

SENATE NO. 485

AN ACT RELATIVE TO OUTDOOR WOOD-FIRED BOILERS

Whereas, The deferred operation of this act would tend to defeat its purpose, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. For purposes of this section, “outdoor wood-burning furnace” means an accessory
2 structure or appliance designed to be located outside living space ordinarily used for human
3 habitation and designed to transfer or provide heat, via liquid or other means, through the
4 burning of wood, for heating spaces other than where such structure or appliance is located, any
5 other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or
6 Jacuzzi water. “Outdoor wood-burning furnace” does not include a fire pit, wood-fired
7 barbecue or a freestanding front-loading fireplace.

8 SECTION 2. The Executive Office of Environmental Affairs shall adopt regulations or
9 guidelines adopted or promulgated by the United States Environmental Protection Agency to
10 reduce emissions from outdoor wood-burning furnaces. No person shall, construct, install,
11 establish, modify, operate or use an outdoor wood-burning furnace, unless (1) the outdoor
12 wood-burning furnace has already been constructed, installed, established, and modified, if
13 necessary, as explained in part (B) below, or (2) the outdoor wood-burning furnace complies
14 with all of the following:

15 (A) Installation of the outdoor wood-burning furnace is not less than two hundred feet from the
16 nearest residence not serviced by the outdoor wood-burning furnace;

17 (B) Installation of the chimney of the outdoor wood-burning furnace is at a height that is more
18 than the height of the roof peaks of the residences that are located within five hundred feet of
19 the outdoor wood-burning furnace, which residences are not serviced by the outdoor wood-
20 burning furnace, provided the chimney height is not more than fifty-five feet;

21 (C) No materials are burned in the outdoor wood-burning furnace other than wood that has not
22 been chemically treated; and

23 (D) Installation and operation of the outdoor wood-burning furnace is in accordance with the
24 manufacturer's written instructions, provided such instructions do not conflict with the
25 provisions of this section;

26 SECTION 3. The provisions of this section will be enforced by the Commissioner of the
27 Department of Environmental Protection and may be enforced by the municipality or town
28 affected by the operation or potential operation of an outdoor wood-burning furnace.

29 SECTION 4. Any person who operates an outdoor wood-burning furnace in violation of this
30 section will be deemed to have committed an infraction and will be fined not more than one
31 hundred dollars. Each day of operation of such outdoor wood-burning furnace in violation of
32 this section will be a separate violation.

33 SECTION 5. This act shall take effect upon its passage.