

Comments on proposed rulemaking (25PA. Code CHS 121 and 123) Outdoor Wood-Fired Boilers
(39 Pa.B. 6068)
(Saturday, October 17, 2009)

RECEIVED

2009 DEC 17 PM 4:05

INDEPENDENT REGULATORY
REVIEW COMMISSION

Return name: David L. Flick
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My first comments were made orally at a public hearing at the Cranberry Twp. Municipal Building on December 2, 2009. A transcript was made of these comments. This written submittal will not be verbatim as I did not have these thoughts written out prior to the hearing. I believed that I would not be given the opportunity to speak as I had not given a one week notice. I thank the EQB for the opportunity to express my thoughts. *Comments in italics are additional to those given orally.*

This bill does not list coal as an allowed fuel. I am a coal miner. I am 63 years old and have been living in homes heated with coal for approximately 50 of those years. It is a relatively inexpensive way to provide heat, but having furnaces which burn wood or coal inside the home exposes residents to substantially increased risks of fires and carbon monoxide poisoning. I have had one experience where a carbon monoxide sensor saved my life when an inside furnace leaked gases into my home. This proposal will force many persons with outside furnaces to go back to inside coal and/or wood furnaces. The increased risks of such units must also be considered prior to new regulations.

I wish these public hearings would not have been held the first week of deer season. Many outdoor furnace owners are also deer hunters.

A couple persons have given earlier testimony of situations where outside furnaces have been installed upwind in close proximity to their homes. The situations they describe are wrong and there needs to be a remedy for them. I would advise them to seek advice through an attorney to resolve the problem with troublesome outdoor burners and their owners. Nuisance laws could also be strengthened to deal with these situations on an individual basis at a local level. This would be in lieu of this sweeping "rubber stamp" approach which will adversely impact many furnace owners where there are no problems.

I moved to my present home 7 years ago and recently installed an outdoor furnace. I was trying to avoid the fire hazards and health risks of an indoor furnace. I live in a rural area of Somerset County. I have a total of approximately \$16,000 invested in the furnace and installation. My initial experience with the furnace was that I was burning a Ranger truck bed full of dry wood every 2 to 3 days. If I had continued to burn only wood, then it is obvious this furnace would have taken an enormous amount of wood. I switched to mostly coal which will use about 6 to 7 tons per year. It seems to

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me that this is a fair trade compared to burning up many trees every year. *I estimate it would take 15-20 tons of wood per year. I burn coal produced by local miners in local mines.*

There is much less visible smoke from my furnace and those of neighbors when coal is used as a fuel as compared to wood.

I have made tests inside my home with gas detecting equipment approved by the US Department of Labor. I have found no harmful levels of carbon monoxide or low oxygen. I have a heart condition and my wife finds the irritants from inside furnaces nearly intolerable. We both believe our health has been improved by the use of an outdoor furnace as opposed to indoor burning.

Use of this furnace saves me about \$2500 per year. If I can't make it compliant with new regulations, then I will be forced back to an old system with the temperature set at a maximum affordable 62 degrees F. With my poor circulation and deteriorating spinal disc condition, this represents a grave hardship. These same physical problems also make it nearly impossible for me to cut 15-20 tons of wood per year, if coal can't be used as a fuel. I thought my use of coal and some firewood would help hold down the price of fuel oil; thereby, helping my fellow citizens.

There are at least 6 to 8 other homeowners with outdoors furnaces within a mile or two of my own. No one has made any complaints whatever about my furnace *or as far as I know about any of those other furnaces. The neighboring furnace owners which I have observed installed their furnaces, similar to mine, so as to have the prevailing winds carry the flue gases away from nearby residences.*

In spite of the fact of no complaints this regulation would require me to raise the stack height on my furnace approximately 80 feet high. This will be a nearly impossible construction project and, even if I could achieve that height, the furnace is unlikely to function. As the length of the stack increases the resistance to flow also increases. The furnace was not engineered to work with this length of flue. *This length of flue would also plug up very often creating increased risks of fires and carbon monoxide poisoning. Applying this stack height requirement to existing furnaces is unfair and unnecessary.*

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I believe that requiring these very high stacks on existing units will encourage many persons to attempt to such projects. This could cause many disabling and fatal fall injuries. *Owners of these furnaces tend to be capable independent do-it-yourself types, but nearly all lack the experience or equipment to work at the required elevated heights.*

The proposal requires that the new and existing boilers have a permanently attached stack. The only way the clean most of these stacks is to remove them from the furnace. Obviously, if the are permanently attached this will be impossible. Stacks which are not kept clean will cause greater levels of pollution and will result in fires. This provision alone will make it nearly impossible to comply with this proposal.

This proposal would also require an outside furnace which uses propane to comply with the stack height requirement. Propane is a very clean burning fuel. This provision serves no purpose whatever other than making it difficult or impossible to operate an outdoor furnace. Why does the stack height requirement apply for propane?

Since this proposal will make it impossible for me to operate my existing furnace, I am wondering if I can get reimbursed by PA for the installation? The federal government bailed out big auto companies and some Wall Street firms. It doesn't seem out of line to get some state funds to bail furnace owners who now find hard earned money has been thrown away. *This proposal will place an extreme hardship on may rural low income families. Many such families switched to outdoor furnaces to avoid soaring heating oil costs. Now they may be forced to pay for the installation of other heating systems and again be subject to very high heating fuel prices.*

Failure to "grandfather" existing units reminds me of passing a standard stating that all vehicles must get 25 mpg and then further saying that all vehicles which don't must be sold for junk. That would be ridiculous.

I also think it will be very difficult for the typical furnace owner to determine compliance with referenced Sections 121.7, 123.1, 123.31 and 123.41. It seems like I would have to hire a first class scientist to make this determination. What will this cost? What if in spite of all my best efforts, I inadvertently violate one these provisions? How much is the fine?

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Additional comments and questions:

1. *When is this proposal expected to become law?*
2. *Will furnace owners need to be in immediate compliance the date it is passed?*
3. *Does 123.14(i) apply to an existing boiler which is removed from a residence and sold to a person outside Pennsylvania for installation outside Pennsylvania.*
4. *Where can I find copies of Section 8(35 P. S. 4008) and Section 13(35P. S. 4013)?*
5. *Will a separate bureau be created within DEP to handle enforcement?*
6. *How much is enforcement of this new regulation expected to cost the taxpayers?*

7. *Is coal an approved fuel?*

8. *Can I get reimbursed from Pennsylvania to make all the changes needed on my furnace or paid for the entire furnace project and removal in the event I can't meet the new proposed standard.*
9. *Have you taken into consideration the possibility that this proposal may put many furnace manufacturers and their employees out of work?*
10. *Have you considered that this may put many installers and dealers out of business?*

11. *Does this proposal apply to outside furnaces which are primarily fired with coal?*

12. *Is Pennsylvania going to hire licensed surveyors to calculate the distance to adjacent residences and the required stack height?*

The PA Bulletin states that there are no Federal limits for the OWBs. Knowing this, I believe that a more equitable way to handle this matter is to permit the continued use of existing units in rural areas. This would be as they are equipped now where no nuisance is established. Give the manufacturers time for development of new technology. As this is incorporated into new units and such units replace older worn out furnaces, then pollution and complaints will drop to an insignificant level.

Again, I say "Thank You" to the board for the opportunity to express my views.

589

Chambers, Laura M.

From: david flick [dsfsanyo@pennswoods.net]

Sent: Sunday, December 13, 2009 8:14 PM

To: EP, RegComments

Subject: One page summary of comments on proposed outdoor wood-fired boiler regulation.

I have attached a one page summary of my comments on the proposed outdoor wood-fired boiler regulation.

David L. Flick
132 Rich Road
Somerset, PA 15501

12/16/2009

Comments on proposed rulemaking (25PA. Code CHS 121 and 123) Outdoor Wood-Fired Boilers (39 Pa.B. 6068) (Saturday, October 17, 2009)

Return name: David L. Flick, 132 Rich Road, Somerset, PA 15501 (814) 445-3061

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This proposal should be revised to serve the best interests of the residents of Pennsylvania. Elected representatives do not reach state government through a unanimous vote, but, nonetheless, have a moral obligation to serve the best interests of all the people. I believe regulation of OWBs should have been by local governments after evaluation of problems on a case by case. This is especially true of existing units.

Portions of this proposal will have a major negative financial impact on many current OWB owners. Specifically, the requirement to have the stack height extend at least 2 feet above the peak of the highest residence located within 500 feet of the OWB. In many cases this requirement will vary from extremely expensive to nearly impossible. It accomplishes nothing where units are already installed in prevailing downwind air currents without complaints from neighbors. This height requirement does not exclude the residence of the OWB owner. An increased stack height might be needed where there are well established grounds for nuisance complaints by neighbors, but should not be a hardship rubber-stamped on the very large percentage of owners, who using common sense with concern for their neighbors installed their OWBs downwind. This regulation should not apply to outside propane burners as it is a very clean fuel.

The stack height requirement will not lessen total PM. In fact it is likely to cause increased resistance to airflow, inefficient combustion, and more total pollutants. The high stack height combined with the requirement for permanent attachment of the stack will make many flues nearly impossible to clean resulting in greater risk of fires and increased pollution. There are risks that fires in tower high stacks may cause them to topple over igniting nearby homes. There are all major risks of falls from elevated heights as owners attempt to erect very high stacks.

Existing OWB owners installed these units in good faith in compliance with regulations at the time of installation. Passing a regulation which will require many preexisting units to be removed from service will cause an extreme financial hardship on the owners. Some have in excess of \$10,000 invested. I have about \$16,000 in my OWB installation and it saves me about \$2,500 annually. There have been no complaints regarding my furnace. This is like passing a new residential building code and requiring all existing homeowners to tear down their residences and rebuild to the new standard. Many of the poorest rural families have installed these units to help them survive our harsh winters and avoid financial collapse. All existing owners who can not meet the new standard should be reimbursed for their loss. Now many will be forced to buy oil pumped from the soil of countries run by dictators. I thought these furnaces helped lower our dependence on such foreign sources. If this regulation does not permit burning of coal, then it will result in the removal of thousands of additional trees from our ecosystem and may cause job losses in the mining industry.

Much of this proposal is unreasonable. I respectfully ask that you reconsider.

2802

Tate, Michele

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From: david flick [dsfsanyo@pennswoods.net]

2009 DEC 17 PM 4:05

Sent: Monday, December 07, 2009 8:28 PM

To: EP, RegComments

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REVIEW COMMISSION

Subject: Comments on proposed rulemaking Outdoor Wood-Fired Boilers

A one page summary will follow prior to January 4, 2010.