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An Act To Amend the Laws Governing Outdoor Wood Boilers

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

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

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

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

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

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

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

Sec. 4. 38 MRSA §610-B, sub-§2-A is enacted to read:

2-A. Voluntary, technology-forcing emission standard. An outdoor wood boiler meeting a particulate matter emission limit of 0.06 pounds per million British Thermal Units heat output is not subject to a setback requirement as long as it meets the stack height requirements for an outdoor wood boiler meeting the emission standard in subsection 2 in accordance with rules adopted by the department.

Sec. 5. 38 MRSA §610-C, sub-§3, as enacted by PL 2007, c. 680, §2, is amended to read:

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

Sec. 6. Outdoor wood boiler rules. The Department of Environmental Protection shall adopt rule amendments to Chapter 150: Control of Emissions from Outdoor Wood Boilers, a rule of the Department of Environmental Protection, Bureau of Air Quality Control, that:

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

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

3. Allow a person who upgrades or replaces a nuisance outdoor wood boiler when money is not available from the Outdoor Wood Boiler Fund to be eligible for reimbursement from the fund when money is available.

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

Effective September 12, 2009