

Regulation

§2104.09 OUTDOOR WOOD-FIRED BOILERS *{Added May 29, 2013, effective June 8, 2013}*

- ...a. **Applicability.** Beginning on June 8, 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 wood-fired 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 wood-fired 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.

§2101.20 Definitions. *{Added May 29, 2013, effective June 8, 2013}*

“Air Quality Action Day” means a day for which a forecast has been issued by the Pennsylvania Department of Environmental Protection, the Allegheny County Health Department or the Southwest Pennsylvania Air Quality Partnership indicating that ambient concentrations of ozone, particulate matter, carbon monoxide, sulfur dioxide, or nitrogen dioxide might reach unhealthful levels or exceed the National Ambient Air Quality Standards.

“Btu - British thermal unit” means the amount of thermal energy necessary to raise the temperature of 1 pound of pure liquid water by 1° F at the temperature at which water has its greatest density (39° F).

“Clean wood” means dry, seasoned, natural wood that contains no paint, stains or other types of coatings, and has not been treated with preservatives or chemicals, including copper, chromium arsenate, creosote and pentachlorophenol.

“New Phase 2 outdoor wood-fired boiler” means a Phase 2 outdoor wood-fired boiler that is installed on or after October 2, 2010.

“Non-Phase 2 outdoor wood-fired boiler” means an outdoor wood-fired boiler that has not been qualified by the EPA as meeting a particulate matter emission level of 0.32 pounds per million Btu output or lower and is not labeled accordingly as a Phase 2 outdoor wood-fired boiler.

“Outdoor wood-fired boiler” means:

- a. A fuel-burning device that:
 1. Is designed to burn, or is capable of burning, clean wood or other fuels listed under §2104.09(f) (relating to outdoor wood-fired boilers).
 2. Has a rated thermal output of less than 350,000 Btu per hour.
 3. The manufacturer designs or specifies for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals, including structures like garages and sheds.
 4. Heats building space or fluid, or both, through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.
- b. The fuel-burning device may also be known as an:
 1. Outdoor wood-fired furnace.
 2. Outdoor wood-burning appliance.
 3. Outdoor hydronic heater.

“Phase 2 outdoor wood-fired boiler” means an outdoor wood-fired boiler that has been qualified by the EPA as meeting a particulate matter emission level of 0.32 pounds per million Btu output or lower and is labeled accordingly