

**PROPOSED RULE: COVER SHEET**SOS# \_\_\_\_\_  
(Do not complete)

Note: File this form and its attachments with the secretary of state. You must file an adopting page, an economic impact statement, a public input statement, text of the rule, and an annotated text showing changes from existing rules with this cover sheet. You must also file a scientific information statement and/or incorporation by reference statement if applicable.

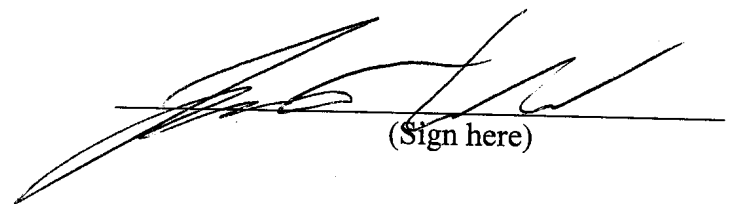
Please complete the following.

1. Title of proposed rule:  
Air Pollution Control Regulations § 5-204 Outdoor Wood-Fired Boilers
2. Agency:  
Agency of Natural Resources
3. Contact Person (Name, Address, & Phone)  
Richard A. Valentinetti  
Air Pollution Control Division  
Department of Environmental Conservation  
Agency of Natural Resources  
103 South Main Street, Bldg 3 South  
Waterbury, VT 05671  
Tel: 802-241-3840
4. Statutory authority for this rule:  
10 V.S.A. §558
5. Concise summary explaining the effect of the rule. This summary will be used to provide published notice of the proposed rule. **(150 words or less):**  
This proposed rule revises and reformats the existing rules for outdoor wood-fired boilers (OWBs) currently set forth at sections 5-204 and 5-205 of the Air Pollution Control Regulations. The proposed rule establishes a Phase II particulate matter emission limit for OWBs of 0.32 pounds per million BTUs of heat output to go into effect on March 31, 2010. This emission limit will ensure that cleaner and more efficient OWBs are available for sale and installation in Vermont. The proposed rule also sets forth the requirements for OWB owners and operators (e.g., siting and stack height requirements), OWB sellers (e.g., notice to buyers requirements), and OWB manufacturers (e.g., certification requirements).
6. Explanation of why this rule is necessary: In 2007, Vermont adopted a rule that established a Phase I particulate matter emission limit of 0.44 pounds per million BTUs of heat input for OWBs that went into effect on March 31, 2008. This rule also provided: "As soon as practicable, but no later than March 31, 2008, the Secretary shall file a proposed rule . . . to establish a particulate matter emission

limit for outdoor wood-fired boilers of 0.32 pounds per million BTUs of heat output . . . ." The proposed rule meets this regulatory obligation. This Phase II emission limit will protect human health better than the Phase I limit and will require more efficient OWBs to be sold in Vermont. This proposed rule will also provide for regional consistency and a common market area with Maine, Massachusetts, and New Hampshire, which have already adopted the Phase II standard proposed by this rule.

7. **List of people, enterprises and government entities affected by this rule:** Persons impacted by smoke and odors from OWBs; manufacturers, retailers, distributors, installers, purchasers, and owners of OWBs; the Vermont Department of Health, local health officers; municipalities; the Vermont League of Cities and Towns; and the Enforcement and Air Pollution Control Divisions of the Agency of Natural Resources.
  
8. **Brief summary of economic impact of this rule (150 words or less):** Manufacturers will likely pass the costs of redesigning their OWBs to meet the Phase II emission limit on to consumers. Some OWB models may no longer be available for sale and installation in Vermont. On the other hand, Phase II OWBs will burn less wood than Phase I and older OWBs. The rule will have neutral to positive impacts on the general public, ANR, municipalities, and local health officials by resulting in fewer public nuisances and citizen complaints. Overall, the economic impacts of this rule will be similar to the rule that adopted the Phase I limit. However, unlike when Vermont adopted the Phase I limit, OWB manufacturers are already required to pay for certification testing to demonstrate that their models meet the existing Phase I limit; there are several OWB models that already meet the Phase II limit; and the Phase II limit has already been adopted by Maine, Massachusetts, and New Hampshire thereby creating a regional marketplace for Phase II units.
  
9. **Date, time and place of scheduled hearing, if any (no sooner than 10 days following second publication):** June 16, 2009 at 7:00 p.m. in the Pavilion Building Auditorium, 109 State Street, Montpelier.
  
10. **Deadline for public comments (no earlier than 7 days after scheduled hearing):** 6/23/09

**CERTIFICATION:** AS THE ADOPTING AUTHORITY (see 3 V.S.A. § 801(b)(11) for a definition) OF THIS RULE, I APPROVE THE CONTENTS OF THIS FILING.

  
 (Sign here)

Date: 4/27/09

Jonathan L. Wood, Secretary

(Type name here please)

(Type name here please)

Please Check off the following components that are enclosed with this rule (**Please check only those that apply to this proposed rule**).

- Proposed Cover sheet
- Adopting Page
- Economic Impact Statement
- Scientific Information
- Public Input Statement
- Incorporation by Reference
- Text of the Rule
- Annotated Text

*This box for Secretary of State use only*

- Proposed Cover Sheet
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- ICAR Approval received.

*These components were filed with this rule. APA Clerk's Initials \_\_\_\_\_.*