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Dear Legislator

*Slip*

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I have chosen to heat my home with an outdoor wood furnace for a number of good reasons:

- With the ever changing price of home heating oil, natural gas and LPG, heating with wood is an economical option – a furnace owner that heats with wood in an outdoor furnace can save thousands of dollars a year on home, farm and small business heating costs.
- Heating with wood is consistent with the independent practices of Americans from as far back as colonial times.
- Heating with an outdoor wood furnace eliminates the risks of fires and carbon monoxide poisoning associated with an indoor heating system because the appliance is located outside. Every year literally thousands of homes are damaged or destroyed by fires caused by indoor heating devices.
- Heating with wood results in no net increase in global warming gas emissions. Heating with oil, coal and natural gas is a significant source of global warming gas emissions.

The Pennsylvania Department of Environmental Protection (DEP) has proposed a regulation for “outdoor wood-fired boilers” that has the potential to impact my ability to continue utilizing my existing appliance. I am strongly opposed to:

- Excessive chimney height requirements for existing and new furnace installations that are not based upon science.
  - Excessive chimney height requirements are costly (parts and height determination), time consuming and may prevent a large number of owners from being able to comply.
- Seasonal prohibition between May 1 and September 30. A statewide seasonal restriction for rural owners, people with their own wood lots, farming operations, greenhouse operations is unreasonable.
- Opacity requirements for residential sized appliances because opacity is a subjective visual observation.

While it is foreseeable that furnace owners creating verifiable nuisances need to increase their chimney to alleviate complaints, it is unreasonable for the Pa DEP to retroactively impose restrictions (with the exception of proper fuel use) on my existing outdoor wood furnace. My appliance was purchased, installed, and operated in good faith prior to the drafting of the regulation.

I am requesting that you act now to assist me to preserve my rights and the rights of existing outdoor wood furnace owners in the State of Pennsylvania by opposing the excessive and retroactive requirements of the proposed regulation. I am supportive of a state law requiring existing furnace owners to have to comply with proper fuel use requirements and for regulations regarding new installations to be reasonable.

Please submit comments to the EQB no later than January 4, 2009 in support of my position. Written comments should be submitted to: Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted via email should be sent to [RegComments@state.pa.us](mailto:RegComments@state.pa.us). You should also attend the four scheduled public hearings to voice your concern (visit <http://www.pabulletin.com/secure/data/vol39/39-42/1929.html> for details on locations, times and dates).

Please act now to help preserve my rights to heat with wood in a responsible, economical and safe manner.

Sincerely,

*Sandra L. Rodriguez*

Date:

*12-18-09*

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JAN - 5 2010

DAVID Rodriguez  
3477 Sweet Arrow Lake Rd.  
Pine Grove PA 17963

ENVIRONMENTAL QUALITY BOARD

Environmental Quality Board  
P. O. Box 8477  
Harrisburg, PA 17105-8477

Or

express mail:  
Rachel Carson State Office Building 16th Floor  
400 Market Street  
Harrisburg, PA 17101-2301

Or

Email: [RegComments@state.pa.us](mailto:RegComments@state.pa.us).

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Dear Environmental Quality Board,

I have chosen to heat my home with an outdoor wood furnace for a number of good reasons:

- With the ever changing price of home heating oil, natural gas and LPG, heating with wood is an economical option – an owner that heats with wood in an outdoor furnace can save thousands of dollars a year on home, farm and small business heating costs.
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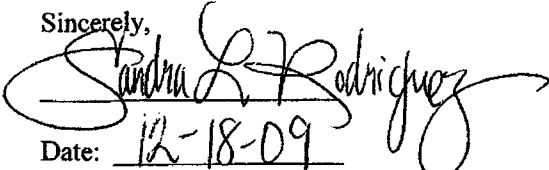
The proposed regulation for “outdoor wood-fired boilers” has the potential to impact my ability to continue utilizing my existing appliance. I am strongly opposed to:

- Excessive chimney height requirements for existing and new furnace installations that are not based upon science.
  - Excessive chimney height requirements are costly (parts and height determination), time consuming and may prevent a large number of owners from being able to comply.
- Seasonal prohibition between May 1 and September 30. A statewide seasonal restriction for rural owners, people with their own wood lots, farming operations, greenhouse operations is unreasonable.
- Opacity requirements for residential sized appliances because opacity is a subjective visual observation.

While it is foreseeable that furnace owners creating verifiable nuisances need to increase their chimney to alleviate complaints, it is unreasonable for the Pa DEP to retroactively impose restrictions (with the exception of proper fuel use) on my existing outdoor wood furnace. My appliance was purchased, installed, and operated in good faith prior to the drafting of the regulation.

I am opposed to the excessive and retroactive requirements of the proposed regulation. If passed as currently written, I believe that the regulation will adversely impact my rights and the rights of existing outdoor wood furnace owners that use these appliances in a responsible manner. I am supportive of a state law requiring existing furnace owners to have to comply with proper fuel use requirements and for regulations regarding new installations to be reasonable.

Sincerely,

  
Date: 12-18-09

(C) Outdoor hydronic heater.

(D) Outdoor water stove.

**Phase 2 outdoor wood-fired boiler**—An outdoor wood-fired boiler that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million Btu output and is labeled accordingly.

## CHAPTER 123. STANDARDS FOR CONTAMINANTS

### PARTICULATE MATTER EMISSIONS

*(Editor's Note: Section 123.14 is new and printed in regular type to enhance readability.)*

#### § 123.14. Outdoor wood-fired boilers.

(a) *Applicability.*

(1) Beginning on \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*) this section applies to the following:

(i) A person, manufacturer, supplier or distributor who sells, offers for sale, leases or distributes an outdoor wood-fired boiler for use in this Commonwealth.

(ii) A person who installs an outdoor wood-fired boiler in this Commonwealth.

(iii) A person who purchases, receives, leases, owns, uses or operates an outdoor wood-fired boiler in this Commonwealth.

(2) This section does not apply to a person, manufacturer, supplier or distributor who sells, offers for sale, leases or distributes in this Commonwealth an outdoor wood-fired boiler that does not comply with the Phase 2 outdoor wood-fired boiler particulate matter standards if the person, manufacturer, supplier or distributor demonstrates both of the following:

(i) The outdoor wood-fired boiler is intended for shipment and use outside of this Commonwealth.

(ii) The person, manufacturer, supplier or distributor has taken reasonably prudent precautions to ensure that the outdoor wood-fired boiler is not distributed to or within this Commonwealth.

(b) *Phase 2 outdoor wood-fired boiler.*

(1) A person may not sell, offer for sale, distribute or install an outdoor wood-fired boiler for use in this Commonwealth unless it is a Phase 2 outdoor wood-fired boiler.

(2) A person may not purchase, lease or receive an outdoor wood-fired boiler for use in this Commonwealth unless it is a Phase 2 outdoor wood-fired boiler.

(c) *Setback requirements for Phase 2 outdoor wood-fired boilers.* A person may not install a Phase 2 outdoor wood-fired boiler in this Commonwealth unless the boiler is installed a minimum of 150 feet from the nearest property line.

(5) Section 8 of the act (35 P. S. § 4008) regarding unlawful conduct.

(6) Section 13 of the act (35 P. S. § 4013) regarding public nuisances.

(i) *Written notice.*

(1) Prior to the execution of a sale or lease for a new or used outdoor wood-fired boiler, the distributor, seller or lessor shall provide the prospective buyer or lessee with a copy of this section and a written notice that includes the following:

(i) An acknowledgement that the buyer was provided with a copy of this section.

(ii) A written list of the fuels allowed under subsection (f).

(iii) A written statement that a person who owns, leases, uses or operates an outdoor wood-fired boiler in this Commonwealth may not burn a fuel or material in that outdoor wood-fired boiler other than those fuels listed under subsection (f).

(iv) A written statement that even if the requirements set forth in this section are met, the installation and operation of the outdoor wood-fired boiler may be subject to other applicable Commonwealth regulations and statutes including the regulations and statutes listed under subsection (h).

(v) A written statement that even if the requirements set forth in this section are met, the installation and operation of the outdoor wood-fired boiler may be subject to local regulations or local stack height or setback requirements that will further limit or prohibit the use of the purchased or leased outdoor wood-fired boiler.

(vi) A written statement that the stack height and setback requirements provided under this section may not be adequate in some areas of this Commonwealth due to terrain that could render the operation of the outdoor wood-fired boiler a nuisance or public health hazard.

(2) The written notice must be signed and dated by the buyer or lessee and the distributor, seller or lessor when the sale or lease of the outdoor wood-fired boiler is completed. The written notice must include the following:

(i) The name, address and telephone number of the buyer or lessee.

(ii) The name, address and telephone number of the distributor, seller or lessor.

(iii) The location where the outdoor wood-fired boiler will be installed.

(iv) The make, model name or number and date of manufacture of the outdoor wood-fired boiler.

(j) *Recordkeeping requirements.* The distributor, seller or lessor shall keep the records required under subsection (i) onsite for 5 years and provide the records to the Department upon request.