

Tate, Michele

From: Bill Staph [bstaph@atlanticenvironmentalgroup.com]
Sent: Thursday, November 26, 2009 12:35 PM
To: EP, RegComments
Subject: OWB Proposed Rulemaking

PROPOSED RULEMAKING - 25 PA.CODE CHS. 121 AND 123- Outdoor
 Wood-Fired Boilers

RECEIVED

DEC 7 REC'D

INDEPENDENT REGULATORY
REVIEW COMMISSION

Comments:

1. Height Restrictions for existing OWB The height restrictions appear to be arbitrary in nature and do not take into account topographical land features and elevations of homes that would make many existing OWB owner's unable to comply with the rulemaking, allowing one neighbor to have an OWB, whilst another cannot simply because his house is too far below the one with the OWB to comply.

2. Setback distances appear to be arbitrary: Other states with similar rule making have different setback distances. How were these distances arrived at? What data can be provided to justify the setbacks?

3. Section F. Compliance Costs: This section is incomplete. It does not state the /actual/ costs of those that cannot comply with the new rule making. Loss of the investment of the boiler one already owns + cost of buying new EPA compliant boiler or the year to year cost of going back to fossil fuel heat. This statement also appears to be flawed in that it assumes that all OWB owner's buy wood. In reality, many , many rural residences such as myself, have OWB's because the supply of wood is free or very cheap because we live in logging areas and own our own woodlots.

4. _Section H. Pollution Prevention:_ The conclusion listed here that this rule somehow would measurably improves biodiversity of the Commonwealth's waterways by the reduction of sedimentation from PM 2.5 is highly questionable. The board should request data and science to back this up and should not use "assumed science". The board should also review what's allowed to enter the Commonwealth's waterways under Title 25 Chapter 102 regulations, and then consider whether section H. is even applicable as "justification".

5. _Privacy Concerns:_ The last section of this proposed Rulemaking is very disconcerting. The only reason I can see for this requirement is for registration purposes so that PADEP can access properties for inspection without a complaint or warrant. This section needs to be revised and justified.

After reviewing this rulemaking, it appears that this rule is to more to address complaints than for environmental purposes. It will inordinately affect lower income rural citizens. It is

better to leave complaints and rule making, due to complaints,
to local governing bodies utilizing the ordinance tool.

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