



ADVISORY
December 2010

District Rule 4308 – Boilers, Steam Generators, and Process Heaters – 0.075 MMBtu/hr to less than 2.0 MMBtu/hr

Effective January 1, 2011, Rule 4308 prohibits the supply, sale and/or installation of any boiler, process heater or water heater unless it has been certified to comply with the Tier 2 emission standards prescribed by the rule. Several manufacturers of commercial water heaters subject to the rule have contacted the District to assert that compliant units with a rated heat input capacity between 75,000 Btu/hr and 400,000 Btu/hr will not be available by the January 1, 2011 compliance deadline.

The District has advised these manufacturers that the continued supply, sale, and/or installation of the subject units would only be allowed under a product variance granted by the District's Hearing Board. If granted, a product variance would allow specific units to continue to be supplied, sold, and/or installed within the jurisdiction of the District subject to the timeframes and conditions imposed on the variance by the Hearing Board.

Should the District's Hearing Board grant a manufacturer a product variance(s), the District will abide by the variance and not enforce the applicable requirements of Rule 4308 during the timeframe specified in the variance provided that all conditions imposed by the Hearing Board are met.

In accordance with the provisions of the California Health & Safety Code, the District's Hearing Board is prohibited from granting variance relief retroactive to the date which the variance petition was filed with the District. Therefore, product variance petitions not received prior to January 1, 2011, will not be eligible for variance relief back to the January 1, 2011, compliance date should the Hearing Board grant the variance.

If you have any questions about the variance process, you may contact Mr. Patrick Houlihan by telephone at (559) 230-5975 or by email at patrick.houlihan@valleyair.org, or Mr. Ryan Hayashi by telephone at (559) 230-5958 or by email at ryan.hayashi@valleyair.org.

If you have not already done so, please read a copy of the rule because it may affect your operation in other ways not specifically mentioned in this advisory. You may obtain a copy of Rule 4308 from any District Office or view this and other rules at: <http://valleyair.org/rules/1ruleslist.htm>.