

310 CMR 7.26(50) Outdoor Hydronic Heaters

(50) Outdoor Hydronic Heaters- Applicability.

310 CMR 7.26(50)-(54) applies to any person who owns, operates, manufactures, supplies, distributes or sells, retails or any person who intends to distribute or sell, or market an outdoor hydronic heater for use in the Commonwealth of Massachusetts (Commonwealth) , except outdoor hydronic heaters rated with a heat input of 1 MMBtu/hr or greater that are subject to the Comprehensive Plan Application provisions at 310 CMR 7.02(5)(a)4.

- (51) Definitions. The following words and phrases shall have the following meanings as they appear in 310 CMR 7.26(50)-(54). Where a term is defined in 310 CMR 7.00 Definitions and the definition also appears in 310 CMR 7.26(51) for purposes of 310 CMR 7.26(50)-(54) interpretation, the definition found in 310 CMR 7.26(51) shall govern.

At Retail means the sale by a commercial proprietor of an outdoor hydronic heater.

Clean wood means wood that has no paint, stains, or other types of coatings, and wood that has not been treated with, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol.

Commercial-size outdoor hydronic heater means a heater with a rated thermal output greater than 350,000 Btu/hr and a heat input design capacity less than 1 MMBtu/hr as rated by the test method identified in 310 CMR 7.26(54)(c)2.

Distribute or sell means to distribute, sell, advertise for sale, offer for sale, lease, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver for use in the Commonwealth.

EPA's ETV Program means U.S. Environmental Protection Agency's Environmental Technology Verification Program.

Executive summary means a report submitted to the Department that summarizes the results of testing compiled using tables 1, 2a and 2b, heating season and year-round weighted average, respectively, as incorporated in the EPA test method 28 for outdoor hydronic heaters for the applicable Phase I or Phase II particulate matter standards.

Existing unit or Existing outdoor hydronic heater means an outdoor hydronic heater that is sold, installed and/or operated at the intended location of use prior to **[the effective date]**

Heater Efficiency means the ratio of the delivered useful heat output measured by the prescribed test method referenced in 310 CMR 7.26 (54)(c)2 to the calculated heat input of the hydronic heater measured by the same test method.

Heating season means the period beginning Oct. 1 and ending April 15 inclusively.

Manufactured means built and operational, and subsequently ready for shipment (whether packaged or not).

Manufacturer means any person who constructs or imports into the United States an outdoor hydronic heater for use in the Commonwealth.

Model means all outdoor hydronic heaters offered for distribution or sale by a single manufacturer that are the same design and output capacity.

Opacity means the degree to which emissions other than water reduce the transmission of light and obscure the view of an object in the background as measured by EPA Method 9.

Outdoor hydronic heater or heater means a fuel burning device designed to (1) burn wood or other approved solid fuels; (2) that the manufacturer specifies for outdoor installation or installation in structures not normally occupied by humans (e.g., garages); and (3) heats building space and/or water via the distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture.

Operator means any person who owns or operates an outdoor hydronic heater in the Commonwealth.

Particulate matter or PM means the total particulate matter measured in accordance with the test methods specified in 310 CMR 7.26(54)(c)2. _

Residential-size outdoor hydronic heater means a heater with a rated thermal output of 350,000 Btu/hr or less as rated by the test method identified in 310 CMR 7.26 (54)(c)2.

Sale means the transfer of ownership or control.

Seller means any person who distributes or sells an outdoor hydronic heater for use in the Commonwealth.

Similar in all material respects means that the construction materials, exhaust and inlet air system, and other design features are within the allowed tolerances for components identified in 310 CMR 7.26(54)(e)1.

Startup period means the time period beginning with flame stability after first charge of wood fuel or other approved solid fuel and is no longer than a two-hour duration. This definition only includes initial startup where no previous coal bed exists. This does not include refueling.

(52) Requirements for Operators

(a) On and after October 1, 2008 to March 31, 2010 no person shall:

1. Purchase, install or allow the installation of any outdoor hydronic heater unless it has been certified in accordance with 310 CMR 7.26(54)(a) to meet the applicable emission standard set forth in 310 CMR 7.26(53)(a)1 or 310 CMR 7.26(53)(b)1.
2. Site or install an outdoor hydronic heater that meets the applicable emission standards at 310 CMR 7.26(53)(a)1 or 310 CMR 7.26(53)(b)1, but does not meet the emission standards at 310 CMR 7.26(53)(a)2 or 310 CMR 7.26(53)(b)2, unless it is installed at least 300 feet from any property line and at least 500 feet from any occupied dwelling or building that it is not serving, and shall have a permanent stack extending five feet higher than the peak of any roof structure located within 150 feet of the outdoor hydronic heater.

(b) On and after March 31, 2010 no person shall:

1. Purchase, install or allow the installation of any outdoor hydronic heater unless it has been certified in accordance with 310 CMR 7.26(54)(a), to meet the applicable emission standard set forth in 310 CMR 7.26(53)(a)2 or 310 CMR 7.26(53)(b)2.
2. Site or install an outdoor hydronic heater that meets the emission standard defined in 310 CMR 7.26(53)(a)2, unless it is installed at least 50 feet from any property line.
3. Site or install an outdoor hydronic heater that meets the emission standard defined in 310 CMR 7.26(53)(b)2, unless it is installed at least 300 feet or more from any property line.
4. Site or install an outdoor hydronic heater that meets the emission standard defined in 310 CMR 7.26(53)(b)2, unless it has a permanent stack extending five feet higher than the peak of any roof structure located within 150 feet of the outdoor hydronic heater.

- (c) Existing Units– All operators of existing outdoor hydronic heaters shall comply with the requirements at 310 CMR 7.26(52)(d) through 310 CMR 7.26(52)(j) inclusively.
- (d) Seasonal limitations: No person shall cause, suffer, allow or permit the operation of an outdoor hydronic heater from April 15 to September 30 unless the outdoor hydronic heater has been certified in accordance with 310 CMR 7.26(54) to meet the emission standard set forth in 310 CMR 7.26(53)(a)2 or 310 CMR 7.26(53)(b)2 as applicable.
- (e) Prohibited fuels: No person shall cause, suffer, allow or permit the burning of any of the following items in an outdoor hydronic heater:
1. Any wood that does not meet the definition of clean wood;
 2. garbage;
 3. tires;
 4. lawn clippings, leaves, brush trimmings, or general yard waste;
 5. materials containing plastic;
 6. materials containing rubber;
 7. waste petroleum products;
 8. paints and paint thinners;
 9. chemicals;
 10. coal;
 11. glossy or colored papers;
 12. construction and demolition debris;
 13. plywood;
 14. particleboard;
 15. salt water driftwood;
 16. manure;
 17. animal carcasses; and
 18. asphalt products.
- (f) Allowable fuels: No person that operates an outdoor hydronic heater shall cause, suffer, allow or permit the use of a fuel other than the following:
1. Clean wood;
 2. Wood pellets made from clean wood;
 3. Home heating oil in compliance with the applicable sulfur content limit or natural gas may be used as starter fuels for dual-fired outdoor hydronic heaters; and
 4. Other biomass fuels as approved by the Department.
- (g) Visible Emission Standard for Commercial Units
1. No person shall cause, suffer, allow or permit the emission of air contaminants from any commercial-size outdoor hydronic heater to exceed an average of 20 percent opacity for two minutes in any one-hour period.

2. No person shall cause, suffer, allow or permit the emission of air contaminants from any commercial-size outdoor hydronic heater to exceed at any time 40 percent opacity for the first 6 minutes during the startup period of a new fire. For the remainder of the startup period no person shall cause or allow the emission of air contaminants from any outdoor hydronic heater to exceed a 20 percent opacity standard in any consecutive two minute average period. 310 CMR 7.26(52)(g)2 only applies to the initial firing of the unit where no coal bed exists and does not apply to refueling.
- (h) No person shall cause, suffer, allow or permit the operation of any outdoor hydronic heater except in conformance with the manufacturer's operating and maintenance instructions.
- (i) No person shall cause, suffer, allow or permit the operation of an outdoor hydronic heater in such a manner as to create a condition of air pollution as defined in 310 CMR 7.00.
- (j) Enforcement: An operator of an outdoor hydronic heater shall comply with all applicable regulations, and state and local laws, including but not limited to local ordinances. Operators are subject to the enforcement provisions specified at 310 CMR 7.52.
- (k) Variances: The Board of Health may grant a variance for an outdoor hydronic heater that meets the standard set forth in 310 CMR 7.26(53)(a)1 from the requirements of 310 CMR 7.26(52)(a)2 and 310 CMR 7.26(52)(d), if in its opinion the Board of Health finds that:
 1. The benefits expected to be derived from requiring such person to comply with 310 CMR 7.26(52)(a)2 and 310 CMR 7.26(52)(d) would be substantially outweighed by the cost to such person; and
 2. Granting such a variance would have no significant deleterious effect on public health.

The variance request shall be made in writing and shall be subject to a public hearing before the Board of Health. The requesting party shall, at their sole expense, notify all property owners within 400 feet of their property boundary by certified mail at least ten days prior to the public hearing.

(53) Requirements for Sellers.

- (a) Particulate Matter Emission Standards for Residential-size Outdoor Hydronic Heaters

1. Phase I Emission Standard – On and after October 1, 2008, no person shall import, distribute or sell, install or allow for installation a residential-size outdoor hydronic heater for use in the Commonwealth unless it has been certified to meet a particulate matter emission limit of 0.44 pounds per million British thermal units (lb/MMBtu) heat input.
 2. Phase II Emission Standard – On and after March 31, 2010, no person shall import, distribute or sell, install or allow for installation a residential-size outdoor hydronic heater for use in the Commonwealth unless it has been certified to meet a particulate matter emission limit of 0.32 lb/MMBtu heat output. In addition, within each of the burn rate categories as established in EPA test method 28 for OWHH, no individual test run shall exceed 15 grams per hour.
- (b) Particulate Emission Standards Commercial-size Outdoor Hydronic Heaters
1. Phase I Emission Standard – On and after October 1, 2008, no person shall import, distribute or sell, install or allow for installation a commercial-size outdoor hydronic heater for use in the Commonwealth unless it has been certified to meet a particulate matter emission limit of 0.44 lb/MMBtu heat input.
 2. Phase II Emission Standard – On and after March 31, 2010, no person shall import, distribute or sell, install or allow for installation an outdoor hydronic heater for use in the Commonwealth unless it has been certified to meet a particulate matter emission standard of 0.32 lb/MMBtu heat output. In addition, within each of the burn rate categories as established in EPA test method 28 for OWHH, no individual test run shall exceed 20 grams per hour.
- (c) Labeling: On and after October 1, 2008, no person shall import, distribute or sell, install or allow for installation an outdoor hydronic heater in the Commonwealth without meeting the labeling requirements in 310 CMR 7.26(54)(j).
- (d) Notice to Buyers: No person shall distribute or sell an outdoor hydronic heater for use in the Commonwealth unless prior to any sale or lease agreement, the seller provides the buyer or lessee with a copy of 310 CMR 7.26(50)-(54), the owners manual, including operating and maintenance instructions, a written fact sheet provided from the Department and a copy of the certification as required by 310 CMR 7.26(54) of the model to be installed.

- (e) Enforcement: Sellers shall comply with all applicable regulations, and state and local laws, including but not limited to local ordinances. 310 CMR 7.26(53) is subject to the enforcement provisions specified at 310 CMR 7.52.

(54) Requirements for Manufacturers

(a) Certification Requirement

1. On and after October 1, 2008, no person shall import, distribute or sell, install or allow for installation an outdoor hydronic heater for use in the Commonwealth unless the manufacturer has certified compliance with the requirements of 310 CMR 7.26(53)(a) or 310 CMR 7.26(53)(b) in accordance with the provisions of 310 CMR 7.26(54)(b). A certification submitted to the Department shall be valid for a period of five years unless revoked by the Department under 310 CMR 7.26(54)(g).
2. The date of certification shall be thirty (30) days from the date postmarked on the envelope used to submit the certification to the Department, as required under 310 CMR 7.26(54)(b), unless the Department, within those thirty (30) days, notifies the manufacturer.
3. An outdoor hydronic heater certified to meet the Phase I emission standard, as defined in 310 CMR 7.26(53)(a)1 and 310 CMR 7.26(53)(b)1, shall be effective up to March 31, 2010. On and after March 31, 2010, manufacturers shall have to meet Phase II emission standards, as defined in 310 CMR 7.26(53)(a)2 and 310 CMR 7.26(53)(b)2.

- (b) Certification Procedure. For each model, a manufacturer shall have at least one outdoor hydronic heater tested by an accredited laboratory in order to demonstrate that the model meets the applicable emission standard(s). The manufacturer shall submit an executive summary to the Department. The Department may request, at its discretion, the entire test report, including but not limited to, the raw data and notes taken at the applicable laboratory.

The certification shall include, but not be limited to, the following information that:

1. testing was conducted in accordance with EPA's test method 28 for OWHH or an alternative method approved by the Department;
2. testing was conducted by an accredited laboratory;
3. certification testing was performed for heating season use only;
4. testing results indicated that the outdoor hydronic heater meets Phase I emission standards as defined in 310 CMR 7.26(53)(a)1 and 310 CMR 7.26(53)(b)1 or Phase II emission standards as defined in 310 CMR 7.26(53)(a)2 and 310 CMR 7.26(53)(b)2;
5. the manufacturer was not involved in conducting the testing procedures except for providing specifications and assembly drawings;

6. the accredited laboratory conducted a certification test on an outdoor hydronic heater similar in all material respects to other units of the model to be certified;
7. the test data was reviewed in accordance with EPA's ETV Program or, alternatively, an independent contractor approved by the Department who has no conflict of interest or financial gain in the outcome of the testing; and
8. a responsible official certifies in accordance with 310 CMR 70.03(2) on forms prescribed and furnished by the Department.

(c) Testing Requirements.

.1 Test Facility

- a. All emissions testing shall be conducted by an accredited, qualified, and independent testing laboratory that has no conflict of interest or financial gain in the outcome of the testing.
- b. Manufacturers of outdoor hydronic heaters shall not involve themselves in the conduct of any emissions testing under 310 CMR 7.26(54)(c) or in the operation of the unit being tested, once actual sampling has begun.

2. Test Method – Emission tests shall be conducted using one of the following:

- a. EPA Test Method 28 OWHH; or
- b. An alternative method approved by the Department.

3. Btu Rating – Testing to determine the heat output in MMBtu/hr shall be conducted according to the test method defined in 310 CMR 7.26(54)(c)2. This testing determines the categorization of an outdoor hydronic heater as a commercial or residential-sized unit.

4. Test Protocols – If there is any deviation from the test method defined in 310 CMR 7.26(54)(c)2a, the manufacturer of the outdoor hydronic heater shall provide the Department, or equivalent authority approved by the Department, with a test protocol for approval in accordance with the testing requirements in 310 CMR 7.26(54)(c) 45 days prior to the emission testing for certification. The Department shall approve or disapprove the proposed test protocol in writing within 30 days.

(d) Approved Test Facilities – An accredited laboratory shall conduct all of the testing, test reporting, and product inspection requirements of 310 CMR 7.26(50)-(54), but the manufacturer shall be responsible for ensuring

that all information required pursuant to 310 CMR 7.26(50)-(54) is provided to the Department. Emission test reviews for certification shall be conducted by EPA's ETV Program or, alternatively, an independent contractor approved by the Department who has no conflict of interest or financial gain in the outcome of the testing. The Department may in its discretion, with reasonable notice, perform the review of testing results for certification of a model or individual outdoor hydronic heater.

1. Laboratory Accreditation Requirements – A laboratory shall be accredited:
 - a. by the U.S. Environmental Protection Agency (EPA) for testing wood-burning residential space heaters in accordance with 40 CFR Part 60, Subpart AAA;
 - b. by the American National Standards Institute (ANSI) to the International Standards Organization (ISO) Standard ISO/IEC Guide 65 General Requirements for Bodies Operating Product Certification Systems; or
 - c. by a nationally recognized accreditation body to ISO/IEC 17025, General Requirements for the Competence of Testing and Calibration Laboratories.
 - i. The nationally recognized accrediting body itself shall be accredited to, and operate under ISO Guide 58 (Calibration and Testing Laboratory Accreditation Systems – General Requirements for Operation and Recognition), and
 - ii. by a nationally recognized accreditation body to the American Society for Testing and Materials (ASTM) Standard Practice D7036-04; Competence of Air Emission Testing Bodies.
- (e) Change in Design Parameter – A model shall require a new certification whenever any change is made in the design that is presumed to affect the particulate emission rate for that model. Changes that are presumed to affect particulate emission rates for models include, but are not limited to:
 1. Tolerance changes: any change in the indicated tolerances of any of the following components is presumed to affect particulate emission rates if that change exceeds ± 0.64 cm ($\pm \frac{1}{4}$ inch) for any linear dimension and ± 5 percent for any cross-sectional area relating to air introduction systems and catalyst bypass gaps unless other dimensions and cross-sectional areas are previously approved by the Department;

2. Firebox: dimensions;
 3. Air inductions systems: cross-sectional area of restrictive air inlets, outlets and location, and method of control;
 4. Baffles: dimensions and location;
 5. Refractory/insulation: dimensions and location;
 6. Catalyst: dimensions and location;
 7. Catalyst bypass mechanism: dimensions, cross-sectional area, and location;
 8. Flue gas exit: dimension and location;
 9. Door and catalyst bypass gaskets: dimension and fit;
 10. Outer shielding and coverings: dimension and location;
 11. Fuel feed system;
 12. Forced air combustion system: location and horsepower of blower motors and fan blade size.
- (f) Change in materials – A model shall require a new certification whenever any change is made in the materials that is presumed to affect the particulate emission rate for that model. Any change in the materials used for the following components is presumed to affect emissions:
1. refractory/insulation;
 2. door and catalyst bypass gaskets;
 3. for catalyst equipped units – change in catalyst make, model or composition;
 4. heat exchanger;
 5. heating fluids.
- (g) Revocation. Certification of an outdoor hydronic heater may be revoked by the Department based on any of the following:

1. The outdoor hydronic heater does not meet the applicable particulate emission standard in 310 CMR 7.26(53)(a) or 310 CMR 7.26(53)(b) based on test data from retesting the original unit used for certification testing;
 2. A finding that the certification test was not valid;
 3. A finding that the unit does not comply with the labeling requirements detailed in 310 CMR 7.26(54)(j);
 4. Failure to comply with recordkeeping requirements pursuant to 310 CMR 7.26(54)(l);
 5. Physical examination showing that more than twenty percent of production units inspected are not similar in all material respects to the model used for certification testing;
 6. Failure of the manufacturer to conduct a quality assurance program as detailed in 310 CMR 7.26(54)(h); or
 7. Repeated field observed opacity violations of commercial units and a determination by the Department that the model cannot consistently comply.
- (h) Quality Assurance Program – After a model is certified, the manufacturer or its designee shall conduct a quality assurance program that, at a minimum, includes the following requirements:
1. The manufacturer or authorized representative shall have one in every 150 units produced within a model inspected to determine that the units are within applicable tolerances or to determine if there are any changes in material for all components that affect emissions as listed in 310 CMR 7.26(54)(e) and 310 CMR 7.26(54)(f). A qualified, independent third party contractor or consultant shall conduct the inspection.
 2. The manufacturer or authorized representative shall be responsible for ensuring that an emission test is conducted by a qualified, independent third party testing contractor or consultant on a randomly selected unit produced within a model on the following schedule:

If certification test results were:	If yearly production per model is:	
	<500 total production	≥500 total production
>70% of the PM emission standard	When directed by the Department not to exceed one of every 500 units	Every 500 units or triennially (whichever is more frequent)
70% or less of the PM emission	When directed by the Department not to exceed	Every 1,000 units or triennially (whichever

standard	one of every 1,000 units	is more frequent)
30% or less of the PM emission standard	Every 2,000 units	Every 2,000 units or annually (whichever is more frequent)

3. The emission test shall be conducted in conformity with 310 CMR 7.26(54)(c)2.
4. If the manufacturer uses a different material for the firebox, firebox component, or hydronic heating mechanism than the one used for certification testing, the first test shall be performed before 500 units of the modified unit are produced. The manufacturer shall submit an executive summary or if requested by the Department the entire testing results, including but not limited to, the raw data and notes taken by the lab technicians, documenting the results of this emission test to the Department within 45 days of completion of testing.
 - (i) Notification by Manufacturers
 - .1 By March 1st each year, and as outdoor hydronic heaters are certified, manufacturers shall provide the following information in writing to any person to whom the manufacturer has distributed, intends to distribute, or actually distributes or sells outdoor hydronic heaters in the Commonwealth:
 - a A list of all models of outdoor hydronic heaters that it manufactures for use in the Commonwealth; and
 - b A list of models that have received certification to meet the particulate matter emission standards and certification requirements set forth in 310 CMR 7.26(53)(a) and 310 CMR 7.26(53)(b) respectively for use in the Commonwealth.
 - .2 This information shall be kept by the manufacturer in accordance with 310 CMR 7.26(54)(l).
 - (j) Labeling Requirements: On and after October 1, 2008, manufacturers of outdoor hydronic heaters shall meet the following labeling requirement for units distributed or sold, offered for sale or leased for use in the Commonwealth:
 - .1 Permanent Label: Every outdoor hydronic heater shall have a permanent label that shall:
 - a Be permanently affixed in a readily visible or accessible location;

- .b Be at least 3½ inches long by 3 inches wide;
 - .c Be made of a material expected to last the lifetime of the unit;
 - .d Present required information in a manner so that it is likely to remain legible for the lifetime of the unit; and
 - .e Be affixed in such a manner that it cannot be removed from the appliance without damage to the label.
- .2 The permanent label shall display the following information:
- .a The manufacturer and identification of the model;
 - .b Month and year of manufacture;
 - .c Model number or name;
 - .d Serial number;
 - .e Thermal output rating in MMBtu/hr;
 - .f Date of certification in accordance with 310 CMR 7.26(54)(a)2; and
 - .g Results of emissions standard testing in grams per hour and lb/MMBtu input and output for respective Phase I and Phase II certification testing as defined in 310 CMR 7.26(53)(a) and 310 CMR 7.26(53)(b).
- .3 The permanent label shall prominently display the following language on the outdoor hydronic heater:
- .a Language stating, “It is unlawful to burn garbage, treated or painted wood, coal, tires, plastic and plastic products, rubber products, yard waste, lawn clippings, glossy or colored papers, construction and demolition debris, plywood, particleboard, salt water driftwood, manure, animal carcasses, asphalt products, waste petroleum products, paints, chemicals or any substance that normally emits dense smoke or obnoxious odors.”
 - .b For units equipped with catalytic combustors, the following statement shall appear on the permanent label: “This unit contains a catalytic combustor that needs periodic inspection and replacement for proper operation. Consult owner’s manual for further information. It is against the law to operate this unit in a

manner inconsistent with operating instructions in the owner's manual, or if the catalytic element is deactivated or removed.”

- .4 The permanent label may be combined with any other label, as long as the required information is displayed, and the integrity of the permanent label is not compromised.
 - .5 Temporary Label: All units shall have attached to them a temporary label that shall contain the following:
 - .a A statement indicating the certification status of the model;
 - .b A graphic representation of the composite particulate matter emission rate as determined in the certification test, or as determined by the Department;
 - .c A graphic representation of the efficiency of the model;
 - .d A numerical expression of the heat output range in British thermal units per hour (Btu/hr) rounded to the nearest 100 Btu/hr; and
 - .e Statements regarding the importance of proper operation and maintenance.
 - .6 The temporary label shall:
 - a) Not be combined with any other label or information; and
 - b) Be attached to the unit in such a manner that it can be easily removed by the consumer.
- (k) Owner's Manual – On and after October 1, 2008, each outdoor hydronic heater offered for sale or lease in the Commonwealth shall be accompanied by an owner's manual that shall be published by the manufacturer and contain all the information listed below:
1. Proper thermal output capacity for matching with the building's thermal demands;
 2. Proper installation information;
 3. Operation and maintenance information;
 4. Wood or other approved solid fuel loading procedures, recommendations on wood or other approved solid fuel selection, and warnings on improper fuels;

5. Fire starting procedures;
 6. Proper use of air flow devices, if applicable;
 7. Ash removal procedures; and
 8. For catalytic models, information pertaining to maintaining catalyst performance, maintenance procedures, procedures for determining catalyst failure or deterioration, procedures for replacement, and information on warranty rights.
 9. Persons operating this hydronic heater are responsible for operation of the hydronic heater so as not to cause a condition of air pollution as defined in 310 CMR 7.01(1).
- (l) Recordkeeping: Every manufacturer of an outdoor hydronic heater shall keep records demonstrating compliance 310 CMR 7.26(54). These records shall be kept and maintained by the manufacturer. These records shall be kept on site for a period not less than five years and shall be made available to the Department within 90 days of a written request.
- (m) Enforcement: A manufacturer of an outdoor hydronic heater shall comply with all applicable regulations, and state and local laws, including but not limited to local ordinances. Manufacturers are subject to the enforcement provisions specified at 310 CMR 7.52.

FOR INFORMATION ONLY

COMPLIANCE CERTIFICATION STATEMENT

Instructions- The applicant must answer each question below. The Department may deny certification of the model if any of the questions correspond with a non-compliant response.

Section A- Manufacturer's name, physical location, contact person and federal tax ID. This will provide sufficient information to enter manufacturer into Department FMF database for compliance and enforcement performance tracking.

Section B- Compliance certification questions to be completed every five years by the manufacturer or when the manufacturer is seeking certification of a model or an outdoor hydronic heater.

1. Was the outdoor hydronic heater (OHH) tested in accordance with 310 CMR 7.26(54)(c) testing requirements? _Y
_N
2. Was the OHH tested by an accredited laboratory in accordance with 310 CMR 7.26(54)(c)1? _Y
_N
3. Did the OHH pass the applicable Phase I PM emission standards in 310 CMR 7.26(53)(a)1 or 310 CMR 7.26(53)(b)1 or Phase II PM emission standards in 310 CMR 7.26(53)(a)2 or 310 CMR 7.26(53)(b)2? _Y _N
4. Did the manufacturer implement a quality assurance program in accordance with 310 CMR 7.26(54)(n)? _Y
_N
5. Did the manufacturer prepare and submit the required notification reports in accordance with 310 CMR 7.26(54)(i)? _ Y _ N
6. Did the manufacturer label the OHH in accordance with 310 CMR 7.26(54)(j)? _Y _N
7. Did the certification testing deviate at all from the approved test methods set forth in 310 CMR 7.26(54)(c)2a. ? _Y _N
8. If the testing methodology deviated at all, then was a testing protocol submitted to the Department prior to testing? _Y _N

9. Did the manufacturer keep information about production in accordance with 310 CMR 7.26(54)(i)2? _Y
_N

10. Did the manufacturer provide all testing reports, raw data sheets, laboratory technician notes, calculations, and test results to EPA's ETV Program? _Y
_N

11. Did the manufacturer submit the executive summary to the Department? _Y
_N

12. Were there previous material changes in the OHH as set forth in 310 CMR 7.26(54)(f) that required the OHH to be retested? _Y
_N

Section C- *Return to Compliance plans.*

Section D- Certification Signature of Responsible Official for Manufacturer

"I attest under the pains and penalties of perjury:

- (i) that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this certification statement;
- (ii) that, based on my inquiry of those individuals responsible for obtaining the information, the information contained in this submittal is to the best of my knowledge, true, accurate, and complete;
- (iii) that systems to maintain compliance are in place at the facility and will be maintained for the coming year even if processes or operating procedures are changed over the course of the year; and
- (iv) that I am fully authorized to make this attestation on behalf of this facility.

I am aware that there are significant penalties including, but not limited to, possible fines and imprisonment for willfully submitting false, inaccurate, or incomplete information."

Section E- Certification by the accredited laboratory performing the certification testing.

Name and address of certification testing laboratory:

Name of manufacturer that the laboratory is conducting the certification testing for: _____

Name of model or model the laboratory is performing the certification testing on: _____.

1. Is the laboratory an accredited facility in accordance with 310 CMR 7.26(54)(d)? _Y_ N

2. The certification testing was performed in accordance with EPA Test Method 28 OWHH for Measurement of Particulate Emissions and Heating Efficiency of Outdoor Wood –Fired Hydronic Heating Appliances? _Y_ N

3. Testing was conducted for seasonal use only? _Y_ N

4. Testing was conducted for year round use only? _Y_ N

5. Testing was conducted for both seasonal and year round use? _Y_ N

6. Testing laboratory performed the certification testing independently and has no financial gain in the outcome of the testing? _Y_ N

7. Testing was performed for Phase I testing in lb/MMBtu heat input? _Y_ N

8. Testing was performed for Phase II testing in lb/MMBtu heat output and grams per hour? _Y_ N

9. Unit passed the stated seasonal or year round certification testing based on the weighted average calculations in accordance with EPA Test Method 28 OWHH? _Y_ N

Cause of failed certification test? (a) exceed limit, (b) could not achieve Sufficient burn rate categories, (c) material different design than as built drawings, (d) appliance overheating occurred, (e) other please explain.

10. Testing was an initial test on a model and not a retest due to a failed certification test _Y_ N

11. Testing was a retesting due to a failed previous certification test? _Y_ N

Cause of failed certification test? (a) exceed limit, (b) could not achieve Sufficient burn rate categories, (c) material different design than as built drawings, (d) appliance overheating occurred, (e) other please explain.

Section F- Certification Signature of Responsible Official for the Laboratory

"I attest under the pains and penalties of perjury:

- (i) that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this certification statement;
- (ii) that, based on my inquiry of those individuals responsible for obtaining the information, the information contained in this submittal is to the best of my knowledge, true, accurate, and complete;
- (iii) that systems to maintain compliance are in place at the facility and will be maintained for the coming year even if processes or operating procedures are changed over the course of the year; and
- (iv) that I am fully authorized to make this attestation on behalf of this facility.

I am aware that there are significant penalties including, but not limited to, possible fines and imprisonment for willfully submitting false, inaccurate, or incomplete information."
