

components (except components specified in § 60.506(a)) which are or will be replaced pursuant to all continuous programs of component replacement which are commenced within any 2-year period following December 17, 1980. For purposes of this paragraph, "commenced" means that an owner or operator has undertaken a continuous program of component replacement or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of component replacement.

### Subpart AAA—Standards of Performance for New Residential Wood Heaters

SOURCE: 53 FR 5873, Feb. 26, 1988, unless otherwise noted.

#### § 60.530 Applicability and designation of affected facility.

(a) The affected facility to which the provisions of this subpart apply is each wood heater manufactured on or after July 1, 1988, or sold at retail on or after July 1, 1990. The provisions of this subpart do not apply to wood heaters constructed prior to July 1, 1988, that are or have been owned by a noncommercial owner for his personal use.

(b) Each affected facility shall comply with the applicable emission limits in § 60.532 unless exempted under paragraph (c), (d), (e), (f), (g) or (h) of this section.

(c)—(d) [Reserved]

(e) Affected facilities manufactured in the U.S. for export are exempt from the applicable emission limits of § 60.532 and the requirements of § 60.533.

(f) A wood heater used for research and development purposes that is never offered for sale or sold is exempt from the applicable emission limits of § 60.532 and the requirements of § 60.533. No more than 50 wood heaters manufactured per model line may be exempted for this purpose.

(g) A coal-only heater is exempt from the applicable emission limits of § 60.532 and the requirements of § 60.533.

(h) The following are not affected facilities and are not subject to this subpart:

- (1) Open masonry fireplaces constructed on site,
- (2) Boilers,
- (3) Furnaces, and
- (4) Cookstoves.

(i) Modification or reconstruction, as defined in §§ 60.14 and 60.15 of subpart A, shall not, by itself, make a wood heater an affected facility under this subpart.

[53 FR 5873, Feb. 26, 1988, as amended at 60 FR 33925, June 29, 1995]

#### § 60.531 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and subpart A of this part.

*At retail* means the sale by a commercial owner of a wood heater to the ultimate purchaser.

*Boiler* means a solid fuel burning appliance used primarily for heating spaces, other than the space where the appliance is located, by the distribution through pipes of a gas or fluid heated in the appliance. The appliance must be tested and listed as a boiler under accepted American or Canadian safety testing codes. A manufacturer may request an exemption in writing from the Administrator by stating why the testing and listing requirement is not practicable and by demonstrating that his appliance is otherwise a boiler.

*Coal-only heater* means an enclosed, coal-burning appliance capable of space heating, or domestic water heating, which has all of the following characteristics:

(a) An opening for emptying ash that is located near the bottom or the side of the appliance,

(b) A system that admits air primarily up and through the fuel bed,

(c) A grate or other similar device for shaking or disturbing the fuel bed or power-driven mechanical stoker,

(d) Installation instructions that state that the use of wood in the stove, except for coal ignition purposes, is prohibited by law, and

(e) The model is listed by a nationally recognized safety-testing laboratory for use of coal only, except for coal ignition purposes.

*Commercial owner* means any person who owns or controls a wood heater in