



**State of New Jersey**  
DEPARTMENT OF COMMUNITY AFFAIRS  
101 SOUTH BROAD STREET  
PO BOX 802  
TRENTON, NJ 08625-0802

JON S. CORZINE  
Governor

JOSEPH V. DORIA, JR.  
Commissioner

June 3, 2009

Dear Construction Official:

As you may recall, in November, 2008, I sent a letter regarding issues that have arisen with outdoor wood boilers. As promised, we reached out to the Department of Environmental Protection (DEP) and discussed the difficulties inherent in issuing permits under the Uniform Construction Code to those who want to install outdoor wood boilers only to have enforcement action taken against them at some future date. Unfortunately, there is no ready solution to this problem. There is no way to predict whether a given outdoor wood boiler, once installed and in use, will comply with the DEP rules.

To ensure that any homeowner who applies for a permit to install an outdoor wood boiler is aware that this is the case, we are asking that local construction officials have permit applicants sign the attached acknowledgement and retain a copy in the permit file. A copy of the relevant section of the DEP rules also is attached for your reference (N.J.A.C. 7:27-3.) Under these rules, smoke from outdoor wood boilers may be visible for not more than three minutes in any consecutive 30 minute period. These rules apply only to indirect heat exchangers. Outdoor wood boilers meet the definition of indirect heat exchangers. Chimineas, fireplaces and traditional wood-burning stoves do not.

For your convenience, the November, 2008 letter, the DEP rules and the acknowledgement to be signed by permit applicants all are available on the Division's website at [www.state.nj.us/dca/codes](http://www.state.nj.us/dca/codes). Should you have any questions, please feel free to contact the Code Assistance Unit at (609) 984-7607. Homeowners with questions regarding the DEP standards should be referred to the Air Compliance and Enforcement Unit within DEP at (609) 633-7288.

Sincerely,

Cynthia A. Wilk  
Director  
Division of Codes and Standards

Attachments



**Outdoor Wood Boiler Construction Code Permit Notice  
And Acknowledgement**

Under the New Jersey Administrative Codes, Title 7, Chapter 27 (N.J.A.C. 7:27), Air Pollution Control, the NJ Department of Environment Protection (DEP) regulates smoke emissions from indirect heat exchangers. Outdoor wood boilers (OWB) and outdoor hydronic heaters (OHH) meet the definition of indirect heat exchangers and are therefore subject to the requirements of N.J.A.C. 7: 27-3 "Prohibition of Smoke from the Combustion of Fuels."

Smoke from OWBs or OHHs have been known to exceed DEP's standards. The manufacturers are not required to label, document or otherwise disclose the quantity of smoke produced by these devices. There is no means to predict whether a given outdoor wood boiler, when in use, will violate the DEP smoke emission limit.

Issuance of a Uniform Construction Code (UCC) permit does not guarantee that a unit will meet the DEP requirements. An outdoor wood boiler that has been installed in accordance with all applicable requirements established under the UCC may still be subject to some future enforcement action by the NJDEP, including penalties to the vendor, installer and property owner.

Homeowners with questions about compliance with the emission standard are advised to contact the NJDEP at (609)633-7288 or the county health department

I acknowledge that I have been given a copy of this Notice

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Property Owner or Authorized Representative

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Date

**N.J.A.C. 7:27-3.1 Definitions**

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"Indirect heat exchanger" means equipment in which heat from the combustion of fuel is transferred by conduction through a heat-conducting material to a substance being heated, so that the latter is not contacted by, and adds nothing to, the products of combustion.

"Internal cross-sectional dimension" means any maximum linear perpendicular distance from an inside wall of a stack or chimney to the inside of an opposite wall, such as the diameter of a circular cross-section or the length or width of a rectangular cross-section.

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**NJAC 7:27-3.2 Smoke emissions from stationary indirect heat exchangers**

(a) No person shall cause, suffer, allow or permit visible smoke to be emitted into the outdoor air from the combustion of fuel in any stationary indirect heat exchanger except as provided in (b) below.

(b) No person shall cause, suffer, allow or permit smoke the shade or appearance of which is darker than number 1 on the Ringelmann smoke chart or greater than 20 percent opacity, exclusive of visible condensed water vapor, to be emitted into the outdoor air from the combustion of fuel in any stationary indirect heat exchanger having a rated hourly capacity of 200 million BTU or greater gross heat input and discharging through a stack or chimney having all internal cross-sectional dimensions of 60 inches or greater.

(c) The provisions of (a) and (b) above shall not apply to smoke which is visible for a period of not longer than three minutes in any consecutive 30-minute period.