

310 CMR 7.26(50) Outdoor Hydronic Heaters

(50) Outdoor Hydronic Heaters- Applicability.

- (a) 310 CMR 7.26(50)-(54) applies to any person who owns, operates, manufactures, supplies, distributes or sells, 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.
- (b) In addition to 310 CMR 7.26(50)-(54), Outdoor hydronic heaters may also be required to comply with other regulations governing design, manufacture and installation of boilers, including, but not limited to:
 - 1. 522 CMR 5.00, Heating Boilers;
 - 2. 522 CMR 6.00, Low-Pressure Heating Boilers;
 - 3. 527 CMR 4.00, Oil Burning Equipment, for outdoor hydronic heaters that are dual-fuel units; and
 - 4. 780 CMR 6007, Solid Fuel-Burning Appliances of the State Building Code.

(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 preservatives, 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 particulate matter standards.

Existing unit or Existing outdoor hydronic heater means an outdoor hydronic heater that is contracted to be paid in full, purchased and paid in full or installed and/or operated at the intended location of use prior to December 26, 2008.

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 October 1 and ending May 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.

Outdoor hydronic heater or heater means a fuel burning device: (1) designed to 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) that 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 December 26, 2008 no person shall:

1. Purchase, install or allow the installation of an 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) or 310 CMR 7.26(53)(b).
2. Site or install a residential-size outdoor hydronic heater that meets the emission standard defined in 310 CMR 7.26(53)(a), unless it is installed at least 50 feet from any property line and 75 feet from any occupied dwelling that it is not serving, at the time of installation.
3. Site or install a commercial-size outdoor hydronic heater that meets the emission standard defined in 310 CMR 7.26(53)(b), unless it is installed at least 275 feet or more from any property line and 300 feet from any occupied dwelling that it is not serving, at the time of installation, unless a variance has been granted pursuant to 310 CMR 7.26(52)3.a.- d. from the setback to the property line that allows a shorter distance than 275 feet.
 - a. Variance procedure. An application for a variance from the setback to the property line shall be submitted to the Department by the owner prior to installation of the unit. The Department will not grant a variance from the required distance of 300 feet to the nearest occupied dwelling.
 - b. Prior to submitting an application to the Department, the applicant shall, at its sole expense, notify the following groups by certified mail of the request for a variance:
 - i. residents of any occupied dwelling within 500 feet of the proposed location of the unit;
 - ii. the board of health of the municipality in which the unit is to be located; and
 - iii. the board of health of the adjacent municipality if the unit is within 500 feet of an adjacent municipality.

- c. Application requirements. In the application for a variance, the owner shall:
 - i. Show that meeting the setback is not feasible, based solely on the size and configuration of the property on which the unit is to be installed. Feasibility shall not include consideration of cost to install the unit if the size of the property is sufficient to meet the setback.
 - ii. Include a detailed site plan that clearly shows the proposed location and distances of the unit relative to the applicant's property lines and the distances to all occupied dwellings or buildings within 500 feet of the unit, and the zoning of the adjacent properties;
 - iii. Include a copy of the notice and certified mail receipts showing the appropriate people were notified as required at 310 CMR 7.26(52)(a)3.b.
 - d. Criteria for granting or not granting the variance.
 - i. Meeting the setback to the property line is not feasible based solely on the size and configuration of the property.
 - ii. In no case shall a variance be granted for a distance of less than 200 feet to the property line.
 - iii. Granting such a variance will not cause or contribute to a condition of air pollution .
 - e. Appeals of Determinations. The applicant or any party who is aggrieved by the decision issued by the Department may request an adjudicatory hearing on that determination in accordance with 310 CMR 1.00 and M.G.L. c.30A..
4. Site or install an outdoor hydronic heater that meets the emission standard defined in 310 CMR 7.26(53)(a) or 310 CMR 7.26(53)(b), unless it has a permanent stack extending two feet higher than the peak of any roof structure located within 150 feet of the outdoor hydronic heater, if the outdoor hydronic heater is installed less than 150 feet from the nearest occupied dwelling that it is not serving.
- (b) Existing Units– All operators of existing outdoor hydronic heaters shall comply with the following requirements:
- 1. 310 CMR 7.26(52)(c) through 310 CMR 7.26(52)(j) inclusively; and
 - 2. have a permanent stack extending two feet higher than the peak of any roof structure located within 150 feet of the outdoor hydronic heater, if the outdoor hydronic heater is installed less than 150 feet from the nearest occupied dwelling that it is not serving. Such permanent stack shall be installed no later than March 1, 2009.

- (c) Seasonal limitations: No person shall cause, suffer, allow or permit the operation of an outdoor hydronic heater from May 16 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) or 310 CMR 7.26(53)(b) as applicable, or it is an existing unit installed at least 500 feet from the nearest occupied dwelling that it is not serving.

- (d) 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 asbestos;
 - 6. materials containing lead, mercury, or other heavy or toxic metals;
 - 7. materials containing plastic;
 - 8. materials containing rubber;
 - 9. waste petroleum products;
 - 10. paints and paint thinners;
 - 11. chemicals;
 - 12. coal;
 - 13. glossy or colored papers;
 - 14. construction and demolition debris;
 - 15. plywood;
 - 16. particleboard;
 - 17. salt water driftwood and other previously salt water saturated materials;
 - 18. manure;
 - 19. animal carcasses; and
 - 20. asphalt products.

- (e) 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 or substitute fuel in dual-fired outdoor hydronic heaters; and
 - 4. other biomass fuels as approved by the Department.

- (f) Visible Emission Standard
 - 1. No person shall cause, suffer, allow or permit the emission of air contaminants from any residential-size outdoor hydronic heater or 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 residential-size outdoor hydronic heater or 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)(f)2 only applies to the initial firing of the unit where no coal bed exists and does not apply to refueling.
3. Opacity under this subsection shall be determined pursuant to EPA Method 9 Visual Determination of the Opacity of Emissions from Stationary Sources (40 CFR Part 60, Appendix A).

- (g) 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.
- (h) No person shall operate an outdoor wood boiler using a rain cap unless this device is required by the manufacturer specifications.
- (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 bylaws, regulations and ordinances. 310 CMR 7.26(52) is subject to the enforcement provisions specified at 310 CMR 7.52.

(53) Requirements for Sellers.

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

On and after December 26, 2008, no person shall import, distribute or sell, install or allow the installation of 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 eighteen (18) grams per hour.

(b) Particulate Emission Standards Commercial-size Outdoor Hydronic Heaters:

On and after December 26, 2008, no person shall import, distribute or sell, install or allow the installation of a commercial-size 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 twenty (20) grams per hour.

- (c) Labeling: On and after December 26, 2008, no person shall import, distribute or sell, install or allow for installation an outdoor hydronic heater for use 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 by 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 bylaws, regulations and 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 December 26, 2008, no person shall import, distribute or sell, install or allow the installation of 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 that the date of certification shall be greater than (30) days.

(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 and/or year round use;
4. testing results indicated that the outdoor hydronic heater meets the emission standards as defined in 310 CMR 7.26(53)(a) and 310 CMR 7.26(53)(b);
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 or by the Department in its discretion solely or in coordination with other NESCAUM state representatives; 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 testing 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).
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, in writing, 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 a material that is presumed to affect the particulate emission rate for that model. Any change in the materials used, including but not limited to, 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 for the following reasons, including but not limited to:
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 residential size and commercial-size units and a determination by the Department that the model cannot consistently comply.
- (h) Quality Assurance Program – 310 CMR 7.26(54)(h) shall only be effective if EPA's ETV Program is not the lead quality assurance verifier of outdoor hydronic heater lab certification testing procedures and emissions reporting for model/model line outdoor hydronic heater certifications. 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 of 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 of 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 standard	When directed by the Department not to exceed one of every 1,000 units	Every 1,000 units or triennially (whichever 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 April 30 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 for use 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 as set forth in 310 CMR 7.26(53)(a) and 310 CMR 7.26(53)(b) and the certification requirements as set forth in 310 CMR 7.26(54) (b) for use in the Commonwealth.
2. This information shall be kept by the manufacturer in accordance with 310 CMR 7.26(54)(1).

(j) Labeling Requirements: On and after December 26, 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 made of a material expected to last the lifetime of the outdoor wood boiler.
 - b. Be affixed in a readily visible or accessible location.
 - c. Be affixed in such a manner that it cannot be removed from the outdoor wood boiler without damage to the label.
 - d. Display the following information on the label:
 - i. name and address of the manufacturer;
 - ii. date of manufacture;
 - iii. model name and number;
 - iv. serial number;
 - v. thermal output rating in Btu/h;
 - vi. certified emission rate in heat output expressed as lb/MMBtu
 - vii. certified particulate emission rate in grams per hour; and
 - viii. a statement as to whether the unit is certified to be used year-round or only during the heating season or both.
2. 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.
3. The temporary label shall:
- a. not be combined with any other label; 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 December 26, 2008, each outdoor hydronic heater offered for sale or lease for use 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;
 - 5. list of approved solid fuels;
 - 6. list of prohibited fuels
 - 7. recommendations on wood or other approved solid fuel selection;
 - 8. fire starting procedures;
 - 9. proper use of air flow devices, if applicable;
 - 10. ash removal procedures;
 - 11. 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; and
 - 12. 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 30 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 bylaws, regulations and ordinances. Sections 310 CMR

7.26(54)(i),(j), (k), and (l) are subject to the enforcement provisions specified at 310 CMR 7.52.