



Department of
Health and Human Services

Regulating Outdoor Wood-Fired Hydronic Heaters in New Hampshire

Highlights of House Bill 1405

- House Bill 1405, an Act Regulating Outdoor Wood Fired Hydronic Heaters (also known as **Outdoor Wood Boilers** or **OWBs**), became effective on **August 10, 2008**. This bill establishes requirements for the sale, installation, and use of OWBs in New Hampshire.
- Sale requirements:
 - Effective **January 1, 2009**, all OWBs that are sold in the state must meet the EPA Phase I emission limit of 0.60 pounds of particulate matter per million British Thermal Units (BTUs) of heat input (i.e., wood burned).
 - Effective **April 1, 2010**, all OWBs that are sold in the state must meet the Phase II emission limit of 0.32 pounds of particulate matter per million BTUs of heat output.
- Setback and stack height requirements (effective **August 10, 2008**):
 - Phase I units:
 - Must be installed at least 100 feet from the nearest property line.
 - Must have a stack height at least 2 feet higher than the peak of a roof of a residence or business (not served by the OWB) located within 300 feet of the OWB unit.
 - Phase II units:
 - Must be installed at least 50 feet from the nearest property line.
 - Non Phase I or Phase II units:
 - Must be installed at least 200 feet from the nearest abutting residence.
 - Must have a stack height at least 2 feet higher than the peak of a roof of a residence or business (not served by the OWB) located within 300 feet of the OWB unit.
- Permitted Fuels: Effective **August 10, 2008**, clean wood and/or wood pellets made from clean wood are the **only** fuels that can be burned in these devices. Home heating oil, natural gas or propane can be used as a starter or supplemental fuel for dual-fired OWBs.
- Municipal Authority: Municipalities have the authority to adopt and enforce land use ordinances and regulations relative to establishing more restrictive setback and stack height requirements, prohibiting the installation of OWBs in one or more zoning districts, or requiring cleaner burning OWBs in one or more zoning districts. Nothing in HB 1405 limits the authority of a municipality or the Department of Health and Human Services (DHHS) under RSA 147 to prevent and remove public health nuisances.

- Enforcement
 - The NH Department of Environmental Services (DES) has the authority to issue an administrative fine of up to \$250 for a first offense and up to \$500 for each subsequent offense to any person that violates the law.
 - DES has the authority to issue an administrative order to require compliance with any provision of the law (setbacks, stack height, fuel type and sale).
 - Under RSA 147 as amended by HB 1405, when an OWB is operated in a manner which causes a nuisance or is injurious to public health, DHHS or the municipality, specifically the health officer, may order that the use of the OWB be discontinued. DES will provide technical assistance to DHHS and the municipal health officer in the event this situation arises.
- Selling and Buying – Notice to Buyers (effective **August 10, 2008**)
 - The seller of an OWB is required to provide written notice to a prospective buyer, to include:
 - Acknowledgement that the buyer was provided with a copy of the law.
 - A list of approved fuels.
 - A statement that explains that in addition to this law, the buyer’s municipality may have additional requirements that will limit or prohibit the use of the purchased OWB.
 - The written notice must be signed and dated by the buyer and the seller which shows when the sale was made. Also included in the notice will be the name and address of the buyer/owner, the name of the OWB manufacturer, the model and date of manufacture.
 - A copy of the notice must be kept on file by the seller for at least 3 years from the date of the sale. A copy of the notice may be requested by the health officer in the municipality where the OWB will be used, DHHS or DES.

For more information on the sale, installation, and use of OWBs in New Hampshire, contact:

Air Resources Division
 NH Department of Environmental Services
 29 Hazen Drive
 Concord, NH 03301
 603-271-1370

For information about the public health nuisance provisions of this law, contact:

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 NH Department of Health and Human Services
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