

# MEMORANDUM

TO: Falmouth Town Council  
FROM: Lissa Robinson, Falmouth Conservation Commission Chair  
DATE: September 9, 2008  
RE: Outdoor Wood Boilers

At the Council's July 28, 2008 meeting, the Town Council made the following request:  
*"Order to request the Conservation Commission to research current state laws, regulations and standards for outdoor wood boilers and to make recommendations to the Town Council regarding the Town's current ban on outdoor wood boilers. "*

At its September 8, 2008 meeting, the Falmouth Conservation Commission discussed this issue and unanimously agreed upon the following set of recommendations to forward to the Council for its consideration:

1. Repeal the prohibition on operating outdoor wood boilers in Falmouth enacted 5/29/07;
2. Adopt the State of Maine's existing regulatory language pertaining to outdoor wood boilers (Department of Environmental Protection Chapter 150: Control of Emissions from Outdoor Wood Boilers) with the following exceptions:
  - a. Require that all newly installed outdoor wood boilers comply with DEP's Phase II particulate matter emission standards (DEP Chapter 150 Section 3.A.2). The DEP regulations currently allow individuals to install more polluting outdoor wood boilers until April 2010.
  - b. Adopt a more protective 500 foot setback standard from schools, daycares, healthcare facilities, elderly boarding facilities, and recreational facilities. This setback is modeled after an earlier version of the State's wood boiler regulations, which was relaxed in May 2008.
  - c. Limit the times of the year when an outdoor wood boiler may be operated. The Commission tentatively agreed to a September 15 to May 15 time period for operation. This endeavors to minimize potential conflicts related to windows that may be open for summer ventilation.
  - d. Remove the DEP's allowance for third party sales and installation of existing outdoor wood boilers that are not in compliance with DEP's current particulate emission standards (DEP Chapter 150 Section 6).
  - e. Grandfather any existing outdoor wood boilers that are verified as having been in operation in Falmouth as of June 30, 2007. This was the same grandfathering date used when the Town enacted the outdoor wood boiler prohibition in May 2007.
  - f. Require outdoor wood boilers to be registered/permitted by the Code Office.

Planning staff will be developing draft ordinance language for the Conservation Commission to review at its October 6, 2008 meeting. This will hopefully allow for a workshop discussion and/or ordinance introduction at the Council's October 14, 2008 meeting.