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**DEC ISSUES EMERGENCY RULE FOR OUTDOOR WOOD BOILERS**

**90-Day Extension in Place for Current Boilers to Be Sold In New York**

The New York State Department of Environmental Conservation (DEC) today announced the adoption of an emergency rule pertaining to the sales of outdoor wood boilers in New York. The emergency rule extends the current regulation’s sell-through date by 90 days, allowing a distributor to sell through July 14, 2011 any non-certified outdoor wood boiler models that were in the distributor’s stock as of April 14, 2011. Other than units already in stock, distributors may no longer sell any outdoor wood boilers that are not certified by DEC as meeting the emission standards set forth in the state regulation for outdoor wood boilers (Part 247).

The state outdoor wood boiler regulation was adopted on December 29, 2010 and became effective on January 28, 2011. Portions of the current regulation including stack height, setback, certification, and nuisance related guidelines remain in effect as of April 15, 2011 and include:

1. Minimum stack height of 18 feet above ground level.
2. Setback requirements:
* 100 feet or more to the nearest property boundary line for outdoor wood boilers with maximum thermal output ratings less than or equal to 250,000 Btu/hour.
* 200 feet or more to the nearest property boundary line, 300 feet or more to the nearest property boundary line of a residentially-zoned property and 1000 feet or more from a school for outdoor wood boilers with maximum thermal output ratings greater than 250,000 Btu/hour.
* Setbacks may be based on distances to residences not served by an outdoor wood boiler if the boiler is located on contiguous agricultural lands larger than five acres.
* Customers must make sure their setback is based upon the maximum thermal output of their outdoor wood boiler and should consider contacting the manufacturer directly for this information.
1. Distributors must provide potential customers with a copy of the regulation (Part 247) and a Notice to Buyers form. A template for the Notice to Buyers is available on the DEC website at [www.dec.ny.gov/docs/air\_pdf/owbbuyer.pdf](http://www.dec.ny.gov/docs/air_pdf/owbbuyer.pdf).
2. The opacity and nuisance provisions set forth in the current rule apply to all outdoor wood boilers. Potential buyers must be aware that even if the requirements of the regulation are met, there may be conditions or locations in which the use of a new outdoor wood boiler unreasonably interferes with another person’s use or enjoyment of property or even damages human health. If such a situation occurs, the owner or lessee of the new outdoor wood boiler causing the situation may be subject to sanctions that can include a requirement to remove the device at their own expense as well as any other penalty allowed by law.

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For more information on the regulation and details on purchasing an outdoor wood boiler in

New York State, visit <http://www.dec.ny.gov/chemical/73694.html> on the DEC website. For more details on the extension and emergency rule, visit <http://www.dec.ny.gov/regulations/73788.html>.

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