

MAINE STATE LEGISLATURE

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Date: 3/24/8

NATURAL RESOURCES

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

COMMITTEE AMENDMENT "A" to H.P. 1393, L.D. 2009, "Resolve, Regarding Legislative Review of Portions of Chapter 150: Control of Emissions from Outdoor Wood Boilers, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Air Quality Control"

Amend the resolve in section 1 in the last line (page 1, line 18 in L.D.) by striking out the following: "authorized." and inserting the following:

'authorized only if the rule is amended as follows:

1. The provision identified in the rule as Section 3, paragraph F regarding sell-through exemptions must be amended to add language indicating that the provision applies to outdoor wood boilers that were purchased and paid for in full before April 1, 2008 in addition to being received in the State before April 1, 2008;

2. The setback requirements for new outdoor wood boilers identified in the rule in Section 3, paragraph B must be amended to authorize installation of new outdoor wood boilers with setbacks from the nearest dwelling as follows:

A. The provision in the rule identified as subparagraph (1) regarding outdoor wood boilers with limits greater than 0.60 lbs/MMBtu heat input or with no certification must be amended to authorize installation at least 250 feet from the nearest property line or at least 270 feet from the nearest dwelling that is not on the same property as the boiler;

B. The provision in the rule identified as subparagraph (2) regarding outdoor wood boilers certified to meet particulate emission limits of 0.60 lbs/MMBtu heat input must be amended to authorize installation at least 100 feet from the nearest property line or at least 120 feet from the nearest dwelling that is not on the same property as the boiler; and

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1 C. The provision in the rule identified as subparagraph (3) regarding outdoor wood
2 boilers certified to meet particulate emission limits of 0.32 lbs/MMBtu heat output
3 must be amended to authorize installation at least 50 feet from the nearest property
4 line or at least 70 feet from the nearest dwelling that is not on the same property as
5 the boiler; and

6 3. The setback provision, identified in the rule in Section 3, paragraph B,
7 subparagraph (4), for the installation of an outdoor wood boiler next to a state licensed
8 school, daycare or healthcare facility must be amended to conform to the general setback
9 requirements identified in Section 3, paragraph B, subparagraphs (1), (2) and (3) as
10 amended by section 1, subsection 2 of this resolve.

11 The Department of Environmental Protection is not required to hold hearings or
12 conduct other formal proceedings prior to finally adopting the rule in accordance with
13 section 1 of this resolve; and be it further'

14 Amend the resolve by inserting after section 1 the following:

15 '**Sec. 2. Report. Resolved:** That, by January 1, 2009, the Department of
16 Environmental Protection shall submit to the joint standing committee of the Legislature
17 having jurisdiction over natural resources matters a report detailing the implementation of
18 the rule authorized by section 1 of this resolve. The report must include an evaluation of
19 any unintended consequences of the rule and recommendations for improvement of the
20 rule; and be it further

21 **Sec. 3. Rules regarding outdoor wood boilers that combust biomass**
22 **pellets. Resolved:** That, by April 1, 2009, the Board of Environmental Protection shall
23 adopt rules to control the sale, installation, use and siting at residences and businesses of
24 outdoor wood boilers that combust biomass pellets as a fuel source. The rules must
25 establish minimum standards of performance for units sold, purchased and installed in the
26 State. The initial rules adopted pursuant to this section are routine technical rules as
27 defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. An
28 amendment to a rule adopted pursuant to this section is considered a major substantive
29 rule and is subject to legislative review in accordance with Title 5, chapter 375,
30 subchapter 2-A.'

31 **SUMMARY**

32 This amendment clarifies that in order to be eligible for the sell-through exemption
33 contained in the rule the outdoor wood boiler must have been purchased, paid for in full
34 and in the State prior to April 1, 2008. It authorizes the optional use of setbacks from
35 neighboring dwellings for the installation of new outdoor wood boilers and requires that
36 setbacks next to state licensed school, daycare or healthcare facilities conform to the
37 general setback requirements. It also requires the Department of Environmental
38 Protection to submit to the joint standing committee of the Legislature having jurisdiction
39 over natural resources matters a report on the implementation of the rule. Finally, it

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- 1 directs the Board of Environmental Protection to adopt rules to control the sale,
- 2 installation, use and siting of outdoor wood boilers that combust biomass pellets as a fuel
- 3 source.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



Approved: 03/18/08 *MAC*

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LD 2009

LR 3404(02)

Resolve, Regarding Legislative Review of Portions of Chapter 150: Control of Emissions from Outdoor Wood Boilers, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Air Quality Control

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

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