

A Regional Summary of State Activities on Outdoor Wood Boilers

James Doucett

Deputy Director, Business Compliance Division

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:
 - <http://dnr.wi.gov/environmentprotect/ob/pdf/OBModelOrdinance.pdf>
- 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

Contacts:

- Connecticut

- Jaimeson Sinclair – 860-424-3408
- jaimeson.sinclair@po.state.ct.us

- Maine

- Louis Fontaine – 207-287-2437
- Louis.Fontaine@maine.gov

- Massachusetts

- Marc Cohen – 617-292-5873
- marc.cohen@state.ma.us

Contacts:

- New Hampshire
 - Pam Monroe – 603-271-0882
 - PMonroe@DES.State.NH.US
- New York
 - John Barnes
- Rhode Island
 - Ted Burns - 401-222-2808, ext. 7013
 - ted.burns@dem.ri.gov
- Vermont
 - Phil Etter - 802-241-3847
 - phil.etter@state.vt.us

Contacts:

- EPA ETV Program:
 - Mike Kosusko, EPA - 919-541-2734
- James Doucett
 - 617-292-5868
 - james.doucett@state.ma.us