



## FACT SHEET

### Outdoor Wood Boilers Summary of Part 247

The New York State Department of Environmental Conservation (NYSDEC) adopted 6 NYCRR Part 247, "Outdoor Wood Boilers", on December 29, 2010. The rule (see <http://www.dec.ny.gov/regs/71720.html>) took effect on January 28, 2011. The rule affects owners and operators of outdoor wood boilers (OWBs), manufacturers and distributors (entities that sell OWBs).

#### Owners and Operators of OWBs

##### Provisions Applicable to all OWBs

The fuels that may be burned in an OWB are listed in Section 247.4. Seasoned clean wood and wood pellets made from clean wood may be burned in an OWB. In addition, heating oil in compliance with Subpart 225-1, LP gas or natural gas may be used as starter fuels for dual-fired OWBs. Non-glossy, non-colored papers, including newspaper, may be used only to start an OWB. The NYSDEC may approve additional fuels on a model-by-model basis.

A list of fuels that may not be burned in OWBs can be found in Section 247.3. This list includes, but is not limited to, garbage, tires, household chemicals, animal carcasses and coal.

There are two nuisance provisions in Part 247. Subdivision 247.3(c) provides that no person may cause or allow air contaminants from an OWB ... which interferes with the comfortable enjoyment of life or property. This subdivision is modeled after Section 211.2 and includes three examples of a nuisance condition. Subdivision 247.3(d) provides for an opacity limit of 20 percent (six minute mean).

##### New OWBs

All OWBs sold on or after April 15, 2011 must be certified for sale in New York by the NYSDEC. Manufacturers must apply for certification (see below) for each model they want to sell in New York. A list of models that may be sold in New York will be maintained on the NYSDEC's website.

A used OWB moved from one property to another shall be considered a new OWB at the second property and subject to all provisions applicable to new OWBs. Therefore, the used OWB must be a model certified for sale in New York and the seller must provide prospective

February 3, 2011

buyers with a Notice to Buyers form. The setback and stack height requirements must also be met.

All new OWBs must be equipped with a permanent stack extending a minimum of 18 feet above ground level. If such an OWB is subject to a valid nuisance complaint, then the NYSDEC may require that the permanent stack extend up to two feet above the peak of any roof structure within 150 feet of the OWB.

All new OWBs must meet a minimum 100-foot setback. Generally, setbacks are measured from an OWB to the nearest property boundary line. An exception to this applies in cases where a new OWB is installed on contiguous agricultural lands larger than five acres where the setback may be measured to the nearest residence not served by the OWB.

### Buying a New OWB

Prospective buyers of new OWBs must be provided a written 'Notice to Buyers' by distributors prior to the sale or lease of a new OWB. The purpose of the Notice is to alert the buyer to the existence of Part 247, let them know which fuels may be burned in the OWB they are considering, and to provide a warning to the prospective buyer that even if the requirements of Part 247 are met, nuisance situations may occur which may subject the OWB operator to sanctions and fines.

After a sale or lease is completed, the distributor must add the following information to the notice and submit it to the appropriate NYSDEC regional office: name and address of the owner (or lessee); street address where the OWB was installed (if different from above); name of the manufacturer and the model number of the OWB; height of the permanent stack; and the setback distance. The completed Notice must be signed by the owner and distributor.

### Manufacturers of OWBs

New OWBs must meet a weighted average emission rate of 0.32 pounds per million British thermal units (lb/mmBtu). Models must undergo emissions testing by an independent test laboratory. Manufacturers must apply for a certificate of compliance for each OWB model they offer for sale in New York. This process includes submitting two copies of an application form along with two copies of supporting documentation required in Section 247.8. The NYSDEC will issue certificates of compliance for models deemed in compliance with the PM emission standards set forth in Section 247.5 or Section 247.6.

Manufacturers must affix a permanent label to each new OWB. The following information must be displayed on the label:

1. Name and address of the manufacturer;
2. Date the OWB was manufactured;
3. Model name and number;
4. Serial number;
5. Thermal output rating in Btu/h; and
6. Certified PM emission rate in lb/mmBtu.

February 3, 2011