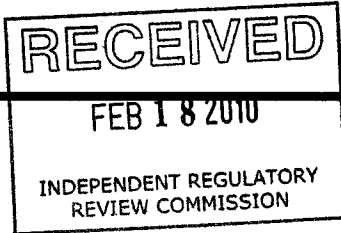


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**From:** Pete [pekelnicky@velocity.net]  
**Sent:** Wednesday, February 10, 2010 7:23 AM  
**To:** EP, RegComments  
**Cc:** 'Pete Pekelnicky'  
**Subject:** comment on proposed rulemaking RE: outdoor wood fired boilers

Environmental Quality Board  
Harrisburg, Penna.

RE: Proposed rulemaking on outdoor wood fired boilers [25 Pa. Code Chs. 121 & 123]

I would like to respectfully express my opposition to such regulation and put forth several reasons why I believe the proposed rules to be unnecessary and problematic as currently written.

1. The stated "need" for regulation are health effects associated with PM2.5 exposure; however only some counties or parts of counties in the Commonwealth are in non-attainment of the new, lower standard (39 Pa. B. 6068, D, second paragraph.) Since only a minority of the area of the Commonwealth is in non-attainment, a statewide regulation is obviously not necessary or advisable.
2. The DEP, in my sincere opinion, should confine its regulatory scope to commercial and industrial entities and not directly regulate a private homeowner. Such regulation is overly intrusive and oppressive. Such intrusion into private lives, where essential, should be exclusively the purview of local authorities because the regulated individuals have greater and more immediate input an access to local authorities thereby ensuring that any regulation is tailored to suit the needs of the locality and is not a "one size fits all" regulation. Many municipalities have already adopted local ordinances addressing several of the issues raised in the proposed rulemaking thereby proving the efficacy of local control. Equally important is the fact that many municipalities have studied the issue and found regulation to be unnecessary and therefore have not enacted regulation – also proof of the efficacy of local control.
3. Enforcement upon private individuals would be problematic. Complaint based enforcement is of questionable legality and is inevitably abused in "neighbor on neighbor" quarrels. DEP surely does not want to become mired in such issues. The proposed rulemaking does not provide for permitting of outdoor boilers. Without a permit process how would DEP track installations and ensure compliance? Requiring permits, however, imposes unnecessary cost upon homeowners and an enforcement burden upon the DEP.
4. Section 123.14 subsection (f) is inherently flawed. Specifically, subsection (f) states that only certain fuels (clean wood, pellets made from clean wood, fuel oil, natural gas or propane) may be used. This approach of naming the only permissible fuels is flawed because there are a number of boilers designed to use fuels other than those listed. If a boiler is designed to operate on a particular fuel then by definition that fuel is appropriate and must be permitted. Examples of such fuels include but are not limited to straw, corn, cornstalks and the like. I believe the intent of this subsection is to prevent the burning of items the DEP considers hazardous; therefore a more logical approach is to rewrite subsection (f) to prohibit those items which DEP has just cause to restrict such as painted materials, rubber, rubbish and the like. This "restriction" approach is much better than the proposed "allowable" approach because it does not require the regulator to envision all permissible fuels, only those which are clearly objectionable.
5. Regarding seasonal prohibition, such prohibition is absolutely not appropriate for at least two reasons. First, many boilers supply domestic hot water in addition to building heat. Clearly, hot water is used year round. Second, regardless of the seasonal dates chosen it is impossible to anticipate when cold weather will occur especially in the northern areas of the Commonwealth. The DEP is completely out of line if it intends to prohibit a homeowner from heating his house merely because of the calendar date.

In summary, I believe the DEP should simply not enact the proposed regulation and leave the issue to local authorities. In the alternative, if the DEP does enact regulation, then 123.14(f) needs to be changed to prohibit only bona-fide hazardous items. The regulation should only apply to areas with PM2.5 non-attainment and should have no seasonal restriction.

I can be reached for feedback or additional information if desired at 2727 W. 21<sup>st</sup> St., Erie, Penna. 16506 or at the telephone numbers below.

Respectfully,

Peter Pekelnicky  
Harborcreek, Penna.

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