



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: Correction of Inadvertent Errors in the Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces

FROM: Janet G. McCabe *JGC*
Acting Assistant Administrator (6101A)

THRU: Lorie Schmidt *Lorie Schmidt*
Associate General Counsel
Air and Radiation Law Office (2344A)

Joel Beauvais *J Beauvais*
Associate Administrator
Office of Policy (1804A)

TO: Gina McCarthy
Administrator (1101A)

This memorandum addresses two regulatory provisions that contain the same inadvertent error that was made in the process of preparing the signature package for the final rule titled "Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces" signed on February 3, 2015. The attached pages of the final rule are a redline and strikeout version that identifies this error and shows the corrected text.

We are making this change to clarify our intention that international and domestic manufacturers of new residential wood heaters and new residential hydronic heaters would have the same constraints, and that the extended sales period for pre-existing inventory is limited to heaters manufactured before the effective date of the rule, as we correctly stated in the preamble. The Hydronic Heater Caucus and Office of General Counsel (OGC) raised concerns that the regulatory text was not consistent with our discussion in the preamble, and that someone could interpret the current text to mean that international manufacturers of new residential wood heaters may continue to manufacture uncertified products after the effective date and import them into the United States for sale between the effective date (60 days after publication in the Federal Register) and December 31, 2015.

The OGC recommends replacing the existing language with the following text to ensure that the regulatory text fully and clearly states (a) the prohibitions on manufacture, import and sale of uncertified heaters after the effective date, and (b) the proper scope of the allowance to sell pre-existing inventory through the end of 2015 (for both AAA and QQQQ):

Subpart AAA, section 60.532(a), page 132:

(a) *2015 Particulate Matter Emission Standards*. Unless exempted under § 60.530(b), each affected residential wood heater manufactured, imported into the United States, and/or sold at retail on or after **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]** must be certified to not discharge into the atmosphere any gases that contain particulate matter in excess of a weighted average of 4.5 g/hr (0.010 lb/hr), except that a wood heater manufactured before **[INSERT DATE 60 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER]** may be imported into the United States and/or sold at retail on or before December 31, 2015. Compliance for all heaters must be determined by the test methods and procedures in § 60.534.


Subpart QQQQ, section 60.5474(a)(1), page 187:

(a) *Standards*. Unless exempted under § 60.5472, no person is permitted to:

(1) On or after **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**, manufacture, import into the United States or sell at retail a residential hydronic heater unless it has been certified to meet the 2015 particulate matter emission limits in paragraph (b)(1) of this section, except that a residential hydronic heater that was manufactured on or before **[INSERT DATE 60 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER]** may be imported into the United States and/or sold at retail on or before December 31, 2015.

The redline and strikeout shown on pages 132 and 187 of the rule identify the error described above and show the corrected text.

We recommend correction of these inadvertent errors and approval of these changes by signing and dating below.


Gina McCarthy,
Administrator.

2/13/15
Dated

Attachment

cc: Amy Hambrick/OA (1101A)