

MAINE STATE LEGISLATURE

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Date: 6/8/07

L.D. 1824
(Filing No. H-494)

NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1272, L.D. 1824, Bill, "An Act To Declare a Moratorium on the Sale and Installation of High-emissions Outdoor Wood Boilers That Do Not Meet the Current Federal Environmental Protection Agency Standards for Wood Stoves"

Amend the bill by striking out the title and substituting the following:

'An Act To Regulate Outdoor Wood Boilers'

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this Act requires the Department of Environmental Protection to adopt major substantive rules to address issues relating to outdoor wood boilers; and

Whereas, the major substantive rules are to be adopted on an emergency basis pursuant to the Maine Revised Statutes, Title 5, section 8073 in order to have the rules in place prior to the height of the wood-burning season; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by striking out all of section 2 and inserting the following:

'Sec. 2. 38 MRSA §610-B is enacted to read:

COMMITTEE AMENDMENT

1 **§610-B. Outdoor wood boilers**

2 **1. Phase I emission standard.** A person may not sell or distribute for sale an
3 outdoor wood boiler after April 1, 2008 unless it meets a particulate matter emission limit
4 of 0.6 pounds per million British Thermal Units heat input.

5 This subsection is repealed April 1, 2010.

6 **2. Phase II emission standard.** A person may not sell or distribute for sale an
7 outdoor wood boiler after April 1, 2010 unless it meets a particulate matter emission limit
8 of 0.32 pounds per million British Thermal Units heat output.

9 **3. Nuisance condition.** A person may not operate an outdoor wood boiler in a
10 manner that creates a nuisance condition as defined in the department's rules.

11 The Department of Environmental Protection shall adopt rules to implement this
12 section. Notwithstanding section 592-A, the rules must include a definition of "nuisance
13 condition" specifically relating to the operation of outdoor wood boilers. Rules adopted
14 pursuant to this section are major substantive rules as defined in Title 5, chapter 375,
15 subchapter 2-A.

16 **Sec. 3. Emergency major substantive rules; outdoor wood boilers.** The
17 Department of Environmental Protection shall adopt rules related to outdoor wood
18 boilers. The rules must include provisions relating to siting, operation and labeling
19 requirements, stack heights, dealer and manufacturer reporting, public notification of
20 emission standards and operation and siting requirements, code enforcement officer
21 training, nuisance conditions and existing inventory issues. The rules must provide for
22 enforcement of the rules by the Department of Environmental Protection. Rules adopted
23 pursuant to this section and the Maine Revised Statutes, Title 38, section 610-B may be
24 adopted as emergency major substantive rules pursuant to Title 5, section 8073 and must
25 be submitted to the Legislature for review by January 15, 2008.

26 **Sec. 4. Reports; outdoor wood boilers.** The Department of Environmental
27 Protection shall submit reports as provided in this section.

28 **1. Report regarding resolution of outdoor wood boiler complaints.** By July 1,
29 2007 and every month thereafter by the first day of the month until January 1, 2008, the
30 Department of Environmental Protection shall report to the Joint Standing Committee on
31 Natural Resources on the status of the resolution of complaints regarding outdoor wood
32 boilers.

33 **2. Report regarding outdoor wood boiler technology.** By January 10, 2009, the
34 Department of Environmental Protection shall review outdoor wood boiler technology,
35 including the achievable emission limits of outdoor wood boilers, and submit a report on
36 the review to the joint standing committee of the Legislature having jurisdiction over
37 natural resources matters. The report must include the department's findings,
38 recommendations and any legislation necessary to implement the recommendations. The
39 joint standing committee of the Legislature having jurisdiction over natural resources
40 matters may submit legislation relating to the report to the First Regular Session of the
41 124th Legislature.



123rd MAINE LEGISLATURE

LD 1824

LR 2440(02)

An Act To Declare a Moratorium on the Sale and Installation of High-emissions Outdoor Wood Boilers That Do Not Meet the Current Federal Environmental Protection Agency Standards for Wood Stoves

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The additional costs associated with this legislation can be absorbed by the Department of Environmental Protection utilizing existing budgeted resources.