

250-RICR-120-05-48

TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 120 - AIR RESOURCES

SUBCHAPTER 05 - AIR POLLUTION CONTROL

PART 48 - Outdoor Wood Boilers

48.1 Purpose

The purpose of this regulation is to limit emissions of particulate matter from outdoor wood boilers.

48.2 Authority

These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(19) and Chapter 23-23, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

48.3 Application

The terms and provisions of this regulation shall be liberally construed to permit the Department to effectuate the purposes of state laws, goals and policies.

48.4 Severability

If any provision of this regulation or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulation shall not be affected thereby.

48.5 Definitions

- A. Unless otherwise expressly defined in this section, the terms used in this regulation shall be defined by reference to Part 0 of this Subchapter (General Definitions). As used in this regulation, the following terms shall, where the context permits, be construed as follows:
1. "Distribute or sell" means to distribute, sell, advertise for sale, offer for sale, lease, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver. This term does not include the distribution or sale by a manufacturer of an outdoor wood boiler that is installed outside the State.
 2. "Manufacturer" means any person who constructs or imports into the United States an outdoor wood boiler.

3. "Outdoor wood boiler" means a fuel burning device designed to
 - a. burn wood or other solid fuels;
 - b. that the manufacturer specifies for outdoor installation or installation in structures not normally occupied by humans (e.g., garages); and
 - c. heats building space and/or water via the distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture.
4. "Particulate matter" or PM" means total particulate matter including PM10 and PM2.5 (condensable and non-condensable fraction).
5. "Sale" means the transfer of ownership or control. This includes the transfer of ownership or control of an outdoor wood boiler that is relocated from one property to another. Sale does not include transfer of ownership or control of the home (i.e., the house is sold) and the outdoor wood boiler remains onsite.

48.6 Applicability

This regulation applies, in its entirety, to any manufacturer, supplier, distributor or person intending to sell, lease, distribute, or market, an outdoor wood boiler in the State of Rhode Island.

48.7 Limitations

Effective July 1, 2011, no person shall import, supply, distribute or sell, install or allow the installation of any outdoor wood boiler subject to this regulation unless it has been certified or qualified by EPA to meet a particulate matter emission standard of 0.32 pounds per million British Thermal Units output. In addition, within each of the burn rate categories as established in EPA test method 28, no individual test run shall exceed 18.0 grams per hour.

48.8 Notice to Buyers

- A. The distributor or seller of every new or used outdoor wood boiler shall provide each prospective buyer with a copy of applicable state law concerning outdoor wood boilers, this regulation and a notice containing the following:
 1. An acknowledgment that the buyer was provided with a copy of applicable state law concerning outdoor wood boilers and this regulation;
 2. The current list of Phase 2 outdoor wood boiler models that qualify for EPA's Outdoor Wood-Fired Hydronic Heater program;

3. The manufacturer's recommendations regarding permitted and, if applicable, prohibited fuels and if applicable a list of permitted fuels under the Rhode Island General Laws; and,
 4. A statement that the municipality where the outdoor wood boiler will be installed may impose more stringent limitations on installation than those contained in this regulation.
- B. The buyer and the seller or distributor shall sign and date the notice when the sale is completed. The name and address of the buyer, name of the manufacturer, and model and date of manufacture of the outdoor wood boiler shall be included in the completed notice.
- C. The distributor or seller shall keep on file a copy of each signed notice for at least three (3) years from the date of sale. The distributor or seller shall make each notice available for inspection or copying by the municipal official responsible for administration of state law concerning outdoor wood boilers or his or her designee, or by the director or his or her designee.

48.9 Municipal Authority

Nothing in this regulation shall be construed to limit the authority of a city or town to adopt and enforce any ordinances and/or regulations relative to outdoor wood boilers, including but not limited to provisions relative to operation, setbacks and stack heights, prohibiting the installation of outdoor wood boilers, or requiring the installation of lower emitting versions of outdoor wood boilers.