

DICK L. HESS, MEMBER

ROOM 213, RYAN OFFICE BUILDING
PO BOX 202078
HARRISBURG, PENNSYLVANIA 17120-2078
PHONE: (717) 787-7076
FAX: (717) 705-1855

133 SOUTH RICHARD STREET
BEDFORD, PENNSYLVANIA 15522
PHONE: (814) 623-9097
FAX: (814) 623-6633

314 LINCOLN WAY EAST
SUITE A
MC CONNELLSBURG, PENNSYLVANIA 17233
PHONE: (717) 485-4430

2802



House of Representatives
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APPOINTMENT

PENNVEST - BOARD OF DIRECTORS

December 16, 2009

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JAN - 4 REC'D

INDEPENDENT REGULATORY
REVIEW COMMISSION

RECEIVED

DEC 18 2009

John Hanger, Chairperson
Environmental Quality Board
PA Department of Environmental Protection
Rachel Carson State Office Building, 16th Floor
400 Market Street
Harrisburg, PA 17101-2301

ENVIRONMENTAL QUALITY BOARD

Dear Mr. Hanger:

I am writing today to offer comments on the proposed rulemaking regarding outdoor wood-fired boilers. Due to the many constituent complaints I received regarding these regulations, I am opposed to their adoption and would urge the Department of Environmental Protection to abandon their further promulgation.

My concerns are as follows:

1. **Stack Height** – The proposed regulations establish a stack height for existing wood-fired boilers, requiring the stack to extend a minimum of 10 feet above the ground, and extend at least 2 feet above the highest peak of the highest residence located within 500 feet of the outdoor wood fired boiler. The cost to increase the chimney height, if necessary, will cost the homeowner between \$75 and \$145. In addition, smoke stacks that are more than 10 or 12 feet above a boiler will have a tendency to freeze shut during high humidity, rainy or snowy conditions. A frozen smoke stack could have disastrous consequences for the homeowner.
2. **Emissions** – The Department notes in the proposed regulations that the emissions and health effects created by these boilers are a major concern. The Department claims that the smallest wood-fired boiler has the potential to emit almost 1.5 tons of particulate matter (PM) each year. I fail to see how a small boiler could emit 1.5 tons of PM annually. If, for example, a typical boiler consumes 10 to 12 cords of wood per year, and with a single cord of oak weighing about 1.5 tons, it is difficult to imagine that 10% of the wood mass is given to particulate matter. I believe more accurate testing is needed. I question why regulations are being based on the *potential* of a boiler to cause certain emissions.

3. Seasonal Prohibition – It is unreasonable to place any type of restrictions on the use of outdoor wood-fired boilers. It is important to understand that many farms and especially dairy operations utilize their boilers for domestic hot water and for milk house cleaning and use. Limiting the use of an outdoor wood-fired boiler could pose serious health and safety consequences as well as create severe economic hardships.
4. Setbacks – The regulation requires that outdoor wood-fired boilers could not be installed within 150 feet of the nearest property line. Such a requirement would render this technology impossible to use for many residents. For example, a resident who owns a one acre lot surrounded by state game lands or state forest lands and with no adjoining neighbors, would be unable to install a system, given the required property line minimums contained in this proposal.
5. Local Government Issue – Many area municipalities have enacted ordinances to address this technology. Local officials have competently handled the responsibility for regulating these boilers for many years. I cannot foresee any conceivable reason why state government should become involved in this issue.

It is extremely important to recognize that this proposed regulation will have a significant and unnecessary impact upon the average hard working Pennsylvanian. Many rural residents purchased their outdoor wood-fired boiler system with the expectation that it would afford them an inexpensive source of home heating and utilize a true renewable resource. They did not expect to have government impose additional and burdensome regulations, which will at the very least force them to retrofit their system at an additional cost, and at the most, force them to abandon their home heating source completely.

I once again urge the Department to withdraw these proposed amendments from further consideration. I appreciate your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Dick L. Hess", written in a cursive style.

Dick L. Hess
State Representative
78th Legislative District