A Regional Summary of State Activities on Outdoor Wood Boilers

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MassDEP
Outdoor Wood Boilers are a problem

- Local impacts on neighbors
  - Nuisance impacts
  - Health impacts
Need I say more?
Addressing the Problem

- Recognition by states that OWBs are a growing problem
  - 1997 Vermont regulation
  - 2005 Proposed revisions to OWB rule
- NY Attorney General’s report – The Smoke Gets in Your Lungs, 2005
- NESCAUM report – Assessment of Outdoor Wood Boilers, 2006
- NESCAUM Model Rule - 2007
U.S. EPA

Voluntary Program
- Encourage manufacturers to make cleaner models available to customers in 2007
- Standard – 0.6 lb/MMBtu input
- Must certify using 3rd party or EPA’s ETV Program

Looking at going to a Phase II number
- Leaning toward NESCAUM Phase II standard
U.S. EPA

Environmental Technology Verification (ETV) Program
- EPA website for the voluntary program now lists 1 unit as meeting voluntary standard
NESCAUM Model Rule

- Emission Standards in two phases
  - Phase I – 3/31/08 - 0.44 lb/MMBtu input
  - Phase II – 3/31/10 - 0.32 lb/MMBtu output, not to exceed 15 g/hr

- Existing Units
  - Propose 3 options to address
  - 500 ft. setback to property line
  - Stack Height requirement
NESCAUM Model Rule

- **Certification**
  - Units must be certified by accredited 3rd party lab

- **Labeling**
  - Permanent label
  - Hang-tag label with consumer information
Connecticut

- PA 05-027 and Outdoor Wood Burning Furnaces
- Requires an OWF installed after 7/11/05 must:
  - operate only on wood that has not been chemically treated
  - 200 foot setback to nearest residence not being served by the unit
  - have a chimney that is more than the height of the roof peaks of residences within 500 feet of the OWF, provided the chimney height is not more than 55 feet
  - subject to infraction, not to exceed $90/day, for each day not in compliance with Public Act 05-227
Maine

- Public hearing on draft rule held 8/16/07
- Emission Standards
  - Phase I - 0.6 lb/MMBtu (EPA voluntary std.)
  - Phase II - 0.32 lb/MMBtu output
- Setbacks:
  - 200 feet to property line for existing units
  - 100 feet to property line for Phase I
  - 50 feet to property line for Phase II
Maine

- Specific definition for “Nuisance”
- At least 8 municipalities have local rules
Massachusetts

- 34 municipalities have passed a by-law or ordinance to address OWBs

- Range of regulations:
  - Bans on new, and in some cases, existing OWBs
  - Setbacks
  - Permitting requirements

- MassDEP must review and approve regulations
Massachusetts

- MassDEP has drafted OWB regulations
- Regulations still under internal DEP review
- Emission standards based upon NESCAUM Model Rule in two phases:
  - Phase I – 0.44 lb/MMBtu input
  - Phase II – 0.32 lb/MMBtu output
Suggestions for Developing a Municipal OWB Regulation in Massachusetts

- As of August, 34 municipalities in Mass have drafted rules regulating or banning OWBs
- MassDEP must approve of regulations adopted under M.G.L. C.111, s.31C
Suggestions for Developing an OWB Regulation in Massachusetts

- Suggest talking to MassDEP before rule drafted
  - DEP can direct you to good examples of local regulations
  - Explain the MassDEP approval process
  - Public hearing by board of health required
  - Rule must be published in local newspaper or posted in public place after approval by MassDEP
New Hampshire

- Feel that legislative approval is necessary
- Anticipate bills to be filed in the legislature this year
New York

- Developing regulations
- New units – 100 foot setback
- Go straight to Phase II emission standard of 0.32 lb/MMBtu
- Existing units
  - Possible 500 foot setback
  - Looking at a buyback program
New York

- Look to have rule in place by this time in 2008
- Looking at full certification program in line with NESCAUM Model Rule
Rhode Island

- Nothing to report
Vermont

- Revised OWB rule went into effect 4/27/07
- Sets emission standard of 0.44 lb/MMBtu for new units sold after 3/31/08
- Previous rules with setbacks remain in effect
- Commitment to propose new rule with more stringent emission standard of 0.32 lb/MMBtu by 3/31/08
Other States

- Wisconsin
  - Model Ordinance for OWBs and other outdoor burning:

- Washington
  - 4.5 g/hr emission standard for solid fuel burning devices
Other States

- Minnesota
  - Currently OWBs not regulated
  - Several local municipalities have adopted rules
  - Considering whether to write regulations
    - Considering either EPA voluntary standard or NESCAUM Phase I standard if it gains traction
Late Breaking News

HPBA (Hearth, Patio and Barbecue Assoc) has apparently written a letter to EPA asking EPA to develop a NSPA for OWBs

- This would be done to get one nationwide standard rather than a patchwork of state and local rules
- Such a standard generally would take several years
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