

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Institute Voluntary Emissions Standards for Outdoor Wood Boilers

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §582, sub-§8-C, ¶A, as enacted by PL 2007, c. 442, §1, is amended to read:

A. Designed to burn wood, biomass fuel products or other solid fuels;

Sec. 2. 38 MRSA §582, sub-§8-C, ¶B, as enacted by PL 2007, c. 442, §1, is amended to read:

B. That the manufacturer specifies for outdoor installation or in structures not normally occupied by humans or is an indoor-rated device housed in a modular or containerized structure; and

Sec. 3. 38 MRSA §610-C, sub-§3, as enacted by PL 2007, c. 680, §2, is amended to read:

3. Application of fund. The department shall apply the money in the fund toward the upgrade, purchase and replacement of outdoor wood boilers ~~installed prior to February 1, 2008 and~~ determined by the department to constitute a nuisance condition or threat to public health or safety. The department shall adopt rules that include, but are not limited to, criteria for determining whether an outdoor wood boiler constitutes a nuisance condition or threat to public health or safety and is eligible for use of the fund, compensation criteria and amounts and procedures for certification and verification of removal and possible replacement of eligible outdoor wood boilers. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 4. Outdoor wood boiler rules. The Department of Environmental Protection shall adopt rule amendments to Chapter 150: Control of Emissions from Outdoor Wood Boilers, a rule of the Department of Environmental Protection, Bureau of Air Quality Control, that:

1. Change the current requirement that any person intending to install or operate an outdoor wood boiler must obtain an evaluation, a report and installation recommendations from a professional engineer to a requirement that the evaluation, report and installation recommendations must be obtained from a qualified professional, including a professional engineer or a master solid fuel technician;

2. Amend the definition of "commercial outdoor wood boiler" to exclude outdoor wood boilers used solely for space heating or domestic hot water; and

3. Establish a voluntary technology-forcing particulate emission limit for outdoor wood boilers and establish siting and stack height requirements for outdoor wood boilers meeting that emission limit. The siting and stack height requirements established pursuant to this subsection may be less stringent than the siting and stack height requirements established for outdoor wood boilers meeting the Phase II emission limit.

Notwithstanding anything to the contrary in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A and Title 38, section 610-B, last paragraph, the Department of Environmental Protection is not required to hold hearings or conduct other formal proceedings prior to adopting the rules amendments

in accordance with subsections 1 and 2. Notwithstanding Title 38, section 610-B, last paragraph, the initial rule amendments adopted pursuant to subsection 3 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. After adoption of the initial rule amendments pursuant to this section, any further rule amendment adopted pursuant to this section is considered a major substantive rule and is subject to legislative review in accordance with Title 5, chapter 375, subchapter 2-A.

SUMMARY

The bill amends the definition of "outdoor wood boiler." It eliminates a deadline associated with the Outdoor Wood Boiler Fund. It directs the Department of Environmental Protection to amend the department's rules regarding outdoor wood boilers by:

1. Changing the qualifications for those who may prepare an evaluation, a report and installation recommendations;
2. Amending the definition of "commercial outdoor wood boiler"; and
3. Establishing a voluntary technology-forcing particulate emission limit as an incentive to manufacturers to produce cleaner-burning units and to allow reduced setbacks for those units.