

## **Agricultural Advisory Board (AAB) Comments on Proposed Chapter 123 Rulemaking**

The following comments on the proposed Chapter 123 (Standards for Contaminants, Particulate Matter Emissions) rulemaking were recorded at the AAB meeting on December 16, 2009.

### **Comment 1:**

Since the regulations are strictly an air emission regulation, the department should set the emission standard for the manufacturing of outdoor wood-fired boilers and acceptable fuels and then compel municipalities to adopt their own standard related to the setback requirements of OWB placement and stack heights. Since the Air Quality Act allows municipalities to adopt more stringent standards, this approach will allow the municipality to adopt local ordinances specific to their communities concerns and landscapes as well as handle all nuisance complaints and enforcement with both existing and new units.

### **Comment 2**

Section 123.14 (c) – Setback requirements for Phase 2 outdoor wood-fired boilers – The language should be changed from 150 feet from nearest property line to 150 feet from nearest neighboring residence.

### **Comment 3:**

Section 123.14 (d) (2) – Stack height requirements for phase 2 outdoor wood-fired boilers – The language should be changed from 2 feet above the highest peek of the highest residence located within 150 feet to 2 feet above the highest peek of the highest neighboring residence located within 150 feet.

### **Comment 4:**

Section 123.14 (e) (1) (ii) – Stack height requirements for existing outdoor wood-fired boilers – The language should be changed from 2 feet above the highest peek of the highest residence located within 500 feet to 2 feet above the highest peek of the highest neighboring residence located within 500 feet.

### **Comment 5:**

Section 123.14 (f) – Allowed Fuels – All wood products from residential or agricultural operations not containing creosote, etc, should be added to the fuels that are allowed to be burnt in outdoor wood-fired boilers. These wood products need to be disposed off and if they are not allowed to be burnt in outdoor wood-fired boilers, they will be burnt in open pits that have no particulate matter emission controls.

### **Comment 6:**

Section 123.14 (g) – Prohibited fuels – This section could be expanded in regards to Comment 5, that wood containing creosote, tires, rubber, plastics, non-paper household products etc. are prohibited to be burnt in outdoor wood-fired boilers.