

From: Scott Bittner [sbittner@fcblawyers.com]
Sent: Monday, January 04, 2010 10:06 AM
To: EP, RegComments
Cc: Scott Bittner
Subject: Outdoor Wood-Fired Boilers Legislation Comments, Suggestions and Objections

RECEIVED

2010 JAN -8 PM 4:35

INDEPENDENT REGULATORY
BOARD COMMISSION

Dear Ladies and Gentlemen of the Board:

Please allow this email to serve as my comments, suggestions and objections to the proposed legislation regulating Outdoor Wood-Fired Boilers (OWBs).

-I do not believe that a blanket law should be enacted that covers the entire state of PA. The topography, geography and population density of PA is very diverse, especially between the eastern part of the State and the Western part of the State. In western PA (rural Somerset County) where I live there is abundant farmland and mountains and as a result (OWBs) are a common and practical way to heat homes and provide energy for domestic water, outbuildings, etc. without impairing the quality of the air for residents. I believe that regulating (OWBs) should be left to the individual municipalities that have a better understanding of the topography, geography and population density of their areas. The current proposed regulation are an example of government overreaching.

-The proposed law does not allow for the burning of coal in (OWBs) as an approved fuel. In western PA and other parts of the state coal is an economical, popular and acceptable form of energy and heat source. The mining of coal is also a large part of the economy in western PA and not allowing coal to be burned in (OWBs) will have a negative impact on the economy. Many residents in PA have coal fired boilers located in their homes that emit the same type of smoke, particulates, etc. which are not being regulated in the same fashion.

-I believe that existing (OWBs) should be "grandfathered" and exempt under the proposed law. It is very difficult, impractical and economically burdensome to attempt to move or modify existing (OWBs). Also, going forward, persons who are considering buying and implementing an (OWBs) can take into consideration the impact of the proposed regulations in determining whether or not to make such an investment.

-I believe that the stack height and setback requirements should not apply to the (OWBs) owner's residence. If an owner/operator of an (OWBs) does not have any close neighbors or if there are no other residences that are located within the setback distances, the owner should not have to extend the stack height of their (OWBs) above the peak of the residence of their own home.

-If a reasonable prohibition is included in any legislation, it should only prohibit the use of (OWBs) between the dates of June 1 and September 15. In PA (especially the mountainous areas of western PA) it can be quite cool in May and the latter part of September and therefore persons that heat their homes with (OWBs) should be permitted to use the same during these periods. Also, it should be considered that many people use (OWBs) to heat their domestic water year round which reduces energy costs and usage.

-I do not believe that the cost estimates/compliance costs for stack heights are accurate since many stacks that are required to be raised a sufficient height in order to comply with the proposed law will also require some type of supports or guy wires in order to make the stacks sturdy and safe.

Please consider these comments, suggestions and objections. Thank you for your time and consideration.

Scott Bittner
124 N. Center Ave.
Somerset, PA 15501