

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1171

H.P. 810

House of Representatives, March 25, 2009

An Act To Institute Voluntary Emissions Standards for Outdoor Wood Boilers

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Natural Resources suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DUCHESNE of Hudson.
Cosponsored by Senator SIMPSON of Androscoggin and
Representative: WELSH of Rockport.

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

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

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

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

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

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

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

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

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

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

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

38 Notwithstanding anything to the contrary in the Maine Revised Statutes, Title 5,
39 chapter 375, subchapter 2-A and Title 38, section 610-B, last paragraph, the Department

1 of Environmental Protection is not required to hold hearings or conduct other formal
2 proceedings prior to adopting the rules amendments in accordance with subsections 1 and
3 2. Notwithstanding Title 38, section 610-B, last paragraph, the initial rule amendments
4 adopted pursuant to subsection 3 are routine technical rules as defined in Title 5, chapter
5 375, subchapter 2-A. After adoption of the initial rule amendments pursuant to this
6 section, any further rule amendment adopted pursuant to this section is considered a
7 major substantive rule and is subject to legislative review in accordance with Title 5,
8 chapter 375, subchapter 2-A.

9 **SUMMARY**

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

14 1. Changing the qualifications for those who may prepare an evaluation, a report and
15 installation recommendations;

16 2. Amending the definition of "commercial outdoor wood boiler"; and

17 3. Establishing a voluntary technology-forcing particulate emission limit as an
18 incentive to manufacturers to produce cleaner-burning units and to allow reduced
19 setbacks for those units.