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SPEAKING IN OPPOSITION TO L.D. 502

AN ACT TO PROMOTE CLEAN AND AFFORDABLE MAINE-SOURCED  
BIOENERGY BY AMENDING THE LAW REGARDING OUTDOOR WOOD BOILERS  
AND OUTDOOR PELLET BOILERS

PRESENTED BY REP. ARDELL

BEFORE THE JOINT STANDING COMMITTEE  
ON  
ENVIRONMENT AND NATURAL RESOURCES

DATE OF HEARING:

February 24, 2025

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LD 502, An Act To Promote Clean and Affordable Maine-sourced Bioenergy by Amending the Law Regarding Outdoor Wood Boilers and Outdoor Pellet Boilers

Written Testimony of Jeffrey Crawford/DEP

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Senator Tepler, Representative Doudera, and members of the Committee, I am Jeffrey S. Crawford, Director of the Bureau of Air Quality at the Department of Environmental Protection, speaking in opposition to L.D.502.

This bill is virtually identical to L.D. 627, which was heard during the 131<sup>st</sup> Legislative Session and was opposed by the Department on several grounds.

Maine families, businesses, and industries have a long tradition of burning wood to provide heat, hot water, steam, and electricity. The Department of Environmental Protection supports the responsible, efficient, sustainable use of wood by Maine families and businesses to provide heat and hot water either as a primary or back-up source. Outdoor wood and pellet boilers have been used in Maine for many years, and in many cases, without incidence. However, in some cases, the use of outdoor wood and pellet boilers results in neighbors being impacted by odors, smoke, and other forms of air pollution from these devices.

It was these impacts that prompted the Legislature to direct the Department to regulate air emissions from outdoor wood and pellet boilers. In response, the Department adopted Chapter 150, *Control of Emissions from Outdoor Wood Boilers*, effective November 2007. Chapter 150 has since been submitted to EPA and approved as part of Maine's State Implementation Plan (SIP). As part of Maine's SIP, Chapter 150 is federally enforceable, and any relaxation of its requirements would trigger EPA's anti-backsliding provisions, meaning the Department would need to demonstrate that relaxing these requirements would not adversely impact air quality.

Regardless of the legal ramifications in relaxing the standards, there are also real-world implications. The Department receives, responds to, and works to resolve dozens of

complaints about the impacts from these wood-burning devices each year statewide.

Complaints about emissions from outdoor wood boilers are some of the most controversial and time-consuming complaints we deal with. Outdoor wood boiler complaints make up approximately 10% of the complaints we receive.

Chapter 150 contains requirements associated with the sale, installation, and operation of outdoor wood and pellet boilers including emission standards, set-back requirements, stack height requirements, operating requirements, and nuisance standards. In accordance with Chapter 150, outdoor wood and pellet boilers sold and installed after April 1, 2010, must:

1. be certified to meet a particulate matter emission limit of 0.32 lb/MMBtu on a heat output basis;
2. be set-back 50 feet from the nearest property line or 70 feet from the nearest dwelling; and
3. have a stack that extends 10 feet above ground level or 2 feet higher than the peak of the structure being served, if an abutting residence is located less than 300 feet from the boiler.

An outdoor wood boiler that is certified to meet a lower particulate matter emission limit of 0.06 lb/MMBtu and that meets the stack height requirements above is not subject to any set-back requirements.

LD 502, as proposed, would remove the set-back requirements for any outdoor wood or pellet boiler meeting a particulate matter emission limit of 0.32 lb/MMBtu on a heat output basis. This change would essentially allow all outdoor wood or pellet boilers (new or existing) that meet the stack height requirements to be located right up against a neighbor's property line which could also be very close to their home, a school building, or a medical care facility, where exposure to wood smoke can be harmful to people with respiratory conditions. Based on the Department's experience, this change would significantly increase the number of complaints that we receive about outdoor

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wood boilers and would significantly increase the potential exposure of Maine citizens to emissions from outdoor wood boilers. In our experience, the closer an outdoor wood boiler is to a neighboring property, the more likely neighbors are to be impacted by emissions from those units, and the more likely we are to receive complaints from the neighbors about odor, smoke, or other air pollutants.

Chapter 150 currently includes a prohibition on nuisance smoke, such that no outdoor wood boiler or outdoor pellet boiler is allowed to operate if it produces visible emissions that cross onto an adjacent property for more than 12 minutes in any hour. LD 502, as proposed, would also remove the nuisance condition criteria currently contained in Chapter 150 and would prevent the Department from establishing nuisance condition criteria to protect neighbors. This proposed change would severely hamper the Department's ability to address smoke-related complaints from people living adjacent to one or more outdoor wood boilers. The remaining recourse for impacted neighbors, other than through local ordinances, would be to seek resolution through the courts.

I would like to take this opportunity to point out that another bill addressing outdoor wood boilers was introduced during the 131<sup>st</sup> Legislative Session. L.D. 400, *Resolve, Directing the Department of Environmental Protection to Examine Setback Requirements for Outdoor Wood Boilers* was supported by the Department and enacted as PL 2023, resolve c.13. The Department's January 2024 *Review of Requirements for Outdoor Wood Boilers* report to the Legislature, required by that resolve, recommended no changes to the current setback requirements.

Thank you for your consideration in allowing this testimony. I'm joined here today by members of the Bureau of Air Quality technical staff, and together we would be happy to answer any questions that you might have.