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An Act To Regulate Outdoor Wood Boilers

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,

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

Sec. 1. 38 MRSA §582, sub-§8-C is enacted to read:

8-C. Outdoor wood boiler. "Outdoor wood boiler" means a fuel burning device:

A. Designed to burn wood or other solid fuels;

B. That the manufacturer specifies for outdoor installation or in structures not normally occupied by humans; and

C. That heats building space and water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

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

§ 610-B. Outdoor wood boilers

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

This subsection is repealed April 1, 2010.

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

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

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

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

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

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

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

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 27, 2007.