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November 24, 2009

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To: Environmental Quality Board

ENVIRONMENTAL QUALITY BOARD

Subject: Proposed Rulemaking [25 PA.CODE CHS. 121 AND 123]  
Outdoor Wood-Fired Boilers  
[39 Pa.B.6068]

After reading and reviewing this 12 page proposal there are several serious concerns I would like to bring to your attention. While I do understand the concerns the EQB has with certain nuisance OWB's and the number of complaints from individuals living next to one of these nuisance OWB's, I don't see the seriousness or feel the necessity for the EQB to regulate all OWB's within this Commonwealth. The number of complaints you receive verses the number of OWB's in this Commonwealth has to be less than 1% (please correct me if I'm wrong). I feel this is the job of the local municipalities. Here in Central PA most municipalities have already banned the sale of OWB's within borough limits and the townships already have restrictions and/or guidelines as to where and how future OWB's may be installed. If the EQB deems it necessary to be involved with this issue, then I ask that you give identification to, and pass legislation to regulate only those OWB's considered , after thorough testing and of which you have already received numerous complaints, to be nuisance OWB's. Furthermore, with the economy being what it is, why would the EQB put this burden on themselves (with DEP already making cut backs), on the manufacturers (there are at least 5 in this Commonwealth), on the distributors and dealers ( there are hundreds in this Commonwealth), and on the owners themselves who purchased an OWB in good moral judgment and will now be subject to thousands of dollars in expenses raising their stack heights (if even possible because of terrain) or will have to sell their OWB to someone living outside this Commonwealth, if that's even possible.

Whether the PA EQB gets involved or not, Federal Regulation within the next several years will most likely mandate all manufacturers of OWB's to be phase 2 compliant, just as it did years ago with the auto and trucking industry. This problem will take care of itself just as the automobile industry did. The old OWB's will die out and the new phase 2 units will be purchased (and by the way, no government agency has ever banned the sale of used autos in this country because they don't meet current regulations). If the EQB wants to help the PA economy and not negatively affect it, here are some important factors in this proposal which need changing:

1. Only OWB's deemed as nuisance OWB's should be required to raise their stack height, and that height should be determined by their bordering neighbors chimney height.
2. There should be no requirements for phase 2 stack heights. The stack height of the phase 2 OWB is an integrated part of the OWB, altering this would negatively affect the performance of the OWB.
3. Used OWB's should be allowable for resale inside this Commonwealth even after phase 2 regulations have passed, or the EQB should seek government funding to help those individuals who wish to upgrade from their current OWB to a phase 2 unit (similar to the federal cash for clunkers law). As the proposal now stands, if you purchased an OWB in 2009 for \$10,000, and you cannot raise your stack height to the standards in this proposal because of terrain, your \$10,000 investment is now useless and you cannot sell it inside this Commonwealth. No just government agency within the United States should ever pass such an unjust law without proper restitution to the people.
4. The proposed setback requirements for phase 2 units should be cut in half from 150' to 75'. The EQB needs to take a closer look at just how little smoke .32 pound PM per million BTU heat output is.
5. Pennsylvania terrain varies greatly. Any seasonal prohibitions should be left up to the local municipalities.
6. Any registration of any appliance sold in the United States is strictly between the manufacturer and the buyer. No government agency should ever pass any type of legislation which would require the purchaser or the seller to register their OWB appliance, firearm, etc. with any Federal, State, or Local government agency, or for them to have to forfeit these records upon request to the agency.

I understand the underlying reasons and situations leading up to this proposal, the pros and cons. I also understand that Pennsylvania is part of a Democratic nation, which is why I ask the EQB to take into consideration the concerns in this letter.

Thank you.

Sincerely, Kenneth K. Dep

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COMMISSION

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