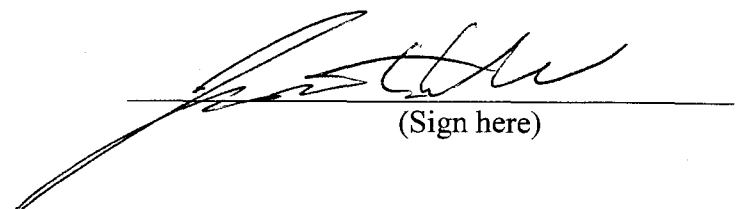


INCORPORATION BY REFERENCE STATEMENT

Please complete the following, in addition to filing a copy of any material incorporated by reference in this rule.

1. Title or subject of rule:
Air Pollution Control Regulations § 5-204 Outdoor Wood-Fired Boilers
2. Agency:
Agency of Natural Resources
3. Description of material to be incorporated by reference:
USEPA Test Method 28 OWHH for Measurement of Particulate Emissions and Heating Efficiency of Outdoor Wood-Fired Hydronic Heating Appliances; 40 CFR Part 60, Appendix A, Test Methods 1 through 5; and 40 CFR Part 51, Appendix M, Test Method 202.
4. Please explain how the material to be incorporated by reference can be obtained by the public and at what cost:
The referenced material can be obtained at no charge from the following U.S. Environmental Protection Agency website: <http://www.epa.gov/ttn/emc/>; or hard copies can be obtained at the Agency's Air Pollution Control Division for \$0.05 per single-sided page, plus the cost of staff time, if significant.
5. Please explain any modifications to the matter incorporated, e.g., whether only part of the material supplied with this filing is adopted, and if so, which part.
No modifications are required.
6. Please explain why the agency decided not to reproduce the incorporated material in full in the text of the rule.
The federal emission test methods are voluminous and would consume a large amount of space in the state regulations, and incorporating such material by reference is consistent with past rulemaking practice.

CERTIFICATION: AS THE ADOPTING AUTHORITY (see 3 V.S.A. § 801(b)(11) for definition) OF THIS RULE, I CERTIFY THAT THE TEXT OF THE MATTER INCORPORATED HAS BEEN REVIEWED BY Christian Jones, AN OFFICIAL OF THE AGENCY. I FURTHER CERTIFY THAT THE AGENCY HAS THE CAPACITY AND THE INTENT TO ENFORCE THE RULE.



(Sign here)

Date: 4/27/09

Jonathan L. Wood, Secretary
Agency of Natural Resources