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To: Columbia County Board of Supervisors
From: Columbia County Environmental Management
Council
Date: May 24, 2010
Subject: Proposed State Regulations on Outdoor Wood
Boilers (OWBs)

On April 21, 2010, the Department of Environmental Conservation (DEC) proposed to adopt regulations covering Outdoor Wood Boilers. Comments will be accepted through July 2, 2010. The proposed regulations can be found at:
<http://www.dec.ny.gov/regulations/64459.html>.

The attached two-page document was prepared by the Columbia County Environmental Management Council (EMC) and provides a summary of the proposed regulations. The full document is several dozen pages that is divided into eight separate sections.

The County EMC is available if you have any questions.

Attachment

NYS Department of Environmental Conservation (DEC) Overview of Proposed Outdoor Wood Boilers Regulations

Prepared by the Columbia County Environmental Management Council

Background

On April 21, 2010, the Department of Environmental Conservation (DEC) proposed to adopt regulations covering Outdoor Wood Boilers. Outdoor wood boilers (OWBs) are defined as fuel burning devices (1) designed to burn wood or other fuels; (2) that the manufacturer specifies for outdoor installation or installation in structures not normally occupied by humans; and (3) that are used to heat building space and/or water via the distribution, typically through pipes, of a gas or liquid (e.g., water or water/antifreeze mixture) heated in the device.

Comments will be accepted through July 2, 2010. The proposed regulations can be found at: <http://www.dec.ny.gov/regulations/64459.html>

General Provisions Applicable to all OWBs

The proposed regulations would cover both 'new' OWBs (defined as commencing operation on or after April 15, 2011), as well as 'existing' OWBs (defined as an OWB that commenced operation prior to April 15, 2011). A list of fuels which may be burned in OWBs is contained in Section 247.4 of the proposed regulations.

Requirements Applicable to New OWBs

The particulate emission limits, stack height and setback requirements for residential-size new OWBs are set forth in Section 247.5 of the proposed regulations. Residential-size new OWBs will be subject to a weighted average particulate emission limit of 0.32 pounds per million British thermal units (mmBtu) heat output. Further, residential-size new OWBs must be located 100 feet or more from the nearest property boundary line and must be equipped with a permanent stack extending a minimum of two feet above the peak of any roof structure located within 150 feet of the OWB and no less than 18 feet above ground level. The proposed regulations also set forth requirements for Commercial-size new OWBs (Section 247.6)

Requirements that Apply to Manufacturers and Distributors

Sections 247.7 and 247.8 contain provisions that apply to manufacturers of new OWBs. A permanent label (Section 247.7) must be affixed to all new OWBs. The label must be made of a material that is sufficiently durable to last the lifetime of the new OWB and must contain the following information: name and address of the manufacturer; date the new OWB was manufactured; model name and number; serial number; thermal output rating in Btu/h; and certified particulate emission rate. Beginning April 15, 2011, all new OWBs must be of a model certified by the Department. Section 247.9 of the proposed regulations applies to distributors which are defined as any person who sells or leases a new OWB to an end user. Distributors are required to provide a prospective buyer or lessee of a new OWB with a 'Notice to Buyers'.

Requirements applicable to Existing OWBs (Section 247.10)

All existing OWBs must be equipped with a permanent stack extending a minimum of two feet above the peak of any roof structure located within 150 feet of the OWB and no less than of 18 feet above ground level effective October 1, 2011. An existing outdoor wood boiler that commenced operation prior to September 1, 2005 must be replaced with a new outdoor wood boiler meeting the requirements of the regulations or must be permanently removed from service no later than August 31, 2015. An existing outdoor wood boiler that commenced operation between September 1, 2005 and April 14, 2011 must be replaced with a new outdoor wood boiler meeting the requirements of the regulations or must be permanently removed from service within ten years of the commence operation date but not later than August 31, 2020. In the event that an owner of an existing outdoor wood boiler cannot provide sufficient documentation, to the satisfaction of the Department, regarding the commence operation date of their existing outdoor wood boiler, such owner must replace their existing outdoor wood boiler with a new outdoor wood boiler meeting the requirements of the regulations or must permanently remove the existing outdoor wood boiler from service no later than August 31, 2015.

Existing OWBs in the Northern Heating Zone **cannot be operated** between May 15 and August 31 of each year or **between April 15 and September 30** elsewhere in the State (including Columbia County). There are **three exceptions** to this provision:

1. OWBs certified under Section 247.8 and sited 100 feet or more from the nearest property boundary line;
2. OWBs sited 500 feet or more from the nearest property boundary line; or
3. OWBs located on contiguous agricultural lands¹ greater than five acres sited 500 feet or more from the nearest residence not served by the OWB or 500 feet or more from the nearest property boundary line that is not agricultural land and 1000 feet or more from a school.

No Local Government Mandates

According to the proposed regulations, no additional record keeping, reporting or other requirements would be placed upon local governments if these regulations are adopted. The DEC states that one of the goals of promulgating the regulations is to relieve local governments from the burden of regulating OWBs. Therefore, according to DEC, there will be a benefit to local governments because the **NYS Department of Environmental Conservation will be responsible for enforcing the regulations.**

¹ The term 'agricultural land' is defined in Section 247.2 as the "land and on-farm buildings, equipment, manure processing and handling facilities, and practices that contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a 'commercial horse boarding operation' and 'timber processing'. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other."