

1 OTHER BIOMASS AS DEFINED IN THIS SECTION THAT IS CONSISTENT WITH THE
2 UNIT MANUFACTURER'S RECOMMENDATIONS, AND IS TYPICALLY USED OUTDOORS OR
3 IN BUILDINGS NOT NORMALLY OCCUPIED BY HUMANS, SUCH AS GARAGES, SHEDS OR
4 BARNs. OUTDOOR WOOD BOILERS ARE USED TO HEAT WATER OR A WATER AND ANTI-
5 FREEZE MIXTURE THAT IS DISTRIBUTED THROUGH PIPES GIVING OFF HEAT IN THE
6 PROCESS.

7 (D) "NUISANCE" AS USED IN THIS SECTION MEANS THE OPERATION OF AN
8 OUTDOOR WOOD BOILER IN SUCH A WAY AS TO CREATE A CONDITION THAT INTER-
9 FERES WITH THE QUIET USE AND ENJOYMENT OF NEIGHBORING PROPERTY BY THE
10 OWNER AND/OR OCCUPANT OF SUCH PROPERTY.

11 2. IT SHALL BE UNLAWFUL TO OPERATE AN OUTDOOR WOOD BOILER USING ANY
12 FUEL SOURCE OTHER THAN CLEAN WOOD OR OTHER BIOMASS THAT IS CONSISTENT
13 WITH THE RECOMMENDATIONS OF THE MANUFACTURER OF SUCH OUTDOOR WOOD BOIL-
14 ER.

15 3. OPERATION OF AN OUTDOOR WOOD BOILER IN SUCH A WAY AS TO CREATE A
16 CONDITION THAT INTERFERES WITH THE QUIET USE AND ENJOYMENT OF NEIGHBOR-
17 ING LAND BY THE OWNER OF SUCH LAND SHALL CONSTITUTE A NUISANCE AND THE
18 VIOLATOR SHALL BE SUBJECT TO THE ENFORCEMENT ACTIONS UNDER THE NUISANCE
19 PROVISIONS OF SECTION EIGHT HUNDRED FORTY-ONE OF THE REAL PROPERTY
20 ACTIONS AND PROCEEDINGS LAW AND/OR SECTION THIRTEEN HUNDRED FOUR OF THE
21 PUBLIC HEALTH LAW.

22 4. NO PERSON SHALL OFFER FOR SALE, INSTALL OR ALLOW TO BE INSTALLED
23 ANY OUTDOOR WOOD BOILER THAT DOES NOT MEET THE STANDARDS ESTABLISHED
24 PURSUANT TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY PHASE II VOLUNTARY
25 PARTNERSHIP PROGRAM FOR EMISSIONS FROM OUTDOOR WOOD BOILERS OF .32
26 POUNDS PER MILLION BRITISH THERMAL UNITS AFTER JANUARY FIRST, TWO THOU-
27 SAND TWELVE.

28 5. THE DEPARTMENT SHALL PREPARE AND MAKE AVAILABLE TO THE PUBLIC GUID-
29 ANCE ON THE BEST PRACTICES TO FOLLOW INCLUDING BUT NOT LIMITED TO THE
30 OPERATION, SITING, AND RECOMMENDED STACK HEIGHT FOR OUTDOOR WOOD BOIL-
31 ERs.

32 6. NOTHING IN THIS SECTION SHALL PRECLUDE A LOCAL GOVERNMENT FROM
33 ENACTING MORE STRINGENT STANDARDS THAN THOSE ESTABLISHED HEREIN.

34 7. ANY MORE STRINGENT REGULATION OF OUTDOOR WOOD BOILERS BEYOND THAT
35 WHICH IS CONTAINED IN THIS SECTION SHALL BE LEFT TO THE GOVERNING BODIES
36 OF THE STATE'S CITIES, TOWNS AND VILLAGES.

37 S 3. This act shall take effect immediately.