

Air Pollution Control Division
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October 22, 2009

IMPORTANT NOTICE !!

Vermont's Phase II Regulation on Outdoor Wood-Fired Boilers

Dear Outdoor Wood-Fired Boiler Manufacturer:

The Vermont Agency of Natural Resources recently adopted a new regulation regarding outdoor wood-fired boilers ("OWBs"), also known as outdoor wood-fired hydronic heaters. This regulation, §5-204 of the Vermont Air Pollution Control Regulations, became effective on October 1, 2009, and revises and combines old §§5-204 and 5-205 which previously regulated OWBs. The new regulation includes a "Phase II" particulate matter emission limit of 0.32 pounds per million BTUs (lb/mmBTU) of heat output. This limit applies to any OWB, **including outdoor wood pellet or wood/biomass pellet boilers**, sold for use in Vermont on or after March 31, 2010. A copy of the new rule and all documents associated with the adoption of the rule are posted on our website at: <http://www.anr.state.vt.us/air/htm>

If your company wishes to sell OWBs for installation in Vermont on or after March 31, 2010, you will need to meet the following major requirements of the new regulation:

1. Prior to selling any OWB in Vermont on or after March 31, 2010, you must have a representative boiler of the model you wish to sell tested by an independent consultant and provide this office with a complete test report so that the Air Pollution Control Division (Air Division) can determine whether the model complies with the Phase II particulate limit.

Note: If an OWB model has been previously certified by the Air Division as a Phase I unit, but with emissions demonstrated to be below the Phase II limit, the Air Division will certify the model as a Phase II OWB without additional testing or application by the manufacturer.

2. Any emission tests conducted for the above purpose must follow test methods listed in the regulation or approved by the Air Division. If your boiler(s) has been or is being tested as a part of USEPA's voluntary "Wood-fired Hydronic Heaters Program" and you wish to use the results to demonstrate compliance with Vermont's regulation, please contact this office. Since the primary test method listed in our regulation (USEPA Test Method 28 OWHH) is the same as that required under the USEPA's voluntary program, you may be able to use this testing to fulfill Vermont's requirements, if the test report includes adequate information and other requirements are met.

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3. You must provide this office with at least 30 days prior notice of any emissions test to afford an opportunity for Air Division personnel to observe the test. This requirement may be waived in certain cases, such as for companies participating in the EPA voluntary program (see above).
4. You must receive a letter from the Air Division certifying that your boiler model complies with the particulate emission limit specified above.
5. By March 1 of each year, and as necessary as OWBs are certified, you must provide information to your dealers stating which of your OWB models are certified for sale and use in Vermont. This notification must be sent to all dealers in Vermont and to dealers outside of Vermont that sell or might sell your OWBs for use in Vermont.
6. By March 15 of each year, you must submit to this office a copy of the annual dealer notification materials and a list of all persons to whom they were sent.

The above is a brief summary only; please read through the regulation to make sure that you understand the details and contact this office if you have questions.

The Air Division will be sending similar notices to known OWB dealers in and around Vermont. Our list of OWB dealers is likely incomplete, so it is your company's responsibility to notify all your current dealers and any new dealers in the future of Vermont's new Phase II OWB regulation. As Vermont certifies OWB models that comply with the 0.32 lb/mmBTU of heat output limit, we will be posting a list of those units on our website. We will encourage Vermonters who are considering buying an OWB to purchase one of the cleaner units even prior to the March 31, 2010 compliance date.

Please note that as of March 31, 2010, it will be illegal for a manufacturer or dealer to sell any OWB for use in Vermont that has not been specifically certified by the Air Division as meeting the new Phase II limit. On that date, any prior Vermont certifications of OWB models as meeting the Phase I limit (i.e., 0.44 lb/mmBTU of heat input) will become void, and sales or distribution of Phase I units for use in Vermont will be prohibited.

We look forward to working with you in the future and hope to see your Phase II OWBs in Vermont soon. Please contact Chris Jones at (802) 241-3851 or Philip Etter at (802) 241-3847 of my staff if you have any questions regarding this letter or Vermont's new OWB regulation.

Sincerely,



Richard A. Valentinetti, Director
Air Pollution Control Division