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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

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INDEPENDENT REGULATORY
REVIEW COMMISSION

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December 8, 2009

Mr. John Hanger
Chairperson
Environmental Quality Board
PA Department of Environmental Protection
P.O. Box 8477
Harrisburg, PA 17105-8477

Dear Chairperson Hanger:

We are writing today to offer comments on the proposed rulemaking regarding outdoor wood-fired boilers. In general, we would like to state unequivocally, that we are opposed to the adoption of these regulations, and would urge the Department of Environmental Protection to abandon their further promulgation. We have heard from a significant number of constituents about these regulations and their potential economic impact, as well as their impingement on personal freedoms, essentially, limiting a taxpayer's ability to make an independent choice on how to heat their home.

We would also like to offer several specific perspectives on what we perceive as major drawbacks to these proposed regulations, and as further evidence for their withdrawal.

These specific 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. This chimney height requirement will be difficult and costly for the average boiler owner. It will be extremely difficult to determine the location of the number of residences located within 500 feet of an existing outdoor wood-fired boiler owner and difficult to determine the height of the highest peak of the highest residence within 500 feet. This proposed distance becomes doubly troubling when slopes are taken into consideration and would very likely result in unmanageable stack heights for down slope boilers. Couple this with the cost to increase the chimney height, which by DEP's own estimates can vary anywhere between \$75 and \$145, and this regulation could prohibit compliance by many owners of these systems. This could very well lead to the loss of their only source of heat.

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. This is because most outdoor wood fired-boiler stacks are at a temperature which will not keep the stack hot enough to prevent it from freezing in colder temperatures. 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 goes on to state that based on test results, the smallest outdoor wood-fired boiler has the potential to emit almost 1.5 tons of PM or particulate matter each year. We 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. We need to challenge the science and testing used to arrive at this conclusion, and must wonder when it was decided, to base regulations upon the potential of a device to exhibit certain emission characteristics.
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 post 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. This will be problematic in many ways. 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 can most assuredly handle the responsibility for regulating these boilers and have for many years. We 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 an unnecessary impact upon the average hardworking 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 and home-grown 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. We once again, urge the department to withdraw these proposed amendments from further consideration.

We appreciate your consideration of these comments

Sincerely,



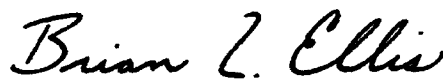
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PA State Representative
64th Legislative District



Martin T. Causer
PA State Representative
67th Legislative District



Matt Gabler
PA State Representative
75th Legislative District



Brian Ellis
PA State Representative
11th Legislative District



Richard R. Stevenson
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Rosemarie Swanger
PA State Representative
102nd Legislative District



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4th Legislative District



Donna Oberlander
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63rd Legislative District



Tim Krieger
PA State Representative
57th Legislative District



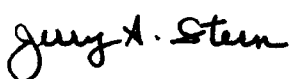
Russ Fairchild
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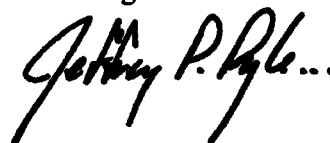
Seth Grove
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196th Legislative District



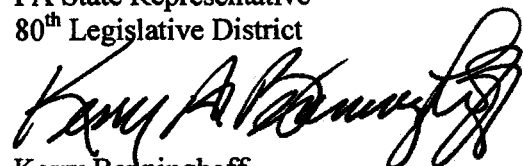
Doug Reighley
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134th Legislative District



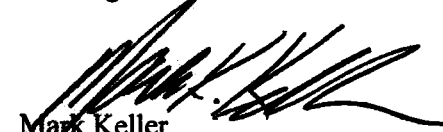
Jerry Stern
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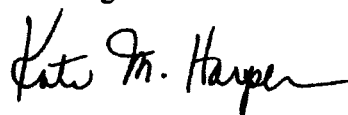
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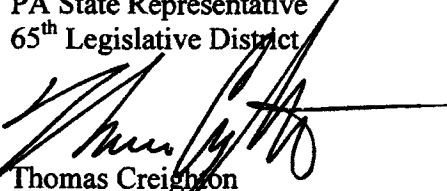



Kate Harper
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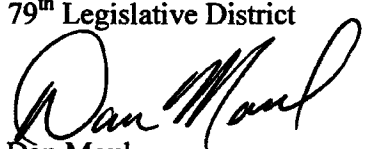


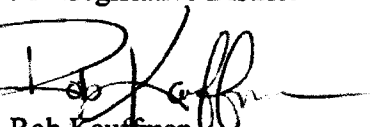
Mike Reese
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Kathy Rapp
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65th Legislative District


Thomas Creighton
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37th Legislative District

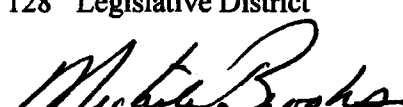

Richard Geist
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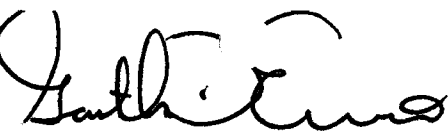

Dan Moul
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91st Legislative District

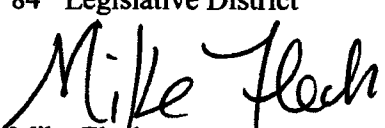

Rob Kauffman
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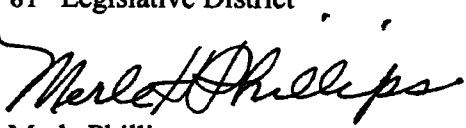

Mark Mustio
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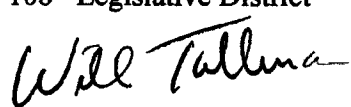

Samuel Rohrer
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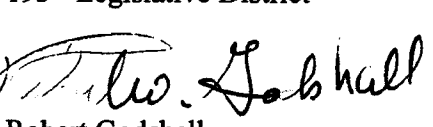

Michele Brooks
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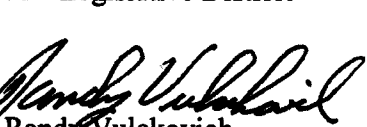

Garth Everett
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84th Legislative District

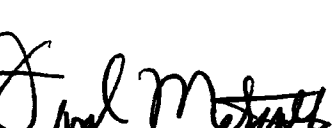

Mike Fleck
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81st Legislative District

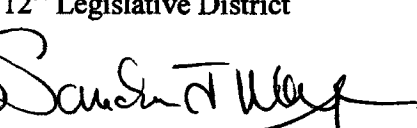

Merle Phillips
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Will Tallman
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193rd Legislative District


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PA State Representative
53rd Legislative District


Randy Vulakovich
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30th Legislative District


Daryl Metcalfe
PA State Representative
12th Legislative District

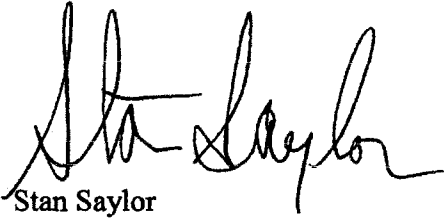

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