

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD

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IN RE: OUTDOOR WOOD-FIRED BOILERS
PUBLIC HEARING

* * * * *

BEFORE: DANIEL L. LAPATO, Member
RICHARD FOX

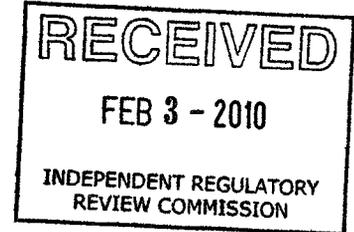
HEARING: Monday, November 30, 2009
1:00 p.m.

LOCATION: Department of Environmental Protection
Rachel Carson State Office Building
Room 105
400 Market Street
Harrisburg, PA 17101

WITNESSES: Tanya Dierolf, Thomas Au, Gerald Barrick,
Keith Copenhaver, Robin Weaver, Brian
Vonada, Harry Rawluk, Robert Gehman,
Neil Lonkart

Reporter: Jennifer T. Alves

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A P P E A R A N C E S

DANIEL J. LAPATO

Department of Environmental Protection

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Representing Department of Environmental Protection

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MR. FOX:

Good afternoon. I would like to welcome you to the Environmental Quality Board public hearing on proposed regulations regarding outdoor wood-fired boilers. My name is Richard Fox. I am representing Senator Raphael Musto, who's a member of the Environmental Quality Board. I officially call this hearing to order at 1:00 p.m.

The purpose of this hearing is to formally accept testimony on the proposed regulations concerning outdoor wood-fired boilers. In addition to this hearing, the Environmental Quality Board will hold hearings on proposed regulations on Tuesday, December 1st, in Wilkes-Barre, Wednesday, December 2nd, in Cranberry Township and Thursday, December 3rd, in Williamsport.

The proposed rulemaking, which was adopted by the EQB on September 15th, 2009, as requirements in 25 PA Code, Chapter 123, for the operation of outdoor wood-fired boilers, or OWBs, also commonly referred to as outdoor wood-fired furnaces, outdoor wood-burning appliances or outdoor hydronic heaters. Unlike indoor woodstoves that are regulated

1 by the U.S. Environmental Protection Agency, no
2 Federal standards exist for OWBs. The majority of the
3 OWB models are not equipped with air-pollution
4 controls and, therefore, generate air pollution in
5 greater quantities than indoor woodstoves, even when
6 they're operated according to manufacturer's
7 specifications. The emissions are intensified if the
8 OWB is improperly fired or used to burn waste.

9 Air pollution generated from the OWBs not
10 only affects human health, but also is a source of
11 many odor and nuisance complaints. In lieu of Federal
12 standards, the EPA initiated a voluntary program that
13 encourages manufacturers of OWBs to improve air
14 quality through developing and distributing
15 Cleaner burning, more efficient OWBs.

16 Phase 1 of the program was in place from
17 January 2007 through October 15, 2008, and included
18 EPA certification of OWB models that were demonstrated
19 to be 70 percent cleaner burning than unqualified
20 models, by meeting a particulate matter emission
21 standard of 0.6 pounds per million of Btu heat input.

22 Phase 2 of the program was recently
23 announced and includes EPA certification of OWBs that
24 meet a particulate matter emission standard of 0.32
25 pounds per million BTU output. In comparison, most

1 pre-program, older-model OWBs emit about 2.0 pounds of
2 particulate matter per million Btu. The EQB's
3 proposed rulemaking establishes provisions that
4 prohibit a person, manufacturer, supplier or
5 distributor from selling, offering for sale,
6 distributing, installing, purchasing, leasing or
7 receiving an OWB for use in Pennsylvania, unless it is
8 a Phase 2 OWB. This prohibition would not extend to
9 OWBs that are intended for shipment and used outside
10 of this Commonwealth.

11 Proposed rulemaking also establishes a
12 setback requirement for Phase 2 OWBs, stack height
13 requirements for existing and new OWBs and restricts
14 the types of fuel that may be used in an OWB. The
15 additional particulate matter emission reductions that
16 would occur as a result of this proposal are
17 reasonably necessary as part of this Commonwealth's
18 efforts to attain and maintain the 1997 and 2006
19 health-based 24-hour National Ambient Air Quality
20 Standard for Fine Particulates.

21 The health effects associated with
22 exposure to particulate matter include aggravation of
23 respiratory and cardiovascular disease, lung disease,
24 decreased lung function, asthma attacks and certain
25 cardiovascular problems. Individuals particularly

1 sensitive to particulate matter exposure include older
2 adults, people with heart and lung disease and
3 children. The final form regulation, as adopted by
4 the EQB will be submitted to the EPA as a revision to
5 the State Implementation Plan. On May 28th, 2009, the
6 Department presented the draft of proposed rulemaking
7 to the Air Quality Technical Advisory Committee. It
8 unanimously concurred with the Department's
9 recommendations to seek EQB approval of proposed
10 rulemaking.

11 In order to give everyone an equal
12 opportunity to comment on this proposal, I would like
13 to establish the following ground rules. I will first
14 call upon the witnesses who have preregistered to
15 testify at this hearing. After hearing from these
16 witnesses, I'll provide any --- other interested
17 parties with the opportunity to testify as time
18 allows.

19 Testimony is limited to ten minutes for
20 each witness. Organizations are requested to
21 designate one witness to present testimony on its
22 behalf. Each witness is asked to submit three written
23 copies of his or her testimony to aid in transcribing
24 the hearing. You can hand in your copies prior to
25 presenting your testimony. Please state your name,

1 address and affiliation for the record prior to
2 presenting your testimony. The EQB would appreciate
3 your help by spelling names and terms that may not be
4 generally familiar, so that the transcript can be as
5 accurate as possible. Because the purpose of a
6 hearing is to receive comments on the proposal, the
7 EQB or DEP may question witnesses. However, witnesses
8 may not question the EQB or the DEP staff. In
9 addition to or in place of oral testimony presented at
10 today's hearing, interested persons may also submit
11 written comments on this proposal.

12 All comments must be received by the EQB
13 on or before January 4th, 2010. Comments should be
14 addressed to the Environmental Quality Board, Post
15 Office Box 8477, Harrisburg, PA, 17105-8477. Comments
16 may also be e-mailed to gregthomas@state.pa.us. All
17 comments received at this hearing, as well as written
18 comments received by January 4th, 2010, will be
19 considered by the EQB and will be included in a
20 comment-response document prepared by the Department
21 and reviewed by the EQB prior to the EQB taking its
22 final action on this regulation.

23 Anyone interested in receiving a copy of
24 the transcript of today's hearing may contact the EQB
25 for further information. I would like to call the

1 first witness, Tanya Dierolf at PennFuture.

2 MS. DIEROLF:

3 Where would you like me to --- anywhere?

4 MR. FOX:

5 Anywhere by the mic, so we can hear.

6 MS. DIEROLF:

7 My name is Tanya, T-A-N-Y-A, Dierolf,
8 D-I-E-R-O-L-F. And I am PennFuture's Central
9 Pennsylvania Outreach Coordinator, and I work here in
10 our Harrisburg office. I'm here to testify in support
11 of DEP's proposed regulation of outdoor wood-fired
12 boilers.

13 PennFuture supports the rule, and we urge
14 the Department and the Environmental Quality Board to
15 move forward to protect neighbors and the wider
16 community from pollution from these boilers. Outdoor
17 wood boilers are used to provide heat and hot water to
18 nearby buildings, typically homes.

19 Scientific studies cited by the U.S. EPA
20 report potentially serious adverse health effects from
21 breathing smoke from these boilers. EPA cites fine
22 particle and toxic-air pollution as the source of
23 these health effects. Fine-particle pollution is
24 linked to asthma, reduced lung function, heart
25 problems and premature death in people with heart and

1 lung disease. Around Pennsylvania, neighbors downwind
2 of outdoor wood boilers are at risk of these health
3 effects, as well as nuisances such as odors and smoke.
4 PennFuture has heard from these neighbors. In extreme
5 cases, neighbors stay inside in the summer with the
6 windows closed to escape the effects of nearby wood
7 boilers. Municipal response to these problems has
8 been inadequate. These neighbors need the help of
9 DEP.

10 The wood boilers also have a harmful
11 effect on wider air quality in Pennsylvania. Part or
12 all of 21 Pennsylvania counties fail to meet EPA's
13 1997 standard for fine particles, and more protective
14 Federal standards are to come. According to a 2006
15 report by the Northeast States for Coordinated Air Use
16 Management, average fine particulate emissions from
17 one outdoor wood boiler were equal to emissions from
18 22 EPA-certified wood stoves or four heavy-duty diesel
19 trucks or 205 oil furnaces, or up to 8,000 natural gas
20 furnaces.

21 With the challenges we face, DEP must
22 look to wood boilers for emission reductions. The
23 proposed rule includes a number of provisions that
24 will help reduce emissions and protect neighbors. The
25 proposal requires new units to meet EPA Phase 2

1 requirements. This is a voluntary national program
2 that reduces emissions by 90 percent, in comparison to
3 units not meeting EPA requirements. The proposal
4 requires new Phase 2 units to be set back from
5 property lines. The proposal requires all units to
6 meet minimum stack heights. The proposal prohibits
7 fuel other than clean wood and wood pellets made from
8 clean wood. It also allows home-heating oil, natural
9 gas or propane as a starter or supplemental fuel.

10 The preamble to the proposal seeks
11 comment on whether a final rule should include a
12 seasonal prohibition on operation of wood boilers
13 between May 1st and September 30th of each year.
14 Since this is a time when many neighbors have their
15 windows open and, traditionally, the need for heating
16 by wood boilers is reduced, PennFuture supports the
17 provision.

18 We believe the proposed rule also offers
19 flexibility. Subject to some conditions, the rule
20 allows the continued use of older wood boilers. The
21 rule includes a mechanism for Department approval of
22 additional fuels. The rule does not apply to units
23 sold in Pennsylvania for shipment and use outside of
24 Pennsylvania.

25 In closing, we support adoption of the

1 wood boiler rule, but we note that adoption of this
2 rule will not end the challenges regarding wood
3 boilers. In these tough budget times, DEP will need
4 to develop an enforcement strategy that leverages the
5 resources of other agencies. We look forward to
6 assisting DEP in the effective implementation of this
7 rule to protect neighbors and to improve air quality
8 for all Pennsylvanians. Thank you.

9 MR. FOX:

10 Thank you. Next I have Mr. Tom Au.

11 MR. AU:

12 Good afternoon. My name is Thomas Au.
13 It's spelled A-U. I'm President of the Clean Air
14 Board of Central Pennsylvania. The address is 528
15 Garland Drive, in Carlisle, Pennsylvania.

16 I'm here today on behalf of the Clean Air
17 Board of Central Pennsylvania. The Clean Air Board
18 was founded in the fall of 2005 after over 100
19 Cumberland County physicians signed an open letter in
20 the newspapers, informing the community of the danger
21 of ozone and particulate pollution.

22 The medical professionals observed that
23 many of the health problems they see were attributable
24 to the air pollution that we all breathe. The
25 populations they identified at particular risk include

1 infants, children and older people with pre-existing
2 heart and lung disease. The Clean Air Board of
3 Central Pennsylvania is a faith-based citizens'
4 initiative dedicated to achieving clean air to protect
5 our health and quality of life. We accomplish our
6 mission by raising public awareness of the air-quality
7 issues, advocating, promoting and coordinating policy
8 and practices for clean air and monitoring air
9 quality.

10 The Clean Air Board is an entirely
11 volunteer organization. The Clean Air Board includes
12 people from many walks of life, ministers, teachers,
13 doctors, lawyers, businessmen, civic leaders and
14 ordinary citizens. Our members support efforts to
15 improve the quality of the air we breathe, for the
16 benefit of all of us.

17 One of the continuing air-pollution
18 problems the Board has identified in Central
19 Pennsylvania is the inability to meet the air-quality
20 standards for fine particulate, PM2.5, as it's
21 commonly called. Currently, the Harrisburg-
22 Carlisle-Lebanon air basin does not meet the short
23 term 24-hour standard for fine particulates, which is
24 set at 35 micrograms per cubic meter, or the longer
25 term annual average standard at 15 micrograms per

1 cubic meter. The nearby air basins in York and
2 Lancaster also do not meet the fine particulate air
3 quality standards. Particulate emissions can cause a
4 range of health problems, including short-term
5 problems such as eye, nose, throat and lung
6 irritation, coughing and shortness of breath. Over
7 the longer term, it can result in asthma, bronchitis,
8 emphysema, pneumonia, heart disease and increased
9 cancer risk.

10 The Department of Environmental
11 Protection is in the process of redesigning State
12 implementation plans to correct this problem. These
13 State implementation plans are required by the Federal
14 Clean Air Act, where current regulations do not result
15 in the attainment of air-quality standards.

16 In addition to focusing on the large
17 sources of fine particulate, the Department of
18 Environmental Protection needs to focus attention on
19 smaller sources of PM2.5. The Clean Air Board
20 supports strategies that can significantly reduce the
21 amount of air pollution emitted and reduce nuisance
22 problems at the local level.

23 The proposed regulations include
24 provisions to control outdoor wood-fired boilers
25 similar to those being adopted by many municipalities.

1 Many of our municipalities have recognized that
2 outdoor wood-fired boilers can cause smoky conditions
3 in neighborhoods and aggravate breathing problems for
4 nearby residents. For these reasons, municipalities
5 have been proactively adopting regulations similar to
6 DEP's previously released model ordinance.

7 Now outdoor wood burners are different
8 from indoor wood stoves. Indoor wood stoves are
9 regulated by the Environmental Protection Agency.
10 Manufacturers of indoor wood stoves must meet certain
11 EPA new source performance standards, much like
12 automobile manufacturers who must certify that their
13 cars and trucks emit no more than a certain amount of
14 pollutants.

15 Outdoor wood burners, on the other hand,
16 often employ unsophisticated combustion technology
17 that allows the unit to operate in idle mode for long
18 periods. In addition, many units are installed with
19 short stacks that do not disburse emissions well. A
20 short stack height, combined with poor draft, can
21 cause smoky conditions near ground level.

22 Wood smoke also contains organic
23 pollutants associated with incomplete combustion of
24 wood. The toxic air pollutions that can result
25 include benzene, formaldehyde, dioxin and polycyclic

1 aromatic hydrocarbons. The Northeast States
2 Coordinated Air Use Management, called NESCAUM, has
3 been studying outdoor wood burners for a number of
4 years. The increase in the use of outdoor wood
5 burners and the cumulative emissions from these
6 appliances, are usually significantly higher than
7 other EPA-certified wood-burning appliances. Unlike
8 wood and pellet stoves, emissions from outdoor
9 wood-fired boilers are currently unregulated by EPA.

10 As a result of the differences in
11 construction and use, NESCAUM found that even outdoor
12 wood burners that meet the EPA's 2007 voluntary limit
13 of 0.6 pounds of particulate matter per million BTU
14 can emit 12 times the particulate matter of an indoor
15 stove that meets new source --- EPA new source
16 performance standards.

17 NESCAUM's current Phase 1 emission level
18 is at 0.44 pounds per million --- particulate matter
19 per million BTU. NESCAUM requested the New York State
20 Department of Environmental Conservation to conduct an
21 air-quality dispersion model study of a variety of
22 situations and configurations of outdoor wood burners.
23 The New York DEC issued a report entitled, Dispersion
24 Modeling Assessment of Impacts of Outdoor Wood Burner
25 Emissions in Support of NESCAUM's Model Rule.

1 That study concluded --- in order to
2 avoid exceedences of EPA's 24-hour PM2.5 standard,
3 units, that is, the outdoor wood burners, must move to
4 emission rates proposed in Phase II of NESCAUM's model
5 rule. The Phase II emission levels in the NESCAUM
6 model rule is identical to that under consideration
7 today and is 0.32 pounds of particulate matter per
8 million BTU. According to NESCAUM, to put outdoor
9 wood burners' emissions into perspective, NESCAUM
10 estimates that the current generation of OWBs emits at
11 least 20 times more emissions than the current
12 generation of EPA-certified woodstoves, and emits as
13 much particulate matter as 50 to 500 diesel trucks,
14 depending on the truck age and level of control.

15 Air quality benefits can also be achieved
16 by reducing the emissions of outdoor wood-fired
17 boilers. As we look at all sources of fine
18 particulate matter, we should concentrate on those
19 sources which have the potential to cause and
20 exacerbate breathing problems, especially in people
21 with preexisting respiratory conditions such as
22 asthma, bronchitis and emphysema.

23 These air pollution concerns are not only
24 evident in Central Pennsylvania but are also evident
25 in rural communities across the state. We believe

1 that new sales, distribution and installation of
2 outdoor wood-fired boilers --- to meet a Phase 2
3 limit, 0.32 pounds of particulate matter per million
4 BTU, is a sensible requirement and we support this
5 requirement. Other states have adopted the same
6 emission limit of 0.32 pounds of particulate per
7 million BTU, including Maine, Massachusetts, New
8 Hampshire and Vermont.

9 Most have an effective date of April 1,
10 2010, for this requirement. New Jersey limits visible
11 smoke from outdoor wood burners. Maryland prohibits
12 the construction and operation of outdoor wood
13 burners, except under the solid-waste regulation. New
14 York is drafting a regulation with a similar 0.32
15 pounds per million BTU requirement.

16 We also support imposing a seasonal
17 requirement on the use of outdoor wood-fired boilers.
18 According to DEP, as of 2005, there were 12,000
19 outdoor wood-fired boilers in Pennsylvania. The
20 emission limits set for the Phase 2 outdoor wood-fired
21 boilers, and this regulation, will not affect
22 emissions from current existing units.

23 A seasonal restriction on their use will
24 help alleviate air-quality problems during the warmer
25 seasons, when people are more likely to be active

1 outdoors. The Clean Air Board wants to publicly thank
2 the members of the Environmental Quality Board and the
3 staff of the Department of Environmental Protection,
4 for the work you have put into this proposed
5 regulation.

6 MR. FOX:

7 Next we have Mr. Jerry Barrick, Limekiln
8 Road, Carlisle.

9 MR. BARRICK:

10 I'm Gerald Barrick, 100 Limekiln Road,
11 Carlisle, and I'm a little bit different than some of
12 these other people. See, I'm a homeowner that's
13 heated my home since 1976 with either fireplaces,
14 inside stoves or outside wood burners. In those 33
15 years, I have never heard of a neighbor complain about
16 any emissions from my heating device.

17 I was also a township supervisor in
18 Cumberland County, West Pennsboro Township, from 1993
19 to 2004, and no resident had ever complained about the
20 outside wood burners. We did, however, have
21 complaints about burning leaves and tires. Several
22 years ago, I did an extensive amount of research on
23 outside wood burners before making a purchase.

24 Later, I became a dealer for Wood Doctor
25 brand outside wood burners because they were one of

1 the industry's leaders in stove design and emission
2 control. I do not consider our models to be
3 hazardous to one's health, neither my health nor my
4 neighbors, when the proper fuels are used. I am aware
5 of the many --- of the outside furnaces that did smoke
6 excessively in the '70s and '80s. Many improvements
7 have been made since that time to limit the amount of
8 smoke and emissions from these devices. Many models
9 that are on the market today show very little smoke
10 being emitted, just some when the fire ignites.

11 I beg for EPA to compare the quantity of
12 smoke coming out of my OWB to that of my neighbors
13 that have inside stoves and fireplaces. And I would
14 use this particular picture, which I don't have a
15 copy, showing smoke coming out of an inside house,
16 compared to mine on the outside. There's no
17 comparison, and they're both burning at the same time,
18 the same --- two minutes apart.

19 With the newest models available, there
20 is little, if any, smoke visible, yet regulations are
21 being proposed. This reminds me of the auto industry
22 in the late 1960s, when smog pumps were added. Then
23 catalytic converters were added. The EPA never put
24 restrictions on older models, but allowed the problem
25 to disappear by putting restrictions on new

1 automobiles. Yet the citizens of Cumberland County
2 and others in PA are forced to have an emissions' test
3 done on the newer vehicles, 1997 and newer, which are
4 the cleanest manufactured, while older models are
5 exempt from the test. Regardless, all motorized
6 vehicles ever manufactured are still allowed to
7 operate without restrictions on our highways.

8 I'm not sure where the logic is. But
9 what is being proposed for the OWBs is certainly
10 overly burdensome to current owners and utterly
11 ridiculous for the gasification models. With a life
12 expectancy of 5 to 20 years on most models, the
13 problem will disappear in a few years without
14 additional regulations on existing models and will be
15 eliminated with the Phase 1 and Phase 2 models, just
16 like the aging automobiles that seem to disappear
17 slowly over time.

18 A second comment I would like to make
19 concerns the wildfires that I read about in the
20 western states. This summer I was in Alaska for a
21 vacation. I heard about and saw the 800,000-acre
22 wildfire near Denali State --- National Park. Smoke
23 was thick and actually closed Fairbanks Airport for a
24 day while we were there, even though the fire was over
25 30 miles from the airport. No efforts were being made

1 to put out the fire. It was a natural event and would
2 run its course. An educated guess would tell me that
3 there were more PM2.5 particles emitted in one day in
4 Alaska than by all outside wood burners in the State
5 of Pennsylvania for an entire heating season. Yet EPA
6 is not addressing such occurrences. Why not?

7 The regulations that are being proposed
8 seem excessive for existing units. For example,
9 extending the chimney to heights over ten feet creates
10 several problems for the stove owner. Number one is
11 the formation of creosote. If the chimney is
12 extended, the exhaust gases cool and form creosote. A
13 hotter temperature is necessary to avoid such
14 buildups.

15 Putting the top of the chimney 100 feet
16 in the air would successfully spread the particles
17 over a much wider area than a lower stack, but would
18 do nothing to stop the smoke or PM2.5 particles. Most
19 OWBs have forced air induction, which eliminates the
20 need for a draft. Air is forced into the burn
21 chamber. It makes the fire hotter and cleaner.

22 The second regulation, 100 feet --- 150
23 feet from a property line, would require a minimum of
24 2.066 acres if the OWB was located exactly in the
25 center of the lot, effectively eliminating the use of

1 OWBs for most residents in the state. A Phase 2 model
2 is extremely clean burning. I have a customer, Ed
3 Kuniegal, of Lake Aerial, Pennsylvania, that has asked
4 PA EPA to observe the newest models and test the
5 amount of PM2.5 particles put into the air. He can't
6 get a response from PA EPA --- and note, he was being
7 sued by his neighbor for an older model that did
8 smoke. We put a new one in.

9 Anyway --- yet our Federal government has
10 given a \$1,500 tax credit for his purchase of the ---
11 at least 75-percent efficient model he now owns. I
12 would suggest that EPA restrict what goes into the
13 fireboxes as a way to solve the problem. When
14 irresponsible owners burn such items as plastic,
15 tires, household trash, railroad ties, manufactured
16 wood products and other similar items, a great amount
17 of smoke and foul smell is emitted into the
18 atmosphere, just like a burn barrel, which is still
19 allowed without restrictions.

20 In Subsection F, you mention such items,
21 and I would endorse such actions. I would also
22 endorse a regulation that prohibits the use of
23 non-Phase 1 or 2 models to be limited to the heating
24 season only, basically, from October 1st through May
25 15. I would also endorse regulations to eliminate the

1 building of poorly-designed units, but a blanket
2 regulation is unacceptable. I learned during my many
3 college classes that one amasses documents to support
4 the thesis he is trying to prove or disprove. I would
5 suggest that the EPA and the Air Quality Technical
6 Advisory Committee started with the premise that all
7 outside wood burners are detrimental to our society
8 and proceeded to collect data to prove their point,
9 while overlooking any information which does not
10 support their cause.

11 Many of the studies that I found showed
12 older models that were crudely made and did not burn
13 wood efficiently. Thirty (30) years ago, I could find
14 outdoor wood furnaces that created plumes of smoke.
15 Times have changed and manufacturers have taken major
16 strides in making their products cleaner burning. I'm
17 asking that we observe directly or study pictures of
18 all types of chimneys --- indoor, outdoor, fireplace,
19 et cetera --- without seeing what type of stove is
20 connected to it.

21 Today, an unbiased observer would have a
22 great deal of difficulty determining whether a chimney
23 was from an OWB, an inside stove or a fireplace. In
24 closing, I would ask the panel here today --- have you
25 observed a Phase 1 or a Phase 2 outside wood burner

1 recently? If so, can you state in good conscience
2 that it is a major cause of air pollution in our state
3 or region? If many of the counties in Pennsylvania
4 have been classified as non-attainment, can we be sure
5 the OWBs have made such a dramatic amount of PM2.5
6 emissions, as opposed to the multitude of vehicles
7 that travel our highways daily, many of which are
8 unnecessary?

9 When I read about how environmentalist,
10 Al Gore, and Speaker of the House, Nancy Pelosi,
11 travel in huge jets spewing PM2.5 particles in
12 abundance on a regular basis for personal travel, it
13 certainly makes me wonder where the fairness in your
14 proposed regulations lie. We are penalizing the PA
15 taxpayers that use wood heat as a means of keeping
16 their homes warm at a cost they can afford.

17 Many outside wood burner owners use them
18 because they cannot afford to purchase home-heating
19 oil, natural gas or electricity. What this regulation
20 will create is another layer of governmental
21 bureaucracy for the distribution of taxpayer dollars
22 for home heating.

23 One final question; why were these
24 hearings scheduled on the first four days of deer
25 season with no newspaper announcements? It certainly

1 appears to me that you did not really want to hear
2 from the stove owners, or a more appropriate time
3 would have been chosen and people would have been
4 given widespread notice in the newspapers as to the
5 date and time of these hearings. Thank you.

6 MR. FOX:

7 Thank you, Mr. Barrick. Mr. Robert
8 Brown? Mr. Rodney Weese? Ms. Maureen Myers
9 (phonetic)? Mr. Bruce Wesner?

10 MR. WESNER:

11 I'm going to pass today. I'll send my
12 comments in.

13 MR. FOX:

14 Thank you. Keith --- I'm having trouble
15 reading the last name --- from Higgins.

16 MR. COPENHAVER:

17 Yes.

18 MR. FOX:

19 How do you pronounce your last name?

20 MR. COPENHAVER:

21 Copenhaver.

22 MR. FOX:

23 Copenhaver?

24 MR. COPENHAVER:

25 Yes. I have nothing prepared to give to

1 the young lady here ---.

2 MR. FOX:

3 If you just want to sit by the microphone
4 and make some comments, that's fine. If you could
5 just introduce yourself again and state your address.

6 MR. COPENHAVER:

7 My name is Keith Copenhaver from Higgins.
8 I am a wood burner. I listened to and I've read the
9 regulations as they are proposed. And as the last
10 speaker stated, this is just one extra layer of
11 government regulation. This is squeezing down on a
12 very small number of people, you said, 12,000 across
13 the state. A very small number of people that are
14 trying to survive in a very rough economic time.

15 You state about the health issues. My
16 mother-in-law --- she's been living with us for a long
17 time, 97 years old. There's no health issues. Stack
18 height, to go and regulate that if you're within 500
19 feet of another building and the stack needs to be two
20 feet higher than that building, this could lead to
21 tremendous stack height --- unrealistic stack height.
22 And what's it going to do to decrease the amount of
23 output of smoke?

24 I have a very hard time with the new
25 regulation as it's proposed. I can understand where

1 you would not want one of these new ones in the middle
2 of town, where you have a very small lot. But if
3 you're on a acre, you're in good shape. My unit sits
4 within 50 feet of my house, and I have no smoke in my
5 house. My stack height is roughly 10, 12 feet. I'm
6 not exactly sure. It's been in service since the year
7 2000 and yeah, if you put in green wood, it will smoke
8 until the wood fills up the town. But in a rural
9 area, it makes no difference if it smokes. In town or
10 right in the middle of Harrisburg, yeah, it would make
11 a difference.

12 In other words, if you lived where I
13 live, it may smoke and there's no one there. I'm
14 going to stop right here. Just to follow up with the
15 last speaker, why was this scheduled the 1st day of
16 buck season? Is this to try and get the people that
17 are burning not to come, not to be here? I'm done.

18 MR. FOX:

19 Thank you. Robin Weaver?

20 MS. WEAVER:

21 I don't have a formal presentation
22 either.

23 MR. FOX:

24 Just identify yourself and ---.

25 MS. WEAVER:

1 Yes. My name is Robin Weaver. I am the
2 owner and president of a Mahoney Outdoor Furnace. We
3 obviously manufacture outdoor furnaces. The points
4 that I would like to make have already been made for
5 the most part. I'm coming from the perspective of a
6 manufacturer who is working on a Phase 2 unit. We've
7 been working on our unit for over two years and have
8 not yet got one that exceeds the test. We're close.
9 But if Pennsylvania passes this law now --- I know you
10 have an effective date of November 10. Basically, you
11 will put my company out of business.

12 I have 30 employees. I understand that's
13 a small company but it matters to me and it matters to
14 my employees. We still have about a year, but to
15 change the manufacturing process --- you know, a year
16 sounds like a lot of time. First of all, we don't
17 have a unit yet. We want to get some time to test the
18 unit out in the field, so we have some prototypes that
19 we're trying to get out within the month.

20 If I sell furnaces or sell units that
21 haven't been properly tested in the --- you know, to
22 be used the way they're supposed to be used, there's a
23 warranty issue, I mean, that can put a company out of
24 business, too. So I need time, and then also change
25 the manufacturing process over a year. And to train

1 employees and things like that, it just takes more
2 time. I mean, I am for cleaner-burning units. All
3 I'm asking for, basically, is more time to get to that
4 place, to keep my people working. Another thing that
5 hasn't really been issued --- or addressed in these
6 regulations is a --- to sell through units. You know,
7 we're working now. We have inventory now that has
8 been for over a year. I have nowhere to have
9 inventory. When do I stop? You know, do I stop
10 today? Do I stop at the end of the year? When do I
11 stop making units that I'm making now? I mean, that's
12 the kind of scary things that we're facing, you know,
13 not knowing the fact of what's going to happen.

14 But we want some time to sell through
15 units that may be in inventory, whether the
16 manufacturer or a dealer or a store or whatever. The
17 other points that have already been made, the setback
18 requirements. As clean and efficient as the Phase 2
19 furnaces are, we really don't feel there needs to be
20 any setback for them.

21 But I think that the setback that's in
22 the regulations is just too much, you know, 50 or 75
23 feet, I think, for a Phase 2 unit would be good. The
24 height requirement for the stack, the furnace that we
25 are developing, we think that the stack height is a

1 function of how the furnace works. So we would like
2 to see something in the regulation of a stack height
3 that's manufactured as an adjustment stack height
4 because if you change the stack height on our unit,
5 it's going to change the way the unit works and it
6 won't work as well. That's why there's a stack height
7 for the existing units. We think that it's a hardship
8 for people, especially in the State of Pennsylvania
9 with the poverty and stuff over our state, to --- you
10 know, the stack height that wasn't there, it can be so
11 expensive, one, for some people to do it. It would be
12 impossible for other people.

13 I mean, if you have a neighbor that lives
14 along a hill and you're on the bottom --- I mean,
15 there's no way you're going to get back up above that
16 neighbor. You know, you can still be within the
17 specs. So I think that the stack height for existing
18 units should almost be handled on a case-by-case
19 basis. If you have --- you leave them there, people
20 are living with them the way they are. If there's a
21 unit that --- it's a nuisance unit, then drop that
22 unit.

23 But having this requirement, I think, is
24 a hardship on people that are already, obviously,
25 stressed financially. And I think those were my

1 major ---. You know, if grandfathering units in and
2 handling them on a case-by-case basis --- you think
3 that's going to be easier for people that have already
4 put out money and the --- just further time to meet
5 the specs ---. Because like I said, I am coming from
6 the point of a manufacturer where people are working,
7 so I think those are my comments. Thank you.

8 MR. FOX:

9 Thank you.

10 MR. VONADA:

11 I'd like to speak, sir.

12 MR. FOX:

13 Okay. Would you identify yourself?

14 MR. VONADA:

15 My name is Brian Vonada, and I'm from the
16 State College area.

17 MR. FOX:

18 Spell your last name, please.

19 MR. VONADA:

20 V, as in Victor, O-N-A-D, as in David, A.

21 And I just wanted to comment on what Robin said over
22 here also, because I am actually a dealer. I didn't
23 know that she was going to be down here, but I'm a
24 dealer for Mahoney. I'm a dealer for 40th Main,
25 another Canadian-built outdoor furnace manufacturer.

1 And these companies are --- everybody right now is
2 involved. Everybody is trying to put out a Phase 2
3 furnace. We all know that the area needs cleaned up
4 and everybody's trying to do it. I know Robin over
5 here --- she probably has a couple hundred thousand
6 dollars tied up in research and development right now
7 in this Phase 2 unit. Now to me to come out and
8 simply state that --- well, hey, every new furnace
9 being built has to have a stack height --- you know,
10 the height of the roof plus two feet, even within 150
11 feet, which is what the rules say right now in a Phase
12 2 unit, that's not possible, not when Robin's building
13 a furnace, like she says, and the designer of this
14 furnace who, by the way, has 30-plus years of
15 experience designing furnaces.

16 He's worked for Mock (phonetic) Casting.
17 He's worked for a Farmlly Stowes (phonetic) Company for
18 a while. He's going to tell you if that stack is
19 going to have to be probably around 15 feet. You're
20 not going to take from it, and you're not going to add
21 to it. It's going to be a permanent stack. It's
22 going to be part of the furnace and how the furnace
23 functions.

24 Like I said, they are trying to clean
25 them up. With the economy being like it is, my guess

1 is, right now, if this passes the way it is written up
2 today, you're going to have a thousand people across
3 the state out of work. You've got, that I can count,
4 that I can think of --- there may be more --- you have
5 five outdoor furnace manufacturers inside the State of
6 Pennsylvania that I can think of. There's probably 30
7 --- at least 30 to 40 manufacturers in North America.
8 And I'm guessing each one of those manufacturers has
9 probably --- at least 25 to 50 dealers across the
10 state.

11 All those dealers, all those
12 distributors, all those manufacturers, if this rule
13 passes the way it is, they're going to be out of
14 business. Now that's okay for DEP to sit here and
15 say, hey, we're going to throw this --- you know, this
16 rule out. You were trying to do your job. But you
17 know, if you're not going to come up with some money
18 to help these people out, that everybody's losing
19 their job is not going to help the economy a bit.

20 I heard from the King Air boards here,
21 and I agree with a lot of things they're saying. But
22 another important fact to me is that if all these
23 people are out of work, they're out of jobs, they're
24 not going to be eating, either. I'm not --- I can't
25 go out and draw a paycheck from unemployment; I'm

1 self-employed. Okay? So what's the difference if you
2 have kids starving on the street because they're not
3 eating or if you've got people that --- you know, have
4 to breathe a little bit of wood smoke, which is not
5 harmful to your health. Yes, if you have too much
6 particulates in the air, it can be bothersome. Some
7 of the other things I want to hit on is the stack
8 height or --- well, what Robin mentioned. Another
9 thing is --- as it's written in here --- and it even
10 states in the back of this that if this passes the way
11 it is, that I, as a dealer, would have to tell
12 people ---.

13 Two or three places it says in here that
14 even if --- okay? It says on the back of this, even
15 if --- you know, a Phase 2 furnace meets all this, you
16 may not be able to put it in. Two or three places it
17 says, even if, you know, which --- it's going to be
18 pretty hard to sell to anybody when you're trying to
19 talk them out of it.

20 And then it states in here, it simply
21 states that --- one of those even ifs is if the
22 terrain --- it may not be possible to put one in at
23 all. It depends on the terrain, terrain of the land,
24 the layout of the land. That's very true, and that
25 goes with your trying to get people to raise their

1 stack heights. If you're within 500 feet of anybody
2 --- I'm sure there is fellows down here in Harrisburg.
3 It is not possible to put a 120-foot smokestack up.
4 Nobody in a two-story house down through this town or
5 in any town across the land, has to put a 120-foot
6 stack up. If you want to put a stack height up, I can
7 see it may be possible in nuisance situations to say,
8 hey, you've got to get your stack height up as high as
9 your neighbor's two-story house chimney is right
10 there. I understand certain things like that that are
11 intolerable, that you can't live with.

12 But not --- hey. Basically, what you're
13 telling people is this. As the law stands here --- as
14 this proposal stands, you're telling people --- well,
15 we understand that you made a \$10,000 investment last
16 year on this furnace. Okay? But guess what? But you
17 cannot sell that furnace and you cannot use that
18 furnace, either.

19 I'm not sure where the democracy is in
20 that. I mean, I don't think any of us would want to
21 buy a new automobile and have somebody tell us that,
22 but that's how it seems right now. I believe that's
23 all I wanted to comment on.

24 MR. FOX:

25 Thank you. Anyone else?

1 MR. RAWLUK:

2 Yes. Hello. Has everyone ---? I'd like
3 to speak, if possible.

4 MR. FOX:

5 Well, you can speak now. I don't know if
6 everyone has, but you're welcome to.

7 MR. RAWLUK:

8 Thank you. Yeah, I came in late, so I
9 just saw the last two or three people talk and ---.

10 MR. FOX:

11 Would you identify yourself, please?

12 MR. RAWLUK:

13 Of course. Hi. My name is Harry Rawluk.
14 I live in East Greenville, Pennsylvania. And what I'd
15 like to describe to you is my situation. I bought
16 four acres, five years ago, four years ago. Love the
17 place. Love the fresh air. It's in a suburban area,
18 but I bought four acres instead of building a tract
19 home because I grew up here, I wanted a little land,
20 and I loved it.

21 And then last year, in November, I said,
22 oh, my god, my neighbor is burning trash. And okay.
23 He's burning trash. I'll just be quiet about it. And
24 he kept burning trash, burning trash. Then I called
25 up the Township Board and gee, my neighbor's been

1 burning trash for two weeks in an old box. It looks
2 like an outhouse. And they said, that's an outdoor
3 wood burner. I said --- well, it's all coming into my
4 house. It's all coming into my house. I can't walk
5 outside the house at all without being totally
6 drenched in smoke. I have four acres, but this
7 gentleman put his burner 35 feet from my property
8 line. That's 35 feet of my property line. I have 120
9 feet to my house, and that is directly in front of my
10 living room. So 120 feet shoots straight up. I have
11 a two-story house. He has a ranch house.

12 So I get all this smoke continuously,
13 24/7. It's not a question of, you know, who's poor or
14 rich or whatever. Doesn't the State of Pennsylvania
15 have a program to provide oil heat to people that are
16 in poverty? But if someone is rich enough to spend
17 \$6,000, \$10,000, \$12,000 and put this burner next to
18 your house and say to you, I am rich enough to put my
19 smoke into your house and too bad that you bought the
20 house --- you spent a fortune. I'm hijacking your
21 property. Your four acres are totally worthless now
22 because that smoke is coming and descending on that
23 acreage, four acres. I can't have my grandkids out
24 there to play. We were trying to put plants in there
25 and we come in drenched with smoke. I had to take a

1 shower. My wife tells me I smelled like Smokey the
2 Bear. I put the dog out. We got a dog, and I put the
3 dog out. And I opened the door and boom, I get that
4 smoke in. I get the smoke in the house. And
5 economics? Do you realize that I had to buy six air
6 purifiers for the house? Six air purifiers, and it
7 still does not take care of the problem. It's a new
8 house. I bought the house before someone put it in
9 there. And you guys are doing the terrific job in
10 terms of starting to do something, but you're not
11 doing enough because when I called the township up,
12 they said, gee. The Township manager said, we're in
13 the job of building roads, not regulating smoke. So
14 you are the only people that will do anything about
15 it. We have a thousand townships in the area? And
16 hardship --- I had to spend six grand for air
17 purifiers. Six grand for that. That's a hardship.

18 My 88-year-old mother can't come and live
19 with me because she has coronary heart disease, and
20 she can't go out and breathe that. The stack needs to
21 be taller. You need to put it 150, 250 feet or
22 whatever. My property is devalued by \$100,000 because
23 the smoke just stays there. I keep a log. You know,
24 this morning I got up. Smoke all over the place. Let
25 the dog out. Boom, the smoke comes in at six o'clock

1 in the morning. The fog keeps it in. I breathe it
2 in. All right? So who has the authority to come and
3 say, hey, I'm hijacking your property? I'm taking 100
4 grand out of your --- off your property. And how do I
5 sell it? I went to my neighbor. I said, gee, let me
6 --- please put a bigger stack, I'll pay for it.
7 Please stop burning, and I will spend \$3,000 a year to
8 buy heating oil. That's how bad it is.

9 I mean, do I want to spend \$3,000 on
10 something like this? No. But you can't breathe, you
11 can't live. And the townships will not do anything.
12 You have to do something. And what you have to do is,
13 instead of 150 feet, it --- I'll tell you, this is
14 coming into my house, it's 375 feet before it begins
15 to diminish. 375 feet.

16 You need that stack higher than the
17 highest roof because little particle stuff is going to
18 kill me. No, it's true. It's absolutely true. And I
19 know what everyone talked about. I appreciate people
20 losing jobs. And I drove here with the worst car,
21 worst pick-up truck. I have an '88 pickup truck here.
22 So every dollar makes sense. And I can't live like
23 this. I came home here to live in Pennsylvania after
24 spending 30 years on the West Coast with forest fires
25 where they tell you, put your behind inside the house.

1 Close all the windows. People don't go to school.
2 That's what I'm experiencing now, day in and day out.
3 And bringing up an idea of what it is, it's simply
4 someone burning leaves in front of your picture
5 window, 24/7. And you have to step in because what
6 more can I do? Please put the stacking on, I'll pay
7 for it. Please, please, buy the oil. I'll buy the
8 oil for you, so I don't have to breathe it. I can't
9 go outside. I can't sell the place.

10 So I admire what you're trying to do.
11 You need to do more, and you need to forget about this
12 grandfathering. Because we're basically saying okay,
13 you can die. You can die, because that thing's been
14 there for two years.

15 That thing has been there for one year
16 with me --- and gee, Harry, you can die. Tough luck.
17 You got to do something positive because the townships
18 won't. Thank you. R-A-W-L-U-K.

19 CHAIR:

20 Can we get an address on that so we can
21 witness it ourselves?

22 MR. RAWLUK:

23 Sure. I'll give you my home ---.

24 MR. FOX:

25 Anyone else who would like to present

1 some comments? Yes, sir.

2 MR. GEHMAN:

3 I don't have anything.

4 MR. FOX:

5 That's okay.

6 MR. GEHMAN:

7 Robert Gehman, G-E-H ---.

8 MR. FOX:

9 Could you sit at the microphone, please?

10 Could you sit at the microphone? And spell your last
11 name.

12 MR. GEHMAN:

13 My last name is spelled, G-E-H-M-A-N.

14 MR. FOX:

15 And your first name?

16 MR. GEHMAN:

17 Robert.

18 MR. FOX:

19 And your address?

20 MR. GEHMAN:

21 2130 Old Lancaster Pike.

22 MR. FOX:

23 Thank you.

24 MR. GEHMAN:

25 I only have brief comments. In my

1 situation my furnace, for the most part --- I'd say,
2 90 percent of the time, you can't see smoke. I bought
3 it in 2004. I shipped it in from Wisconsin. I bought
4 it online. It's a pressurized system, which is not
5 typical. It's made of boiler plate. And it has a
6 blower on it. It is not a Phase 1 or Phase 2. I just
7 checked with the manufacturer.

8 It was sold as EPA-approved which, at
9 that time, was okay to me as a customer. I guess my
10 only comment is that this is a retroactive law. When
11 you say current users or existing use, you're
12 regulating the height of the stack, and that is a
13 retroactive law. And as long as I can remember,
14 retroactive laws were illegal.

15 Now, I didn't do a lot of legwork on
16 this, but apparently --- and I'm assuming that laws
17 that concern --- that are regulatory, there have been
18 exceptions made to that. And I can only assume that
19 you are acting with authority rather than just
20 projecting it.

21 In light of that, I just want to say that
22 I wish that you would have really considered the fact
23 that you are acting in a retroactive manner towards
24 people who have acted in good faith. In my case, I
25 bought what I thought was the best, most efficient

1 unit, and I paid the best dollar for one. I have set
2 it up with the prevailing wind as per the
3 manufacturer. Prevailing wind is a big factor in
4 setting up these units. And in my case, the
5 prevailing wind is northeast, or the opposite
6 direction. Now I'm only about a 25 percent, I'm only
7 guessing, slope. So if I have to go 500 feet to meet
8 your regulation, I'm going to have a humungous stack
9 that's going to probably reach 50 to 60 feet high.

10 Currently, my stack is 16 feet off the
11 ground. And you know, I would have to probably get a
12 crane and some huge plate to plant it in the ground to
13 meet this regulation. The problem with high stacks is
14 that you're drawing air even while the fan is not
15 running. The fan is running when it's burning hot.
16 But if you increase the stack, you increase the draft.

17 So it will be pulling more air during the
18 dormant mode, which is going to create more --- you
19 know, consume more wood and it will be more smoky as
20 it's idling. So you need to consider that. The other
21 thing that I do have a slight problem with is that ---
22 not 20 neighbors. But not too far from me, we have a
23 neighbor that has a pathological need to use the DEP
24 to harass the neighbors, and she has done this to a
25 bed and breakfast. Had them down complaining about

1 her sewer --- their sewer polluting her water. It was
2 all none ---. They didn't find anything. She had
3 five Township meetings with her complaints. They
4 didn't find anything. And this poor man was shaking
5 with rage as he was telling me what he went through
6 with her.

7 And I know she's going to really enjoy
8 these regulations. So anyway --- not that that has a
9 whole lot of weight, but just to let you know that
10 there are people who use the DEP to harass the
11 neighbors. So anyway, I would like you to consider
12 the detrimental fact of new stack heights.

13 I really do have sympathy for my --- the
14 previous speaker here that is going through what he's
15 going through. I would certainly --- as an outdoor
16 wood burner, certainly exercise more responsibility in
17 that. And I agree with him, something should be done
18 for those kinds of situations.

19 But a case-by-case situation, I think, is
20 the best approach. In my case, for example --- on the
21 south side of my property, there is nothing bordering
22 a building, within a quarter or half a mile. I think
23 it would be more appropriate to use the term, a
24 distance to a building, rather than property line. So
25 that's the only thing I had to say.

1 MR. FOX:

2 Thank you. Did someone else have their
3 hand up? Yes, sir.

4 MR. LONKART:

5 My name is Neil Lonkart. I live in
6 Lewisberry, Pennsylvania.

7 MR. FOX:

8 Could you spell your last name?

9 MR. LONKART:

10 Lonkart, L-O-N-K-A-R-T.

11 MR. FOX:

12 Thank you.

13 MR. LONKART:

14 I live in Lewisberry, Pennsylvania. I
15 have a Heatmor outdoor wood stove that is not a Phase
16 1 or 2. And I've been burning it for about six years
17 now. I border a development. But like the previous
18 speaker said, before I set it up, I took notice of the
19 prevailing wind. I have never ever had a complaint
20 from any of the neighbors that I'm within a distance
21 of what this regulation says. And Heatmor says you
22 could only put a stack of ten feet added to the stove
23 that's coming out. So the problem with that, with the
24 regulation, is the manufacturer is stating that ten
25 feet is the maximum about bracing. Now, I've never

1 had a complaint. I've asked my neighbors if they ever
2 smelled smoke, and I do burn just --- I would say,
3 from October until about --- April, sometimes, I do
4 shut it off. A little later than that, most of the
5 time.

6 But I've never had any complaints, and I
7 just see this as more regulation. And I would also
8 --- the gentleman that spoke and is having such a
9 smoke problem, I do believe it is a case-by-case
10 basis. Something does need to be done there because
11 it makes it bad for all of the outdoor wood burners.
12 I would want to know what the guy's burning, whether
13 there's something wrong with the stove, how it's
14 operating, bad, dirty, something blocked up, whatever
15 that it's smoking so bad.

16 Because when mine shuts off, it's not
17 calling for heat. When the fan is shut off, you
18 barely see any smoke coming out at all. And any time
19 it smokes --- and I admit, it smokes less than most
20 fireplaces that I've seen --- is when --- I load it
21 twice a day on 12-hour --- for 12-hour burns. And it
22 will burn 12 hours with each loading, is what I'm
23 trying to say. And when I first put the wood in, it
24 will smoke some, but after that first heat cycle, the
25 smoke dies down. And my neighbors will say --- a lot

1 of times during the winter, they don't even know it's
2 running, they don't know it's on. So I spent 6 grand
3 on this thing, and I did it to save oil, and I'm very
4 much saving oil. And I do have a source of wood.

5 And I saw in the regulation, it says,
6 clean wood. Well, that needs to be ---. What's clean
7 wood? I don't want to be burning wood pellets in it.
8 That defeats the whole purpose. I do know that you
9 don't want to burn anything that's pressure-treated or
10 anything like that, anything that's coated. I
11 understand all that. I'm talking just firewood, trees
12 cut up in the woods, from the woods. And that's
13 pretty much my statement.

14 MR. FOX:

15 Thank you for your comments. Is there
16 anyone else?

17 MR. RAWLUK:

18 May I just add one thing, just one thing,
19 that perhaps the EPA should look at, the smoke
20 vis-à-vis the roads? In the area that I'm in, there
21 are five of these outdoor wood burners. The only
22 reason I found the five --- because I was just driving
23 in my normal course of business. You end up having a
24 blanket of smoke in the road, simply because of their
25 positioning. And one is on the northeast extension of

1 the Pennsylvania Turnpike. Others are on county and
2 local roads. But that is an issue. That should be
3 looked at and addressed.

4 MR. FOX:

5 Thank you. If there are no other
6 witnesses present, on behalf of the Environmental
7 Quality Board, I hereby adjourn the hearing at 2:06
8 p.m.

9 * * * * *

10 HEARING CONCLUDED AT 2:06 P.M.

11 * * * * *

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14
15
16 CERTIFICATE

17 I hereby certify that the foregoing
18 proceedings, hearing held before Member Lapato was
19 reported by me on 11/30/2009 and that I Jennifer T.
20 Alves read this transcript and that I attest that this
21 transcript is a true and accurate record of the
22 proceeding.

23 
24 Court Reporter
25