

Sec. X AMENDMENTS TO AIR POLLUTION CONTROL REGULATIONS REGARDING WOOD HEATERS;
COMMENCEMENT; ADOPTION; INSTITUTIONAL, COMMERCIAL AND INDUSTRIAL WOOD HEATING
APPLIANCES

(a) The Secretary of Natural Resources, in consultation with interested parties and parties having expertise in wood heating and wood heat appliances, shall adopt amendments to the provisions of the Vermont Air Pollution Control Regulations governing the manufacture, sale, purchase, installation and operation of wood heating appliances for use in institutional, commercial or industrial applications in Vermont. Such rules shall allow for alternative methods of demonstrating compliance with applicable air quality standards as determined by the Air Pollution Control Officer.

(1) On or before July 1, 2019 the Secretary of Natural Resources shall submit to the Senate Committee on Natural Resources and Energy and House Committee on Energy and Technology a copy of the draft rule amendments to the provisions of the Vermont Air Pollution Control Regulations as required in subsection (a) and this section.

(2) The Secretary of Natural Resources shall commence rulemaking under subsection (a) of this section on or before October 1, 2019 and adopt such rules on or before May 1, 2020.

(b) Until such time that a rule amendment as required in subsection (a) of this section is adopted, and notwithstanding §5-204 of the Code of Vermont Rules 12-031-001, manufacturers of new wood heating appliances that are equipped with oxygen trim systems for use in institutional, commercial or industrial applications shall be subject to a certification process conducted by the Agency of Natural Resources wherein each discrete unit model to be sold, leased, or installed in Vermont shall be certified by the Air Pollution Control Officer before sale, lease, or installation occurs, unless such appliance has been certified by the EPA as meeting the requirements of 40 C.F.R. Part 60, Subparts AAA or QQQQ as published in the Federal Register on March 16, 2015. Units that do not meet the requirements of certification will remain subject to §5-204 of the Code of Vermont Rules 12-031-001.

(1) Certification procedure: (A) The Secretary shall draft and finalize a certification procedure in accordance with this section on or before July 10, 2019.

(i) The certification process shall accept test data pursuant to the European Standard EN 303-5 method adjusted for higher heat value and condensable particulate matter fraction, or other test methods as approved by the Air Pollution Control Officer.

(ii) The certification process shall not require units to meet an emission standard that is more stringent than that contained in 40 C.F.R. §§60.5474(b)(2) and 60.532(b) as published in the Federal Register on March 16, 2015.

(B) A fee of \$1000 shall be due the Agency for each certification application that is submitted in accordance with the certification procedure.

(C) Certification of a particular unit model issued by the Air Pollution Control Officer is not subject to the procedures and requirements of 10 V.S.A. Chapter 170.

(c) Notwithstanding subsection (b) of this section, new wood heating appliances that are equipped with oxygen trim systems for use in institutional, commercial or industrial applications may be installed in Vermont on or after the effective date of this section until such time that the wood heating appliance

has been certified by the Secretary pursuant to subsection (b) of this section or September 1, 2019, whichever occurs first.

(d) Notice to buyers. (1) No persons shall sell or distribute any new wood heating appliance for installation in an institutional, commercial, or industrial application as allowed in subsections (b) or (c) of this section unless, prior to any retail sales or lease agreement, the seller or dealer provides the prospective buyer or lessee with written notice stating that:

(A) Only allowed fuels, as specified in Section 5- 204(c)(3)(ii) of the Code of Vermont Rules 12-031-001, may be burned in a new wood heating appliance; and

(B) All new wood heating appliances must be operated in conformance with the manufacturer's operating and maintenance instructions.

(2) The written notice shall be signed and dated by the prospective buyer or lessee to verify timely receipt of the notice prior to the sale or lease and shall contain the name, address and telephone number of both the seller or dealer and the prospective buyer or lessee, the location where the new wood heating appliance will be installed, the wood fuel type to be used , and the make and model of the new wood heating appliance. Prior to making delivery of a new wood heating appliance into the possession of any buyer or lessee, the seller or dealer shall mail or otherwise provide a copy of the signed notice to the Secretary.

(e) Requirements for installers and owners/operators. (1) No person shall install or allow the installation of any new wood heating appliance allowed pursuant to subsections (b) or (c) of this section that is also an outdoor hydronic heater that does not meet the setback requirements of §5-204(c)(2)(iv) of the Code of Vermont Rules 12-031-001.

(2) No person shall cause, allow or permit the operation of a new wood heating appliance allowed pursuant to subsections (b) and (c) of this section that is not in accordance with the requirements of §5-204(c)(3)(ii) and (iii) of the Code of Vermont Rules 12-031-001.