

A.2 New Regulation

PART D - POLLUTANT EMISSION STANDARDS

The following section is added to Article XXI:

1. §2104.09 OUTDOOR WOOD-FIRED BOILERS *{Section added 6/8/2013, federally effective 12/8/2014}*

(a) **Applicability.** Beginning on June 6, 2013, this section applies to the following:

1. A person, manufacturer, supplier or distributor who sells, offers for sale, leases or distributes an outdoor wood-fired boiler for use in Allegheny County.
2. A person who installs an outdoor wood-fired boiler in Allegheny County.
3. A person who purchases, receives, leases, owns, or uses an outdoor wood-fired boiler in Allegheny County.

(b) **Exemptions.**

1. This section does not apply to a person, manufacturer, supplier or distributor who sells, offers for sale, leases or distributes in this County a non-Phase 2 outdoor wood-fired boiler if the person, manufacturer, supplier or distributor demonstrates the non-Phase 2 outdoor wood-fired boiler is intended for shipment and use outside of the Commonwealth of Pennsylvania.
2. Subsections c, d and e do not apply to a permanently installed outdoor woodfired boiler that was installed prior to October 2, 2010, and is transferred to a new owner as a result of a real estate transaction.

(c) **Phase 2 outdoor wood-fired boilers.** Except as provided under Subsection b:

1. A person may not sell, offer for sale, distribute or install an outdoor wood-fired boiler for use in this County unless it is a Phase 2 outdoor wood-fired boiler.
2. A person may not purchase, lease or receive an outdoor wood-fired boiler for use in this County unless it is a Phase 2 outdoor wood-fired boiler.

(d) **Setback requirements for new Phase 2 outdoor wood-fired boilers.** A person may not install a new Phase 2 outdoor wood-fired boiler in this County unless the boiler is installed a minimum of 150 feet from the nearest property line, except that, where a new Phase 2 outdoor wood-fired boiler replaces an existing non-Phase 2 unit, the minimum

setback required shall be 50 feet.

(e) **Stack height requirements for new Phase 2 outdoor wood-fired boilers.** A person may not install, use or operate a new Phase 2 outdoor wood-fired boiler in this County unless the boiler has a permanently attached stack. The stack must meet all of the following requirements:

1. Extend a minimum of 10 feet above the ground.
2. Extend at least two feet above the peak of the highest residence located within 150 feet of the outdoor wood-fired boiler.
3. Be installed according to the manufacturer's specifications.

(f) **Allowed fuels.** A person that owns, leases, uses or operates an outdoor wood-fired boiler in this County shall use only one or more of the following fuels:

1. Clean wood.
2. Wood pellets made from clean wood.
3. Home heating oil, natural gas or propane that:
 - A. Complies with all applicable sulfur limits.
 - B. Is used as a starter or supplemental fuel for dual-fired outdoor woodfired boilers.
4. Other types of fuel approved in writing by the Department upon receipt of a written request.

(g) **Prohibited fuels.** A person who owns, leases, uses or operates an outdoor wood-fired boiler in this County may not burn a fuel or material in that outdoor wood-fired boiler other than those fuels listed under Subsection f.

(h) **Use Restrictions on Air Quality Action Days.** No person shall operate, or allow to be operated, any new or existing outdoor wood-fired boiler on an Air Quality Action Day in this county, unless the OWB is the primary residential heating source.

(i) **Applicable laws and regulatory requirements.** A person may not use or operate an outdoor wood-fired boiler in this County unless it complies with applicable PA Commonwealth, County and local laws and regulations adopted thereunder, including the following Article XXI sections:

1. §2101.11.c, Prohibition of Air Pollution;
2. §2101.13, Nuisances;
3. §2104.01.a, Visible Emissions – General; and
4. §2104.04.a, Odor Emissions – General.

(j) **Written notice and Recordkeeping.** At the execution of the commercial sale or lease in this county of a new or used Phase 2 outdoor wood-fired boiler, the distributor, seller or lessor shall:

1. Provide the buyer or lessee with a copy of this section of Article XXI; and
2. Record the make, model name/number, and date of manufacture of the outdoor wood-fired boiler sold or leased, the name and address of the buyer or lessee as well as the address of the location where the unit will be installed if different from that of the buyer or lessee, and submit this information to the Department no later than 30 days after the end of the calendar year in which the sale or lease occurred.