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**From:** Stan Kotala [ccwiba@keyconn.net]  
**Sent:** Friday, December 11, 2009 8:13 PM  
**To:** EP, RegComments  
**Cc:** Eichelberger, Senator John  
**Subject:** 25 Pa. Code Chapters 121 and 123 PROPOSED RULEMAKING COMMENTS

INDEPENDENT REGULATORY  
REVIEW COMMISSION

Re:

Notice of Proposed Rulemaking

Department of Environmental Protection

Environmental Quality Board

25 Pa. Code Chapters 121 and 123

*Dear EQB members;*

*Outdoor wood furnaces, home-heating devices that have grown in popularity, spew toxic smoke 24 hours a day, seven days a week, sickening neighbors and contaminating neighborhoods.*

*Complaints on outdoor wood furnaces have been on the increase this year at the local, county and state level and complaints have come from residents all across Pennsylvania. Many people are concerned about the health effects, not to mention the nuisance of smoke and eye and throat irritation as well as possible longer-term, more serious health effects of outdoor furnaces.*

*Outdoor furnaces emit unhealthy levels of particulate matter, dioxin, carbon monoxide, nitrogen dioxide, sulfur dioxide, hydrochloric acid and formaldehyde. One furnace can generate as much particulate matter as 3,000 to 8,000 homes that are heated with natural gas.*

*The American Lung Association and the nonprofit Environment and Human Health Inc. (EHHI) have both supported a ban on the furnaces.*

*Overall, the citizens of this Commonwealth will benefit from these proposed amendments to Pa. Code Chapters 121 and 123 because this would help to reduce emissions from outdoor furnaces and to reduce premature mortality and other health effects.*

*The final rule should include requirements that;*

- 1. The boiler is installed a minimum of 150 feet from the nearest property line.*
- 2. The boiler has a permanently attached stack. The stack must meet both of the following height requirements: extend a minimum of 10 feet above the ground and extend at least two feet above the highest peak of the highest residence located within 150 feet of the outdoor wood-fired boiler.*
- 3. The outdoor wood-fired boiler that was installed before the effective date of the regulation must have a stack that meets both of the following height requirements: extend a minimum of 10 feet above the ground and extend at least two feet above the highest peak of the highest residence located within 500 feet of the outdoor wood-fired boiler.*
- 4. The outdoor boiler must burn only one or more of the following fuels: clean wood; wood pellets made*

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*from clean wood; certain home heating oil, natural gas or propane fuels; or other fuel approved in writing by the DEP.*

*5. The final rule should include a seasonable prohibition to operate outdoor boilers between the dates of May 1 and September 30. Neighbors deserve a respite from the harm and nuisance of outdoor furnaces during the time of year when much time is spent outdoors.*

*Finally, the argument that such regulations should be left to local municipalities is absurd. That would be the same as allowing local municipalities to regulate emissions standards for automobiles or to set TMDL limits for streams.*

*Sincerely,*

*Stan Kotala, M.D.*

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