LAWFUL OPERATION; ADDITIONAL RESTRICTIONS: At any time, a person shall not:

1. ~~During a declared restricted burn period, a person may operate a residential woodburning device if the Control Officer has issued an exemption for such device according to Section 4 of this ordinance and if no visible emissions to the atmosphere are produced after 20 consecutive minutes immediately following an ignition of or a refueling of such residential woodburning device. Burn or attempt to burn any prohibited material in a residential woodburning device.~~
2. ~~During a declared restricted burn period, a person may operate a residential woodburning device if such device meets the requirements of Maricopa County Air Pollution Control Regulations Rule 318 (Approval of Residential Woodburning Devices) and if no visible emissions to the atmosphere are produced after 20 consecutive minutes immediately following an ignition of, or a refueling of, such residential woodburning device. Burn or attempt to burn any prohibited material in a chiminea, an outdoor fireplace, or any other outdoor device that burns solid fuel.~~
3. ~~During a declared restricted burn period, a person may operate a residential woodburning device, an outdoor fire pit, woodburning chiminea, or similar outdoor fire, if such device is designed to burn exclusively natural gas or propane. Burn or attempt to burn any prohibited material in a fire pit or similar outdoor fire.~~

D. DECLARATION OF A RESTRICTED-BURN PERIOD:

1. The Control Officer shall declare a restricted-burn period if, after reviewing available meteorological data, atmospheric conditions, and ambient temperatures, the Control Officer determines that air pollution levels could exceed: ~~the carbon monoxide (CO) standard, the ozone standard, and/or the particulate matter no-burn standard.~~



a. ~~The primary ambient air quality standard for carbon monoxide, eight-hour average, in Rule 510 of these rules;~~

b. ~~The primary ambient air quality standard for ozone, An eight-hour average, in Rule 510 of these rules; or ozone concentration of 0.070 parts per million;~~

c. Either of the following 24-hour average concentrations for particulate matter:

(1) PM10 – 120 micrograms per cubic meter; or

(2) PM2.5 – 30 micrograms per cubic meter.

2. A person responsible for ~~any a residential woodburning device, outdoor fire pit, woodburning chiminea, or similar outdoor fire or device listed in Section 1(B) of this ordinance,~~ excluding those devices described in ~~Section 3(C) Sections 3(A)(1)(a) and 3(A)(1)(b)~~ of this ordinance, already in operation at the time a restricted-burn period is declared shall withhold new fuel from the ~~residential woodburning device, outdoor fire pit, woodburning chiminea, or similar outdoor fire or device~~ for the duration of the restricted-burn period.

3. Any person operating or in control of a ~~residential woodburning device, outdoor fire pit, woodburning chiminea, or similar outdoor fire~~ in sections of Area A that are within ~~Maricopa County or within incorporated cities and towns in such sections~~ fire or device listed in Section 1(B) of this ordinance has a duty to know when a restricted-burn period has been declared.

4. Notice of a restricted-burn period shall be distributed ~~over the wire service to electronic and print media~~ and/or announced by a ~~recorded telephone message~~ at least three hours before initiating any enforcement action for a violation of this ordinance. Notice of a restricted-burn period shall be distributed and/or announced using one or more of the following methods:

a. Press releases to electronic and print media;

b. Email and/or text messages;

c. Social media;

d. The Maricopa County Air Quality Department website;

e. The Clean Air Make More website and mobile application;

f. By a recorded telephone message.

E. VIOLATIONS, NOTICES, AND PENALTIES: For purposes of this ordinance, and in accordance with A.R.S. §11-871(D):

1. When the Control Officer has reasonable cause to believe that any person has violated or is in violation of any provision of this ordinance, the Control Officer shall issue, for the first violation of this ordinance, a warning notice which includes a summary of the Maricopa County Residential ~~Woodburning Restriction Ordinance~~ Burning Restrictions ordinance and information on proper woodburning techniques.

Comment 2.8

Commented [WC8]: SIP-approved version of 510 uses the 1997 ozone standard (0.08 ppm.) and current Maricopa county version uses the 2008 standard (0.075 ppm).

Comment 2.9

Commented [WC9]: Should not be submitted into the SIP.



2. The Control Officer ~~may shall~~ impose a civil penalty of \$50 to any person who violates this ordinance for the second ~~violation within a one year period~~ time after having been issued a warning notice for the first violation of this ordinance.
3. For the third violation of this ordinance, the Control Officer ~~may shall~~ impose a civil penalty of \$100. The Control Officer ~~may shall~~ impose a civil penalty of \$250 for the fourth or any subsequent violation of this ordinance. After having been issued a citation for a violation of this ordinance, the violation may be refuted by demonstration that the smoke was not caused by a ~~residential woodburning device, an outdoor fire pit, a woodburning chiminea, or similar outdoor fire~~ or a device listed in Section 1(B) of this ordinance or by proof of an exemption pursuant to Section 4 of this ordinance.
4. ~~Only those violations of this ordinance which have occurred within one year of a present offense shall be considered as prior violations. No person shall be cited for a violation of this ordinance more than once in any calendar day. Each day of violation constitutes a separate offense.~~

SECTION 4 – PARTIAL EXEMPTIONS THAT REQUIRE CONTROL OFFICER APPROVAL

- A. **RESIDENTIAL SOLE SOURCE OF HEAT EXEMPTION:** The Control Officer may grant a residential sole source of heat exemption if the Control Officer determines that a residential woodburning device meets the criteria of sole source of heat as described in Section 2(O) of this ordinance. The recipient of a residential sole source of heat exemption must apply annually to the Control Officer for renewal of such exemption, if such exemption is still necessary. The Control Officer shall not issue a residential sole source of heat exemption after December 31, 1995. However, the Control Officer may renew a residential sole source of heat exemption if such exemption was issued before December 31, 1995 and if the residential woodburning device meets the criteria of sole source of heat as described in Section 2(O) of this ordinance.
- B. **TEMPORARY SOLE SOURCE OF HEAT EXEMPTION:** The Control Officer may issue a temporary sole source of heat exemption for economic or health reasons if the Control Officer determines that the applicant qualifies for financial assistance, according to the economic guidelines established under the ~~Food Stamps~~ Nutrition Assistance, Medicaid ~~Medical Assistance~~, or low income home energy assistance programs, as administered by the ~~Income Support Division~~ Arizona Department of Economic Security, or if the Control Officer determines that failure to grant a temporary sole source of heat exemption would endanger the health of the applicant. A temporary sole source of heat exemption shall not be issued for more than 150 days.
- C. **EMERGENCY EXEMPTION:** The Control Officer may issue an emergency exemption if the Control Officer determines that an emergency situation exists. An emergency exemption shall be valid for a period determined by the Control Officer, but shall not exceed one year from the date it is issued. An emergency situation shall include, but is not limited to, the following:



1. A situation where a person demonstrates that his heating system, other than a residential woodburning device, is inoperable for reasons other than his own actions; or
2. A situation where a person demonstrates that his heating system has been involuntarily disconnected by a utility company or other fuel supplier.

D. INADEQUATE ALTERNATE SOURCE OF HEAT EXEMPTION: The Control Officer may issue an inadequate alternate source of heat exemption if the Control Officer determines:

1. That there is a heat source other than a residential woodburning device available to the residence;
2. That such heat source is not a sole source of heat, as defined in Section 2(O) of this ordinance, and that such heat source is used in conjunction with a residential woodburning device;
3. That such heat source is not an approved woodburning device, ~~as defined in Maricopa County Air Pollution Control Regulations Rule 318 (Approval of Residential Woodburning Devices);~~ and
4. That such heat source is not an adequate source of heat, as defined in Section 2(A) of this ordinance.

The recipient of an inadequate alternate source of heat exemption must comply with municipal or County Building Code requirements (as per authority of A.R.S. §§ 9-499.01, 9-240(B)(7), 9-276(A)(13)–(A)(15), A.R.S. § 9-801 *et seq.*) and must apply annually to the Control Officer for renewal of such exemption, if such exemption is still necessary. The Control Officer shall not issue an inadequate alternate source of heat exemption after December 31, 1995. However, the Control Officer may renew an inadequate alternate source of heat exemption, if such exemption was issued before December 31, 1995 and if the residential woodburning device meets the criteria of this ordinance.

E. APPLICATION FOR AN ~~AN~~ A PARTIAL EXEMPTION: Any person seeking an exemption shall do so by submitting an acceptable written application to the Control Officer. An application shall state:

1. The applicant's name and mailing address;
2. The address for which the exemption is sought; and
3. The reasons for seeking the exemption.

F. ACTION ON AN ~~AN~~ A PARTIAL EXEMPTION APPLICATION: Following the receipt of an exemption application, the Control Officer shall either grant the exemption, grant the exemption subject to conditions, or deny the exemption. The Control Officer shall notify, in writing, the applicant of such decision.

Comment 2.10

Commented [WC10]: Suggest removing reference to rule 318 and just using definition of "approved woodburning device" in this ordinance.