

Executive Summary

Amendments to 25 Pa. Code Chapters 121 and 123

Outdoor Wood-Fired Boilers

The Department of Environmental Protection recommends proposed amendments to Chapters 121 and 123 (relating to general provisions; and standards for contaminants) for consideration by the Environmental Quality Board (Board).

Purpose of the Proposed Rulemaking

The purpose of this proposed rulemaking is to add requirements for outdoor wood-fired boilers (OWBs).

The proposed amendments would add requirements under new § 123.14 (relating to outdoor wood-fired boilers) for a person, manufacturer, supplier or distributor who sells, offers for sale, leases or distributes an outdoor wood-fired boiler for use in this Commonwealth or a person who installs, purchases, receives, leases, owns, uses or operates an OWB in this Commonwealth.

There are no Federal limits for OWBs that are proposed for regulation. The additional particulate matter (PM) emission reductions that will occur as a result of the adoption of these amendments are reasonably necessary as part of this Commonwealth's efforts to attain and maintain the 1997 and 2006 health-based 24-hour National Ambient Air Quality Standard for fine particulates. The final-form regulation, if adopted by the Board, will be submitted to the U.S. Environmental Protection Agency as a revision to the State Implementation Plan.

Summary of Proposal

The proposed rulemaking amends § 121.1 (relating to definitions) to add four new terms and definitions.

Proposed § 123.14(a) establishes that beginning on the effective date of adoption of this proposed rulemaking, the requirements of § 123.14 apply to a person, manufacturer, supplier or distributor who sells, offers for sale, leases or distributes an OWB for use in this Commonwealth or a person who installs, purchases, receives, leases, owns, uses or operates an OWB in this Commonwealth.

Proposed § 123.14(b) establishes that a person may not sell, offer for sale, distribute, install, purchase, lease or receive an OWB for use in this Commonwealth unless it is a Phase 2 OWB.

Proposed § 123.14(c) establishes that a person may not install a Phase 2 OWB unless the boiler is installed a minimum of 150 feet from the nearest property line.

Proposed §§ 123.14(d) and (e) establish that a person may not install an OWB unless the boiler has a permanently attached stack that extends a minimum of 10 feet above the ground.

The stack must also extend at least two feet above the highest peak of the highest residence located within 150 feet of a Phase 2 OWB and 500 feet of an unqualified OWB.

Proposed § 123.14(f) establishes that a person that owns, leases, uses or operates a new or existing OWB in this Commonwealth shall use only certain fuels in that OWB.

Proposed § 123.14(g) establishes that a person who owns, leases, uses or operates an OWB in this Commonwealth may not burn a fuel or material in that OWB other than those fuels listed under § 123.14(f).

Proposed § 123.14(h) establishes that a person may not use or operate an OWB in this Commonwealth unless it complies with all applicable Commonwealth regulations and statutes.

Proposed § 123.14(i) establishes that prior to the execution of a sale or lease for a new or used OWB, the distributor, seller or lessor shall provide the prospective buyer or lessee with a copy of § 123.14 and a written notice.

Proposed § 123.14(j) establishes that the distributor, seller or lessor shall keep the records required under § 123.14(i) onsite for 5 years and provide the records to the Department upon request.

Affected Parties

The proposed amendments will affect manufacturers, suppliers, distributors, sellers, receivers, lessors, lessees, owners and operators of OWBs.

Advisory Groups

The Department consulted with the Air Quality Technical Advisory Committee (AQTAC) about the proposed rulemaking on May 28, 2009. The AQTAC unanimously concurred with the Department's recommendation to seek Board approval of the proposed rulemaking, with modifications as discussed at the meeting. The specific modifications included some minor word changes. The Department will also consult with the Citizens Advisory Council on July 21, 2009, the Small Business Compliance Advisory Committee on July 22, 2009, and the Agricultural Advisory Board on August 19, 2009.

Public Comments and Board Hearings

The Department recommends a 60-day public comment period on the proposed rulemaking and four public hearings.