

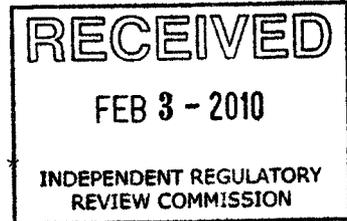
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD

* * * * *

IN RE: PROPOSED REGULATIONS REGARDING
OUTDOOR WOOD-FIRED BOILERS

PUBLIC HEARING

* * * * *



HEARING: Tuesday, December 2, 2009
1:07 p.m.

LOCATION: Cranberry Township Municipal Building
2525 Rochester Road
Cranberry Township, PA 16066-6499

WITNESSES: Paul Laposky, Joylette Portlock,
Wilson Jack, Jr., Dave Hagan, Trudi Rush,
Maureen Myers, Jerome Sorg, Shane Fisher,
Fred Fuellner, David Flick, Dale Smith,
Mike Seefeld, Robert Pervis, Bill Radion

Reporter: Diana L. Inquartano

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STEVE HEPLER
Air Quality Program Specialist
Department of Environmental Protection

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NONE OFFERED

P R O C E E D I N G S

MR. HEPLER:

Sincerely, I would like to welcome you to the Environmental Quality Board's EQB public hearing on the proposed regulations regarding outdoor wood-fired boilers. My name is Steve Hepler. I am an Air Quality Program Specialist with the Department of Environmental Protection's Southwest Regional Office. I am representing the EQB at today's hearing. I officially call this hearing to order at approximately 1:07 p.m. The purpose of this hearing is for the EQB to formally accept testimony on the proposed regulations concerning outdoor wood-fired boilers.

In addition to this hearing, the EQB held public hearings on the proposed regulations in Harrisburg on Monday, November 30th, 2009, and in Wilkes-Barre on Tuesday, December 1st, 2009, and will hold another hearing tomorrow, December 3rd, 2009, in Williamsport. The proposed rulemaking, which was adopted by the EQB on September 15th, 2009, adds requirements in 25 Pa.C. Chapter 123 for the operation of an outdoor wood-fired boilers, what we call OWBs, also commonly referred to as outdoor wood-fired furnaces, outdoor wood-burning appliances, or outdoor

1 hydronic heaters.

2 Unlike indoor woodstoves that are
3 regulated by the United States Environmental
4 Protection Agency, EPA, no Federal standards exist for
5 OWBs. The majority of OWB models are not equipped
6 with air pollution controls and therefore generate air
7 pollution in greater quantities than indoor
8 woodstoves, even when they are operated according to
9 manufacturer's specifications. The emissions are
10 intensified if the OWB is improperly fired or used to
11 burn waste. Air pollution generated from the OWBs not
12 only affects human health, but is also a source of
13 many odor and nuisance complaints.

14 In lieu of Federal standards, the EPA
15 initiated a voluntary program that encourages
16 manufacturers of OWBs to improve air quality through
17 developing and distributing cleaner-burning, more
18 efficient OWBs. Phase One of the program was in place
19 from January 2007 through October 15th, 2008, and
20 included EPA certification of OWB models that were
21 demonstrated to be 70 percent cleaner burning than
22 unqualified models by meeting a particulate matter
23 emission standard of 0.6 pounds per million of
24 BTU heat input.

25 Phase Two of the program was recently

1 announced and includes EPA certification of OWBs that
2 meet a particulate matter emission standard of 0.32
3 pounds per million BTU output. In comparison, most
4 pre-program, older-model OWBs emit about 2.0 pounds of
5 particulate matter per million BTU. The EQB's
6 proposed rulemaking establishes provisions that
7 prohibit a person, manufacturer, supplier or
8 distributor from selling, offering for sale,
9 distributing, installing, purchasing, leasing or
10 receiving an OWB for use in Pennsylvania unless it is
11 a Phase Two OWB.

12 This prohibition would not extend to OWBs
13 that are intended for shipment and use outside of this
14 Commonwealth. The proposed rulemaking also
15 establishes setback requirements for Phase Two OWBs,
16 stack height requirements for existing and new OWBs
17 and restricts the types of fuel that may be used in an
18 OWB.

19 The additional particulate matter
20 emission reductions that will occur as a result of
21 this proposal are reasonably necessary as part of this
22 Commonwealth's efforts to attain and maintain the 1997
23 and 2006 health-based 24-hour National Ambient Air
24 Quality Standards for fine particulates. The health
25 effects associated with exposure to particulate matter

1 include aggravation of respiratory and cardiovascular
2 disease, lung disease, decreased lung function, asthma
3 attacks and certain cardiovascular problems.

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

14 In order to give everyone an equal
15 opportunity to comment on this proposal, I would like
16 to establish the following ground rules. One, I will
17 first call upon the witnesses who have pre-registered
18 to testify at this hearing. After hearing from these
19 witnesses, I will provide any other interested parties
20 with the opportunity to testify as time allows. Two,
21 testimony is limited to ten minutes for each witness.
22 Three, organizations are requested to designate one
23 witness to present testimony on its behalf. Four,
24 each witness is asked to submit three written copies
25 of his or her testimony to aid in transcribing the

1 hearing. Please hand me your copies prior to
2 presenting your testimony. Five, please state your
3 name, address and affiliation for the record, prior to
4 presenting your testimony. The EQB would appreciate
5 your help by spelling names and terms that may not be
6 generally familiar so that the transcript can be as
7 accurate as possible.

8 Six, because the purpose of a hearing is
9 to receive comments on the proposal, EQB or DEP staff
10 may question witnesses. However, the witnesses may
11 not question the EQB or DEP staff. I'm here to hear
12 and understand. In addition to or in place of oral
13 testimony presented at today's hearing, interested
14 persons may also submit written comments on this
15 proposal. All comments must be received by the EQB on
16 or before January 4th, 2010. Comments should be
17 addressed to the Environmental Quality Board, Post
18 Office Box 8477, Harrisburg, PA, 17105-8477. Comments
19 may also be e-mailed to RegComments@state.pa.us.

20 All comments received at this hearing, as
21 well as written comments received by January 4th,
22 2010, will be considered by the EQB and will be
23 included in a comment response document prepared by
24 the Department and reviewed by the EQB prior to the
25 EQB taking its final action on this proposed

1 regulation. Anyone interested in receiving a copy of
2 the transcript of today's hearing may contact the EQB
3 for further information. I would now like to call for
4 the first witness. The first name on the list is Mr.
5 Paul Laposky. Paul?

6 MR. LAPOSKY:

7 Yes.

8 MR. HEPLER:

9 Why don't you speak from there?

10 MR. LAPOSKY:

11 Okay.

12 MR. HEPLER:

13 And do you have photos?

14 MR. LAPOSKY:

15 Yes, I do.

16 MR. HEPLER:

17 Okay.

18 MR. LAPOSKY:

19 These are ---.

20 MR. HEPLER:

21 I understand, and that's fine.

22 MR. LAPOSKY:

23 Okay.

24 MR. HEPLER:

25 This is an exemplary effort to me.

1 MR. LAPOSKY:

2 Okay. For the record, my name is Paul
3 Laposky, L-A-P-O-S-K-Y. My address is P.O. Box 886,
4 Max Run Lane, Ligonier, PA, 15658. I'm a resident of
5 Waterford, which is part of Ligonier. First of all,
6 I'd like to state that I'm not against the boilers.
7 I just believe that there should be some restrictions.
8 I would also like to state that I endorse Section
9 123.14(c), (d) and (e); endorse 123.14(f) and (g).

10 The main reason I'm here today is talk
11 about personal problems that I've been dealing with
12 the last three years. The three main issues are odor,
13 the dirt and the haze from these units. As you can
14 see in these photographs, if you can ---. I tried to
15 blow them up as much as I can. This is a unit that's
16 within my yard. This is the smoke that's being
17 produced out of it. This picture here is very small.

18 This is a haze that I receive at night on
19 this. This is a haze that blankets my home. By this
20 haze blanketing my home, what it does is it affects my
21 living condition, my home, that go into my eaves of my
22 home through my windows. One key thing about this
23 proposal I'd like to see be done is a restriction on
24 months it can be used on. I would like to be seeing a
25 restriction between May the 1st and October the 15th.

1 Because the last several years now, I can't even open
2 my windows in the summer, because again it is making
3 hot water during the summer months. During the summer
4 months, as you can see --- again, I can't open my
5 windows ---.

6 MR. HEPLER:

7 We want her to be able to hear you.

8 MR. LAPOSKY:

9 Okay. Sorry.

10 MR. HEPLER:

11 She's making the official record.

12 MR. LAPOSKY:

13 The first one is a little bit different
14 because I didn't know how to do this.

15 MR. HEPLER:

16 It's okay.

17 MR. LAPOSKY:

18 Back to the smoke issue. The one I have
19 is ---. Can you give me five minutes? Some of these
20 pictures are ---. You can see in this photograph here
21 this is a haze at 7:30 in the morning, sir. Again,
22 this is a haze of, like, a general landscape. It goes
23 across and blankets my neighborhood. I'll show you
24 one at a time. This one here ---. This is, like, I
25 made a summary picture of 12 pictures of how it

1 starts. I mean, I'm not going to have time down
2 through here, but, you know, I'll leave these for the
3 record to show how these were produced from the
4 beginning through --- they work backwards. This is
5 the end. This is the beginning.

6 It shows the constant haze coming across
7 the homes. The health issue is a very important part
8 of my statement because my wife has asthma, and I was
9 involved in a fire 20-some years ago, so I lost some
10 of my lung capacity. So I'm breathing this
11 constantly. There has been documentation to show that
12 one outdoor wood furnace produces more pollution than
13 8,000 gas furnaces.

14 MR. HEPLER:

15 Gentlemen.

16 MR. LAPOSKY:

17 I don't care for that tone.

18 MR. HEPLER:

19 Please, gentlemen.

20 MR. LAPOSKY:

21 That was all documentation. I will leave
22 this here. For the record, it's right here. I'll
23 leave this for the committee. Again, it is the smell.
24 The odor in my home is being --- it's coming in, and
25 there's dirt on my house from the smoke. This is a

1 12-month project that goes on constantly. It's used
2 every day by this gentleman. This one here
3 (indicates). These pictures are not just from my
4 area. This is three different cases in the valley
5 from my area here, and this is from another location.
6 So this is a problem that we have to deal with in the
7 State of Pennsylvania and I think I'm running out of
8 time. Okay?

9 MR. HEPLER:

10 I'm going to ask a question for the
11 record.

12 MR. LAPOSKY:

13 Sure.

14 MR. HEPLER:

15 What efforts have you made to try to
16 address your concerns with your neighbor?

17 MR. LAPOSKY:

18 I have contacted my neighbor. He told
19 me, quote, if I pay his oil bill, he'll put it out.
20 And I went to my local supervisors. They told me
21 learn to live with it.

22 MR. HEPLER:

23 Okay. Thank you.

24 MR. LAPOSKY:

25 For the record, I'm on the Planning

1 Commission and we even met, submitted our letter to
2 the public. to the private --- and they crumpled it up
3 and threw it in the trash.

4 MR. HEPLER:

5 Thank you.

6 MR. LAPOSKY:

7 Okay? Thank you.

8 MR. HEPLER:

9 For the record ---. May I have those for
10 the record?

11 MR. LAPOSKY:

12 I'm sorry. For the record, too, I
13 have ---.

14 MR. HEPLER:

15 Let the record show he's made effort with
16 Counsel as well to seek private ---.

17 MR. LAPOSKY:

18 Yes.

19 MR. LAPOSKY'S ATTORNEY:

20 I'm his attorney. He has also contacted
21 Counsel about filing a private nuisance lawsuit, and
22 it's cost prohibitive. By the time you hire the
23 experts to prove the nuisance, it's too much; and I've
24 advised him that it's too expensive.

25 MR. LAPOSKY:

1 And for the record, I'm on ---.

2 MR. HEPLER:

3 That's okay. We need to keep this moving
4 along. Thank you, Paul. I appreciate it.

5 MR. LAPOSKY:

6 Okay.

7 MR. HEPLER:

8 Is Joylette Portlock of PennFuture here?

9 DR. PORTLOCK:

10 Yes.

11 MR. HEPLER:

12 Joylette, you may want to spell your name
13 for her.

14 DR. PORTLOCK:

15 It's Joylette Portlock. J-O-Y-L-E-T-T-E.

16 And the last name is P as in Paul, O-R-T-L-O-C-K.

17 Well, good afternoon. Thank you. I am Dr. Joylette
18 Portlock, Western Pennsylvania Outreach Coordinator
19 with Citizens for Pennsylvania's Future, also known as
20 PennFuture. We are a Statewide environmental advocacy
21 organization with offices in Pittsburgh, Harrisburg,
22 Philadelphia, Wilkes-Barre, and West Chester.

23 I'm here today from our Pittsburgh office
24 in support of the proposed rule regulating outdoor
25 wood-fired boilers. Here in Southwestern

1 Pennsylvania, we have a special history with dirty
2 air. And though our air is a lot cleaner than it was
3 years ago, it's still got a way to go before we can
4 call it clean. Right now the air in Beaver, Butler,
5 Allegheny, Washington and Westmoreland County is not
6 meeting federal health standards. PennFuture has
7 recently launched an air quality campaign in
8 Southwestern Pennsylvania called Breathe Easy, Stay
9 Healthy.

10 Through this campaign, we hope to make
11 sure that our region can again meet the standards for
12 air pollution that have been set to protect our
13 health. According to the U.S. Environmental
14 Protection Agency, or EPA, scientific studies, quote,
15 scientific studies report potentially serious adverse
16 health effects from breathing smoke emitted by
17 residential wood combustion, end quote.

18 U.S. EPA cites fine soot pollution and
19 air toxics as the source of these health effects, and
20 notes that fine soot pollution is linked to asthma,
21 reduced lung function, heart problems and premature
22 death in people with heart and lung disease. A 2006
23 report found that average fine soot pollution, and I'm
24 repeating the words of the previous testifier, found
25 that average fine soot pollution from one outdoor wood

1 boiler equaled the pollution from 22 EPA-certified
2 wood stoves, from 205 oil furnaces, up to 8,000
3 natural gas furnaces or four-heavy duty diesel trucks.

4 The rule proposed by the Pennsylvania
5 Department of Environmental Protection would
6 significantly reduce symptoms and health effects from
7 outdoor wood boilers, requiring the units to meet EPA
8 Phase Two requirements and requiring new units to be
9 set back from property lines. The rule would also
10 protect neighbors to existing boilers from harmful
11 effects by setting minimum stack heights, and the rule
12 includes a common prohibition on the burning of fuel
13 other than wood, with few exceptions.

14 In addition to these measures, PennFuture
15 hopes that DEP will restore a provision in this rule
16 to limit or prohibit the use of wood boilers in the
17 summer when they are less necessary for home heating.
18 This would provide significant quality of life
19 benefits to neighbors, who report that sometimes they
20 must keep their windows closed even in the summer
21 months to keep out smoke and odors.

22 Municipal response to these programs or
23 problems have been inadequate. The neighbors need
24 DEP's help. The proposed rule would help reduce
25 smoke, odors and harmful health effects from outdoor

1 wood boilers and will help reduce levels of fine soot
2 pollution in the Commonwealth.

3 We believe at PennFuture that the
4 proposed rule offers flexibility. Subject to some
5 conditions, the rule allows the continued use of older
6 wood boilers. The rule includes a mechanism for
7 Department's approval of additional alternative fuels.
8 The rule does not apply to units sold in Pennsylvania
9 for shipment and used outside Pennsylvania. We
10 support adoption of the wood boiler rule, but we know
11 that adoption of this rule will not end the challenges
12 regarding wood boilers.

13 In these tough budget times, DEP will
14 need to develop an enforcement strategy that leverages
15 the resources of other agencies. We look forward to
16 assisting DEP in the effective implementation of this
17 rule to protect neighbors and to improve air quality.
18 At PennFuture we've heard from people across the state
19 who have experienced negative health impacts from
20 nearby wood boilers, and we know first-hand what the
21 health problems from neighboring boilers can be.

22 By the same token, we also know that most
23 people want to be good neighbors. We ask that the
24 state make it that much easier and protect our health
25 by passing this important rule. Thank you for the

1 opportunity to comment.

2 MR. HEPLER:

3 I need those. All right. We'd like to
4 call Wilson Jack, Jr. Is Wilson Jack, Jr., here?
5 Okay?

6 MR. JACK:

7 My name is Wilson L. Jack, Jr. I worked
8 for 18 years as an environmental analyst. I am very
9 familiar with EPA and DEP regulations. I am here
10 today to speak as an owner-operator of an outdoor
11 wood-fired boiler. I would like to thank you for
12 giving me the opportunity to speak. I am opposed to
13 the excessive and retroactive requirements of the
14 proposed regulations. I am currently unemployed,
15 ineligible for Unemployment benefits and have been
16 looking for employment over a year.

17 My wife and I chose to heat our home the
18 safest and most economical way possible by using an
19 outdoor wood boiler, or OWB. The fuel we use to heat
20 our home is a renewable resource; it's scattered or
21 grows on our property. The burning of wood results in
22 a zero net gain in greenhouse gases. However, if we
23 would choose to heat our home with natural gas,
24 propane, coal or oil, we would be contributing to the
25 controversial global warming and greenhouse effect.

1 I'd like to pause for a moment here for
2 my written testimony. The EPA and other individuals
3 have been very selective on the emissions that are
4 coming out of these boilers. There are more things
5 being emitted than just what we're talking about. The
6 particle PM2.5s, which is what you see in particulate
7 matter. And they are selective in the data that they
8 report about them being 8,000 times dirtier. On that,
9 on the particle PM2.5s, they are.

10 When you talk about CO2 emissions, you
11 talk about unburnt parts of oil; okay? Unburnt
12 petroleum, you get traces of benzene ---. Okay.
13 They're being very selective when they say they're
14 tailoring to their specific needs to make their point.
15 I will continue. In the background in summary section
16 of the proposal, the Environmental Quality Board goes
17 into intense detail on the exposure to outdoor wood
18 boiler particle PM2.5 emissions and the ill effects
19 that may occur to the exposed population.

20 However, I find that the Environmental
21 Quality Board's solution to raise boiler smokestacks
22 in no way decreases outdoor wood boiler emissions at
23 all. In fact, this solution only creates an aesthetic
24 eyesore and a very dangerous and hazardous situation,
25 potentially life threatening, when a wind or a

1 lightning storm occurs.

2 Again, I'd like to pause. My wife has
3 had asthma for 20 years. She's sitting in the back.
4 She has two different types of inhalers. When we
5 purchased our home and installed this outdoor wood
6 boiler a little over a year ago, we knew that. In no
7 way does this affect her asthma; okay? She is a
8 partner in loading it, cutting the wood, tending to
9 it. The smoke in no way affects her. Speak to her
10 about that.

11 I'd like to continue now ---. A true
12 solution to lower emissions created by an outdoor wood
13 boiler would be to install catalytic combustor units
14 similar to the ones in the Phase Two program. I am
15 currently unaware of any catalytic combustor
16 manufacturers or if any such devices exist or even if
17 the concept is feasible for the current design and
18 operation of outdoor wood boilers. The idea of a
19 catalytic combustor would be a more logical approach
20 to reduce emissions than ones being proposed.

21 I do have a diagram of a catalytic
22 combustor, if nobody knows exactly what that is. And
23 basically, it filters the air ---. I don't know, like
24 I said, if it's even feasible or can be done. But
25 that would reduce the emissions. Raising smokestacks

1 only puts it in the air. And these smokestacks, when
2 they're elevated, they're an eyesore. You can't look
3 at birds or hawks flying around or, you know, when
4 fall foliage is ---.

5 MR. HEPLER:

6 You have about five minutes.

7 MR. JACK:

8 Okay. Thank you. Local communities,
9 through zoning, have the authority to create setbacks
10 and buffer zones in their jurisdictions. The
11 Pennsylvania DEP in no way should infringe upon the
12 rights of local communities by placing a solution when
13 it comes to the installation of outdoor wood boilers.
14 And I'm specifically talking about the 500 foot, two
15 foot above the roof peak; the 150 foot for the new
16 boilers and also the 150 foot from property lines,
17 which in essence, you have to have at least two acres
18 to install in the middle. Otherwise it's a complete
19 outright ban.

20 To continue, instead, local governments
21 should address the issue as they would any other
22 buffer zones in their community. Furthermore, the
23 proposed seasonal May 1st through September 30th
24 prohibition to operate outdoor wood boilers is
25 completely unreasonable. Many homes that are serviced

1 by outdoor wood boilers also create the domestic hot
2 water for the heater; thus, no hot water for domestic
3 use, which is unacceptable.

4 I understand that there are outdoor wood
5 boilers that are creating a public nuisance. These
6 individual cases should be handled at the local level
7 and on a case-by-case basis. I think the proposed
8 minimum stack height extending ten feet above the
9 ground and the burning of proper fuels are reasonable
10 requirements. The concept mentioned earlier
11 pertaining to the installation of the catalytic
12 combustor should only be implemented at the owner's
13 discretion, and only if the public has logged many
14 complaints to the local authorities on the nuisance
15 their outdoor wood boiler is creating.

16 I also believe that owners-operators that
17 are required to make changes to the existing outdoor
18 wood boilers should have government funds made
19 available for complaints or tax incentives to help
20 compensate for costs. I recently watched a segment
21 that aired on WTAE Channel 4 News Team; Air We Breath
22 Hazardous To Our Health by Jim Parsons and others. It
23 was reported that in Allegheny County, the region has
24 some of the highest levels of toxic pollutants in the
25 nation, increasing the residents' cancer risk by more

1 than 20 times the national average. These pollutants
2 are benzene, styrene and hydrogen sulfide.

3 According to the report, when a DEP
4 spokeswoman was contacted. the official stated that
5 the agency has no firm plans to develop rules on air
6 toxic emissions. There's nothing to wait for at this
7 point. There is no state initiatives to update their
8 toxic guidelines. I find it perplexing that the
9 Environmental Quality Board wishes to ignore the air
10 quality in Allegheny County, yet tries to impose
11 regulations on outdoor wood boilers.

12 I think more time is needed to review all
13 possible solutions, and the Environmental Quality
14 Board should not rush to implement new rules or
15 regulations just for the sake of having control over
16 an unregulated appliance. Again, I would like to
17 repeat, I am opposed to the excessive and retroactive
18 requirements of the proposed regulations. I mean no
19 disrespect by any of my comments. And again, I would
20 like to thank the Environmental Quality Board for the
21 opportunity to speak.

22 MR. HEPLER:

23 Thank you.

24 MR. JACK:

25 And I have the official transcript of the

1 Allegheny --- Pittsburgh Channel 4 report, that report
2 that I mentioned by Jim Parsons.

3 MR. HEPLER:

4 Thank you, Mr. Jack.

5 MR. JACK:

6 Thank you.

7 MR. HEPLER:

8 The next person who signed up is Mr. Dave
9 Hagan, West Alexander, PA. Thank you, sir.

10 DR. HAGAN:

11 Good afternoon. My name's David Hagan,
12 H-A-G-A-N. I'm a licensed clinical psychologist in
13 Pennsylvania and the founder of a non-profit
14 children's agency that works with impoverished and
15 rural families primarily in Allegheny, Washington and
16 Westmoreland Counties. I mention that background
17 because some of my comments will echo Mr. Jack's
18 comments. Mine are going to be more of an economic
19 point of view of the rural families.

20 I'm a lifelong conservationist, and as
21 such, I've devoted all my spare time when I was
22 working. And now I'm retired, with all my time to
23 restoring old houses and old farms. Restoring an old
24 farm, that's my goal. I've been burning wood for
25 about 40 years. In the old days, we had to use the

1 old indoor fireplaces and the indoor so-called
2 airtight stoves and all those other unsafe things.
3 I was so delighted five years ago when I was able to
4 use an outdoor wood burner. This is my third one in
5 different houses.

6 I now live on a 112-acre farm in rural
7 Washington County that includes timberland and
8 hayfields. On my farm, like many rural families ---
9 like many rural areas in PA, we have no access to
10 natural gas. I'm hoping we get a gas well soon and
11 maybe I can use that. But right now, there's no way
12 we can use natural gas. Home heating oil went over \$4
13 a gallon recently. I'm heating my home with an
14 outdoor wood burner which saves me about \$3,000 per
15 year for my utilities, to heat the house and the hot
16 water.

17 I cut my firewood from dead or damaged
18 trees in the woodlands. This makes ways for young
19 trees, species like oak, confer and cherry, and it
20 makes lots of oxygen. I use the ashes from my outdoor
21 wood burner as fertilizer on the hay fields. Ashes
22 from wood burners are very high in potash. I find the
23 proposed regulations to be severely flawed. They're
24 far more restrictive than any surrounding state,
25 including the Northeast states. The Northeast states

1 are very big on clean air. And this is much worse
2 than anything that's even been proposed and acted in
3 all that area.

4 Pennsylvania's a large rural state.
5 Rules that make sense with urban areas like
6 Pittsburgh, Cranberry Township, make little sense for
7 areas where I live in and most of Pennsylvania, which
8 is rural. I have only seven neighbors within a mile
9 of my house, most of whom are employed. The nearest
10 house aside from my own house is 1,300 feet away from
11 my outdoor wood burner. Still, in order to comply
12 with new rules, my stack will have to be 32-feet high.

13 Right now it's 16-feet high, and it's
14 safe and takes a little, small amount of space away
15 from my view. The 32-foot stack would be very
16 expensive, unnecessary and quite dangerous as Mr. Jack
17 described. Local government, municipal townships,
18 city hall, already has the power to deal with a
19 nuisance situation. There are people who burn trash,
20 tires, carpet, your outdoor wood burner inside. They
21 should stop. And obviously you've burned wood.

22 Those situations can be solved. And if
23 the regulations or the nuisance rules need to be
24 strengthened, fine. But the main point is, we don't
25 need to make something that fits all of Pennsylvania

1 with, you know, one size. We need to strengthen the
2 nuisance rules, but not for everybody else. You know,
3 people speed in their cars. They drive recklessly.
4 We do not ban cars. The analogy, of course, is that
5 let's deal with the folks that are breaking the laws
6 or that are causing problems, not the rest of us who
7 are not causing problems.

8 The May 1st to September 30th is again a
9 problem for me. One thing, it's still pretty cold in
10 early May and late September. Many people who use
11 outdoor wood burners have no alternative heat. This
12 would be especially difficult for children or elderly
13 concerning outdoor wood burners. Some people do keep
14 a small fire going for domestic hot water use when
15 they don't have any alternative or for farm use. Some
16 dairy farms use it to --- hot water to wash out the
17 stalls, or other small businesses like greenhouses use
18 the wood burner through the summer.

19 Burning wood is carbon neutral. Mr. Jack
20 already covered that pretty well. But basically, when
21 the trees are growing, they take in CO2, emit oxygen.
22 Young trees make a lot of oxygen; use a lot of CO2.
23 As they get older, they don't use much CO2 and don't
24 emit much oxygen. When they die, there's no transfer
25 at all. Now, when the tree dies ---. I'm sorry.

1 When the tree rots or if it's burned in a wood burner,
2 the carbon emission is exactly the same. The carbon
3 dioxide the tree absorbs is what ---. If I don't cut
4 my trees that are on the ground, they will emit carbon
5 dioxide anyway. So proper burning of wood in a wood
6 burner increases carbon dioxide.

7 Now, when you're paying for home heating
8 oil, home heating oil is just another word for diesel
9 fuel. Same thing, it is the same. That is large
10 amounts of carbon dioxide. Gas is better, but it's
11 just not available. We don't have the pipelines in
12 our area. Electric heat is the other alternative.
13 Well, in Western Pennsylvania that comes from coal.
14 Now, I am not against coal. However, it is not carbon
15 neutral.

16 There was a time when our national and
17 state governments wisely gave priority to energy
18 independence and innovative solutions for reducing our
19 independence on foreign oil. Do we really want to go
20 with something scientifically, economically unsound,
21 especially since local governments can handle the
22 situations? They need to strengthen local
23 government's power, but we don't need to make a
24 blanket rule.

25 No one fuel can solve our energy or air

1 issues, but we think that the wood burning folks that
 2 do it correctly are part of the solution. Why is it
 3 necessary to penalize rural citizens, many of whom are
 4 of very limited means, and force them to buy carbon
 5 dioxide emitting fuels from some wonderful folks like
 6 Saudi Arabia and Venezuela? Wouldn't it be better for
 7 them to use the carbon neutral bounty from Penns Woods
 8 and save dollars on food and clothing and things for
 9 their kids?

10 You know, yesterday on CNN they said that
 11 there was a big tanker --- it was an oil tanker coming
 12 from Saudi Arabia that was taken over by pirates. And
 13 it was on the way to Louisiana. Somebody spent a lot
 14 of time extracting that oil out of Saudi Arabia. Now,
 15 we may not have here what they have over there. They
 16 spent huge amounts of diesel fuel getting that to
 17 Louisiana, after they get away from pirates. And the
 18 refinery then is going to put out all kinds of
 19 pollution.

20 They're going to ship it up here to us,
 21 and we're going to make more carbon dioxide when we
 22 burn diesel fuel here. That's kind of crazy if you
 23 think about it. My other objection is the proposed
 24 regulations are still retroactive. Now, like myself,
 25 most people spend \$4,000 to \$12,000 on the purchase

1 and installation of these outdoor wood burners. They
2 were legal when we did it and they're still legal. In
3 fact, the government is giving a \$1,500 tax credit for
4 you to buy wood burners. The Phase Two, of course.
5 So there actually is encouraging. Different parts of
6 the government is doing different things here. So as
7 I said, I have no houses within 1,500 feet. I have 32
8 feet subject to lightning strike or just tumbling
9 over. I have to have all kinds of guide wires ---.
10 And there's no house near me.

11 The proposed rules, unless someone
12 corrects me, includes your own house. I can see a
13 house over there, 1,500 feet, a half mile away. My
14 house is on top of the hill and my wood burner's on
15 the side of the house. If I move my wood burner down
16 hill, I've got to make my stack higher. At the very
17 least, I think we ought to think about little
18 different rules for the person's own house.

19 You know, many folks here in rural
20 Pennsylvania, they have two or three servicing wood
21 burner. So any house that's served by the wood burner
22 should be not included in these regulations. Now, 100
23 percent in favor of clean wood rules and dispensing
24 with and nuisance rules. I'm not a lawyer. But in my
25 opinion, the proposed, unreasonable and retroactive

1 regulations arise to the level of unlawful taking by
2 the government. Finally, today I'm a conservationist
3 farmer who's trying to save energy, improve my forest
4 and farmland. In the future, if the proposed rules
5 would become law, when I use my outdoor wood burner,
6 don't come arrest me and fine me. The huge number of
7 folks that are not law biding, they're not going to
8 comply anyway. Thank you for listening.

9 MR. HEPLER:

10 Thank you. The next person who signed
11 up, Trudi Rush from Avella, PA. If you want to spell
12 your name to her.

13 MS. RUSH:

14 I'm Trudi Rush. And the first name's
15 T-R-U-D-I, and the last name's Rush, R-U-S-H. Good
16 afternoon. I just wanted to tell you I was a customer
17 and also I am a dealer, so I have two perspectives
18 here. I want to tell you my situation and the
19 situation of some of my customers. You know,
20 obviously I want to keep wood-burning furnaces.
21 They're a part of my business. But also, above all
22 that, I'm a mother which, trust me, anything ---
23 there's nothing that comes above that. Ask any mother
24 in here. What they're concerned about is their
25 families and the welfare of their families. I have,

1 from the beginning, always believed in regulations.
2 You have people who will always sort of create a
3 problem for others, and so, I believe regulations are
4 necessary. But if you make them too tough, you
5 basically limit anyone from being able to do something
6 that could otherwise be helpful to a family.

7 In my situation my nearest neighbor is
8 1,000 feet away. I currently burn a Phase Two
9 furnace. I did, until recently, burn a regular wood
10 furnace. We started burning the Phase Two because we
11 sell Central Boilers. Central Boiler sort of believed
12 that Phase Two was sort of the future. They wanted
13 every dealer to get to know how to burn a Phase Two.
14 That's the only reason. I prefer the other furnaces,
15 but the Phase Two furnaces, of course, meet the 2010
16 emission standards.

17 The Phase Two furnace is nice, but either
18 way, I chose to burn an outdoor wood furnace from a
19 dealer. And in saying that, and again as a mother, I
20 am a mother who does not allow diet pop in my house.
21 I don't allow MSG in my house, but I still chose to
22 burn an outdoor wood furnace. I believe it was the
23 best thing for my family. And I'm almost a crazy
24 mother. I mean, I really go to very, you know, crazy
25 lengths to protect my family. I have an outdoor wood

1 furnace out in my yard. To my knowledge, it's never
2 harmed us at all. It really has saved our family a
3 lot of money, and I've seen the good that it's done
4 for other families.

5 I've had people come to me and say, you
6 know, if we didn't have this, I don't know what we
7 would do. It saves them a lot of money. And maybe we
8 are a little more well off than some families, but
9 there are families out there that really struggle and
10 they struggle to heat their homes. We have people
11 coming in saying, we keep our house at 60. Seventy-
12 one (71) is the lowest I put my house at. Sixty (60)
13 degrees, I mean, they're raising a family in 60 degree
14 temperatures.

15 Now that they have outdoor wood furnaces,
16 they have the resources growing in their backyard. So
17 they can take these resources growing --- renewable
18 resources growing in their backyard and come in and
19 heat their homes with it. It really helps a lot of
20 families. But I do believe in regulations. I think
21 they're always necessary, I believe, and going and,
22 you know, spearheading a problem and protecting
23 neighbors. But most of our customers are really
24 rural, and it really is harming no one. That's sort
25 of my point. My point is more, I come as a mother and

1 I come, you know, to tell you some situations about
2 me. I have a customer who makes wood cabinets; a huge
3 facility, probably 60,000 square feet. Prior to
4 buying outdoor wood furnaces, he was using natural
5 gas. He would take all of his scrap lumber, put it
6 into dumpsters, and they'd have trucks come in and
7 haul all of that wood away. It was costing thousands
8 of dollars. And on top of that he was heating ---
9 \$15,000 for natural gas was his bill. He decided to
10 heat with an outdoor wood furnace.

11 He now uses all that scrap lumber to heat
12 his buildings. He has saved himself all that waste
13 that would have been put into the ground, all that
14 diesel fuel that would have dragged it out of there;
15 and he uses that to heat these buildings, and he saves
16 himself \$15,000 in natural gas. For them, it was a
17 necessity.

18 So I guess I just want to say that, you
19 know, regulations are necessary, but please make it
20 affordable. Make it affordable for those who want to
21 benefit from it in the future and now. I'm concerned
22 as a mother and a dealer. I'm concerned that the
23 stack height requirements are unsafe. I don't want
24 that in my yard. I don't mind the outdoor wood
25 furnaces, but I don't want it as tall as a two-story

1 house. I don't want 30 feet of stack in my yard. So
2 I've seen what it's done for families. It's done good
3 for families, but please don't make an affordable heat
4 unaffordable.

5 MR. HEPLER:

6 Thank you very much. I want to
7 compliment you all. You're doing a good job of
8 keeping on time. I know we have lots of people who
9 want to speak, and they all deserve the right to. And
10 we're moving along very well. I appreciate it. The
11 next speaker, testifier, Mrs. Maureen Myers from
12 Somerset.

13 MRS. MYERS:

14 That's me.

15 MR. HEPLER:

16 Be sure to spell your name.

17 MRS. MYERS:

18 Okay. I have pictures as well. I'll say
19 my testimony here. I have two next door to me, and
20 there's probably about nine within a mile radius along
21 Route 30 running up by Bakersville, near Hidden
22 Valley. That's my little valley there. I apologize.
23 My son said to --- he should have proofread this. So
24 I apologize if I ramble on. It's just how I am. I'm
25 very nervous, and I'm very intense about this subject.

1 Maureen Myers. You need my address?

2 MR. HEPLER:

3 Spell it.

4 MRS. MYERS:

5 M-A-U-R-E-E-N, M-Y-E-R-S. Somerset, PA.

6 Is that all? I am here today because my family and I
7 are literally sick of being slowly poisoned by the two
8 outdoor furnaces, one of which is my next door
9 neighbor that is less than 200 feet from my house. He
10 heats his house, as well as a separate rental
11 property, which is a two-story house, also. The other
12 one is on the other side of that house, which also
13 heats a separate apartment. And all four houses on
14 the upside of me are being heated by the outdoor
15 furnaces.

16 Both of my neighbors burn coal, the
17 cheapest you can get. Very high in sulfur as well as
18 junk wood and garbage at times. The smell is putrid,
19 a putrid smell of very high sulfur as well as ---.
20 I'm getting emotional. I'm sorry.

21 MR. HEPLER:

22 It's okay.

23 MRS. MYERS:

24 I'm going to start over. The smell is a
25 putrid smell of sulfur and wood, sometimes plastic

1 that is a strong acrid smell that is not like a smell
2 of a log in a fire. It is a toxic smell that is
3 unbearable at times, turning your stomach, making your
4 head hurt, making your lungs short of breath and
5 burning. Invading your property, creeping into your
6 house, windows open or not. It gets in. You can't
7 get away from it. It's always there. This is why we
8 definitely need a regulation for what you can burn.
9 The coal is really the worst and should not be allowed
10 to be burned in these units. The sulfur smell is so
11 strong and pungent. These two odors really permeate
12 your house the worst. Anyone should know that they
13 shouldn't burn garbage and should be fined upon doing
14 so. They should know better.

15 Our quality of life has been taken away
16 the first day the furnace was put in. You cannot
17 enjoy the outdoor life the way it was. I'm sorry ---.
18 You can't enjoy the outdoors the way you used to,
19 because the dangerous smoke is always there. No
20 opening your windows on an early spring day. Outdoor
21 work is an extra chore, because you have to worry
22 about breathing the smoke in while you're working.

23 I have had many a winter day shoveling,
24 only to start wheezing because of the smoke. You
25 always have to worry about your kids out there

1 playing. It's a constant worry, 24/7. It's always
2 there. You even have to worry about your pets. I
3 know you'll laugh at that, but my dog does not bark
4 the same since these furnaces have been put in our
5 neighborhood. My neighbor doesn't put her dog out,
6 she's sitting right beside me, in her kennel due to
7 the worry of the smoke, because she loves her animals.
8 That is why a regulation has to be for less time for
9 them to burn. They need to be turned off May 1st
10 until October 1st. Why do they have the right to go
11 out and burn these during the summer and ruin our
12 lives? I mean, they have them all other times of the
13 year. I love the outdoors and should be able to enjoy
14 it.

15 My children and I have developed asthma
16 problems, and we know they're associated with
17 breathing the bad air all the time. They have been
18 diagnosed with asthma a few times. They never used an
19 inhaler until the furnaces were put in four years ago.
20 We wake up wheezing at times. That never happened
21 before the furnaces. My children's doctors definitely
22 think it's the smoke. You don't ever think you'll
23 never have fresh air. You take it for granted. All
24 air should be fresh, no matter what.

25 They should be banned in towns where

1 houses are close together like my little village of
2 Bakersville. Let people that have acres of land,
3 farmers, that's fine, have them and that's it. Land
4 size should be regulated. I have asked my neighbor
5 next to me many times to make his stack higher. He
6 has always refused, which I don't quite understand,
7 because we were always friends, and our kids grew up
8 together. Why people don't try to make things better
9 is beyond me. He knows we have health issues and
10 doesn't care. We've always been friends. After he
11 refused many times, that's when we went to the
12 Jefferson Township supervisor.

13 After many complaints from me as well as
14 other neighbors, they quickly passed a pathetic
15 outdoor wood ordinance. And when fall came --- last
16 fall came around, no one had put their stacks up or
17 changed anything, because they're all friends and know
18 each other real well. I complained to the supervisors
19 again. They told me they didn't want to be bothered
20 with it anymore and that I should sue my neighbors and
21 get over it. But they never planned on enforcing it.

22 The only intelligent thing they did say
23 through all of this was they felt DEP should be the
24 one in charge of regulating them. That is the only
25 thing I agree with them on. All my representatives

1 I've talked to, which, believe me, is all of them,
2 agreed DEP should regulate them. Which brings me back
3 to the stack height. All of them, no matter ---.
4 Excuse me. All of them, no matter where, they should
5 be at least as high as a three-story house. The smoke
6 is dark and heavy in particulates and goes down to the
7 ground, I have pictures of it, because it's not up in
8 the air getting blown away. If you want to keep them,
9 I just think this is the only way to go. I'm sure it
10 would help to some point. My house is three stories,
11 and you don't see the smoke coming down from my
12 chimney, because it's high in the air. That is why
13 you really need to regulate the stack height in every
14 furnace. No matter where you live, it should have the
15 high stack.

16 The outdoor wood furnaces need to be
17 regulated. They are multiplying. There about eight
18 furnaces within a one and a half stretch mile of Route
19 31 close to my village of Bakersville, Pennsylvania
20 and Hidden Valley --- near Hidden Valley. Bakersville
21 is in a valley, as I said, so all the smoke really
22 lays there at times. We have lots of weather that
23 keeps the smoke down in that valley. At times, it
24 reminds me of pictures of Pittsburgh when the steel
25 industry was in full bloom. Pollution that is so bad,

1 the smoke's so thick ---. Why are we going back in
2 this country just to save a few bucks? Sorry. Okay.
3 I messed up on this part.

4 My father-in-law died of lung cancer
5 caused by asbestos. I'm sure we didn't think that was
6 bad years ago, either. Let's not make it about the
7 money, which is important, but not more important than
8 our health. Too many of the outdoor wood furnaces are
9 being sold and not regulated. They need to be
10 regulated soon to help my family; my neighbor, Angie,
11 who's here with me today; the rest of my neighbors who
12 don't like them and all the other poor people in
13 Pennsylvania whose lives these furnaces do destroy.

14 DEP knows how bad they are to the
15 environment. Let's make strong regulations.
16 Sincerely, Maureen Myers and family. And I agree with
17 the guy with the catalytic converter. Where is he at?
18 Is he still here? Did he leave? You. That was you.
19 You need a job. Get that around somewhere so that
20 people, you know ---. That's a way to make money.
21 I've done the research on that. That works. But
22 they're expensive. You don't want to spend money; you
23 know? That's the problem. You want to save money.

24 MR. HEPLER:

25 Thank you. I'm going to try to get this

1 name right. The name I have here is Jerome Sorg.

2 MR. SORG:

3 Sorg.

4 MR. HEPLER:

5 Okay, sir, from St. Marys?

6 MR. SORG:

7 Yes.

8 MR. HEPLER:

9 Do you want to spell your name for the
10 young lady? Thank you, sir.

11 MR. SORG:

12 Jerome Sorg, S-O-R-G. I'm from St.
13 Marys, Pennsylvania. I lived there most of my life
14 except for a stint in the Service. The city where I
15 live has an ordinance on outside wood boilers. It was
16 developed over a couple of years and changed several
17 times. Much observation was done by the councilmen in
18 the matter. The ordinance as wrote and enacted was
19 reasonable.

20 I had a stack 20-feet tall above my
21 furnace; almost 30-feet tall constructed with great
22 expense. Another outside wood boiler owner also had
23 to install the stack. We both had problems with
24 plugging in cold weather even when burning dry wood.
25 You pull the moisture in from the air. The wood sucks

1 moisture in from the air even if it's stacked outside.
2 The plume would --- we both had problems plugging.
3 The plume on most days still seeks its own level.
4 Some days it would go up. Some days it would go down
5 close to the outside wood boiler. Where it was
6 located, it just caused --- where he was located, it
7 just caused complaints from neighbors further away
8 from his outside wood boiler. Instead of the person a
9 house away, the ones four houses away started
10 complaining. So the stack is not going to make the
11 smoke go away, doesn't make the pollutants go away.
12 His boiler was installed 15 feet from his neighbor's
13 home. That's a problem. Mine was installed over 150
14 feet from neighboring homes. The individual that
15 complained about mine was over 300 feet from my
16 outside wood boiler.

17 I have burned wood most of my life in old
18 potbelly stoves, cook stoves, fireplaces, inside wood
19 burners and boilers, outdoor wood boilers. I have
20 seen many advances in wood burning over the years. I
21 believe that the changes made by manufacturers have
22 greatly improved the safety and efficiency of wood
23 burning. The outside wood boilers have many
24 advantages such as increased safety from sparks and
25 chimney fires, ability to heat more than one building,

1 wood is not brought into the home, keeping the dirt
2 and insects out of the home. Wood is a renewable
3 resource, and I believe it should be used more than it
4 is now.

5 Every individual burning wood for heat
6 cuts down on our dependence of foreign oil and gas
7 imports. Most wood that is burned is wood that would
8 otherwise go to waste laying in the woods rotting.
9 Most people who are using this renewable resource are
10 acquiring it from their own property or a local source
11 and providing multiple employment. I'll mention I
12 speak a little louder because I have a hearing problem
13 and I tend to talk louder.

14 MR. HEPLER:

15 You're fine. Just a little slower so she
16 can catch up with you.

17 MR. SORG:

18 Okay. I've seen all information or
19 studies that show the stack requirements won't do
20 anything to reduce emissions. They only move it
21 around. The restrictions proposed for outside wood
22 boilers is discriminatory, as there are no
23 restrictions on inside wood boilers. Chimney heights
24 are regulated by building codes. The two feet over
25 the height of the roof that the chimney will work is

1 so that they will work properly. It has nothing to do
2 with getting the smoke higher. That's so it doesn't
3 blow back down into your home.

4 I ask that you look at homes built by our
5 ancestors. They would never put a chimney or a stack
6 on the outside of a home, because they knew it would
7 not function properly. As a stack standing out in the
8 middle of nowhere will, above your wood boiler, it
9 will not function properly. They always put them
10 inside the building. If you look at new homes being
11 built today, they put chimneys wherever they please.
12 They do this for aesthetics, not function. And
13 architects do not know any better. If the buyer wants
14 it on the outside, they put it there.

15 I see no information on what it would
16 cost a homeowner to put his older boiler up to Phase
17 Two requirements or how much would it cost a homeowner
18 to build a stack of the proper height. It does say
19 how much height would cost, but nothing about the cost
20 of the installation. It could run into thousands of
21 dollars. The cost of guide wires and some type of
22 structures so that it would be climbed to take apart
23 or clean from the part ---. Chimneys on homes are
24 cleaned from the top by chimney sweeps from the roof.
25 Seasonal requirements should be unnecessary. If it's

1 being used to heat a pool, hot tub or hot water for
2 domestic use, it should be allowed. My clothes dryer
3 has a heat exchanger on it.

4 MR. HEPLER:

5 You've got five minutes. Take a breath.

6 MR. SORG:

7 Okay. I'm sorry.

8 MR. HEPLER:

9 You're doing fine, sir.

10 MR. SORG:

11 On the proposed rules, Chapter 123.14(c),
12 I believe that most of the proposed rule changes are
13 excessive and unreasonable. The proposed 150 feet
14 from property lines is unreasonable. This would
15 require a building lot of more than 6,000 square feet.
16 Most building lots are less than 40,000 square feet.
17 That would be 60,000 square feet. I'm sorry if I
18 misread here. A 40,000 square foot lot would be a
19 large lot in most municipalities.

20 This distance should be reduced to 50
21 feet which would ensure that it would not be placed
22 too close to a neighboring residence, yet a person
23 with a reasonably sized lot would be able to have an
24 outside wood boiler. My neighbor has an outside wood
25 boiler also. She has five acres of property; 165 feet

1 wide is all the width of her property. She would not
2 be allowed to have one of these even though she has
3 five acres of property. There will be complaints no
4 matter what rules you impose; some from people who are
5 just complainers and complain for something to do.
6 Others are jealous of our low gas and electric bills.

7 The requirements for the stack is not
8 reasonable. It does present several problems. Most
9 of these devices will not support a stack of more than
10 ten to twelve feet above the device itself. The
11 requirements of a stack at least ten feet above the
12 ground is fine. Having a stack two feet above the
13 height of a residence within 150 feet of an outside
14 wood boiler is unreasonable. Stacks that are more
15 than ten or twelve feet above the outside wood boiler
16 will tend to freeze shut when there are high humidity,
17 rainy or snowy conditions.

18 Most outside wood boiler stacks, the
19 temperature will not keep the stack hot enough to keep
20 it from freezing in cold temperatures. This comes
21 about because the outside wood boiler draws in the
22 outside air for combustion. Also, the wood that is
23 being burned is setting out in the outside atmosphere,
24 and it absorbs some of that moisture on its surface
25 even if it's covered. This is the same as modern high

1 efficiency gas and oil furnaces installed in most
2 homes today. They draw outside air in.

3 And you see a plume coming out of those
4 now, because they're drawing that damp outside air in
5 and then back outside the house; something you can
6 observe while driving around your own neighborhoods.
7 Just watch for the plumes from these devices. The
8 plumes from all devices seek the level that were made
9 at atmospheric conditions, not the height of the stack
10 on the device. Stack height of ten or twelve feet
11 above the ground will introduce the plume into the
12 atmosphere at an area which will direct it over most
13 homes if weather conditions permit. Plumes are
14 subject to nature to carry up or down, depending on
15 weather conditions at the time, no matter what the
16 height of the stack.

17 A reasonable stack height would be to
18 have the stack two feet above the eave of occupied
19 buildings with 50 feet. Stack requirements for
20 existing outdoor wood boilers, I have a big problem
21 with that. There's no clear indication what is
22 considered a permanently attached stack. My boiler
23 came with a stack that sticks out of the roof about
24 one foot. Is that considered a stack? Who's going to
25 decide this? These questions need answered. Existing

1 outdoor wood boiler requirements ---. Requirements
2 for existing devices are beyond unreasonable.

3 Most outside wood boilers are not capable
4 of supporting this stack or in such a stack function
5 as previously stated. Stacks do not reduce emissions.
6 Stacks only move emissions a short distance from the
7 stack. The fact is whether the boiler or wood
8 burner's inside or outside burning wood products leads
9 to emissions. I'm not against the requirements for
10 new or replacement outside wood boilers to be Phase
11 One or Phase Two approved. I agree with the
12 restriction to only burn clean wood is good. They
13 shouldn't be burning garbage and all that other stuff.
14 That's what causes the problems. Regulations against
15 burning garbage and plastics is okay. Thank you.

16 MR. HEPLER:

17 The next person registered to give
18 testimony, Mr. Shane Fisher.

19 MR. FISHER:

20 Hello. I'm Shane Fisher from Fisher and
21 Father. I am a seller of outdoor wood furnaces. I've
22 been in the power equipment industry for 30 years.
23 I've sold outdoor wood furnaces for five years now.
24 You know, I'm resolved in the fact that there's going
25 to be regulations and rules. And my concern is that

1 they be reasonable and responsible. Most of the time
2 things can be taken care of if people just use some
3 common sense and courtesy. So I'm just going to
4 address some of the things that I, you know, disagree
5 with the in the proposed regulations.

6 The first thing that affects me directly
7 is that there's no mention of what dealers are
8 supposed to do with the inventory of non-Phase Two
9 stoves that they have in stock. There needs to be
10 some sort of an exemption for us in state businesses
11 to allow us to sell through our on-hand inventory, you
12 know, in the State of Pennsylvania for installation in
13 Pennsylvania. Otherwise there's going to be many
14 Pennsylvania residents driven out of business and into
15 bankruptcy due to the implementation of this
16 ordinance.

17 Even Maine and Vermont, they're big green
18 states, they allowed their dealers the exemptions to
19 sell all non-compliant boilers on hand prior to the
20 implementation date until their inventory was
21 depleted. All these regulations talk about Phase Two,
22 outdoor wood-fired boilers. EPA in all their testing,
23 they talk about hydronic heater Phase Two appliances,
24 not just wood boilers. They're talking about every
25 single boiler. Why are we regulating just wood-fired

1 boilers? There's no mention of outdoor coal boilers
2 or indoor wood or coal or waste oil fire boilers, let
3 alone indoor woodstoves or even fireplaces.

4 I can have an indoor coal burner in my
5 single story ranch house in town and smoke out my
6 neighbor, my next door neighbor's two-story house,
7 with no issues. That's building code. No problems.
8 It's not fair to single out just outdoor wood-fired
9 boilers when there's so many others contributing to
10 the issue. I agree that you should not burn garbage,
11 tires or other waste in your outdoor wood boiler per
12 most manufacturer's instructions. But you're looking
13 to punish everybody for the errors of a few. I hope
14 you'll also be this aggressive with all the burn
15 barrels in the Commonwealth.

16 Setback requirements for the Phase Two
17 appliances. We go to Phase Two, and we've made these
18 appliances much cleaner. We want to set them 150 feet
19 from the nearest property line? This is excessive and
20 discriminating to its smaller property owners and
21 oddly shaped parcels, especially when we're talking
22 about much cleaner Phase Two appliances. In Maine,
23 the regulations are 50 foot from the property line and
24 75 foot from a neighboring residence. More than
25 adequate with proper chimney height and a Phase Two

1 furnace.

2 The chimney height requirements for the
3 Phase Two appliances; two feet above the highest peak
4 of a residence located within 150 foot of the outdoor
5 fire boiler. It doesn't state whether or not it
6 includes the house being served by the appliance. It
7 should only be the neighboring properties, not the
8 owner's residence. Most importantly, the owner should
9 use common sense. If they have an issue, they should
10 make their stack reasonably high to start with. Our
11 manufacturer promotes that up front.

12 They want you to ---. They ask for,
13 depending on the prevailing wind, to be two foot above
14 the eaves of a house within 150 feet of the house.
15 Very reasonable. It may not be a problem. The
16 chimney height for non-qualified furnaces, there's a
17 problem there, because the older furnaces are not
18 built to accommodate a lot of the higher chimneys.
19 And raising the stack's not going to change what's
20 coming out of the top.

21 Phase Two was mainly designed to clean up
22 the air that's coming out of the top of the furnace.
23 It's going to do that, but the older stoves, you're
24 not going to change that. In general, if you have a
25 stove that's been in place for four or five years,

1 there's no --- and there's been no issues, there's no
2 reason for me to be forced to raise my chimney. I
3 won't argue that stoves can be a neighborhood
4 nuisance, but that's generally a very small
5 percentage. And normally it can be taken care of with
6 garbage and --- you know, not burning garbage and some
7 of those other things. The same individual that's
8 going to complain about my smoke is probably going to
9 complain about the chimney being unsightly,
10 interfering with their bird watching as Mr. Jack
11 mentioned or their fall foliage viewing or a number of
12 other things.

13 Next, they talk about allowing local
14 regulations to be more restrictive but without
15 limitations. It's unfair and unreasonable to let
16 every individual municipality set forth their own set
17 of regulations concerning emissions and testing.
18 Requirements can be excessive. This would be
19 impossible for a manufacturer to manufacture,
20 distribute or install in an unlimited number of
21 standards.

22 In New Hampshire, the law reads a local
23 government cannot unreasonably restrict use of outdoor
24 wood boilers. Very plain. I mean, I can understand
25 some regulations, but they don't need to become

1 excessive. Near the end, they talk about record
2 keeping. I mean, as a dealer I'm required to keep
3 records of who purchases the stoves. I feel that the
4 act of keeping these records and being required to
5 provide them to the EPA upon request is an invasion of
6 my customer's right to privacy. We're not selling
7 firearms or explosives. Believe me, if you have a
8 problem, you will not have any problems finding
9 individuals that aren't complying or creating
10 nuisances in their communities.

11 There's plenty of people out there that
12 are going to let you know about those. In some of the
13 regulatory requirements where they are taking H code
14 123.41. They talk about opacity and applicability to
15 homeowners. They're wanting to talk about opacity for
16 outdoor wood burners. Well, this code was initiated
17 in the early 1970s and was intended to be used on
18 large industrial smokestacks, not individual chimneys.
19 It's not an exact science. It's one thing to assess
20 the 30-foot smokestack, but you can't apply the same
21 to an 8-inch chimney, especially when you're burning
22 wood.

23 All wood has water content which is
24 exhausted as steam, which can be construed as smoke,
25 making measurements invalid. Wood is a natural

1 resource. We're not contributing to anything. Nature
2 has its way of causing its own fires. We have forest
3 fires that burn more, create more waste, create more
4 destruction, burn more wood than us and our wood
5 burners will ever do. It's just natural. And unlike
6 taking a lot of the fossil fuels and burning them.
7 That's not a natural process. Thank you very much.

8 MR. HEPLER:

9 Thank you. The next person signed up to
10 offer testimony is Frederick Fuellner.

11 MR. FUELLNER:

12 Close. Fuellner (corrects
13 pronunciation).

14 MR. HEPLER:

15 Fuellner.

16 MR. FUELLNER:

17 F-U-E-L-L-N-E-R. We've heard a lot of
18 testimony today, a lot of great testimony. And what I
19 have to say is basically the same as what you've heard
20 already, but I wanted to touch base on a couple things
21 that I heard earlier. There was a young lady that
22 said about the air quality in Pittsburgh and how it
23 used to be dirty with the steel mills? Did you notice
24 that there's no steel mills there anymore?

25 I'm guessing because there's too many

1 regulations on the emissions that those people put
2 out. Every time you make a regulation, you put
3 somebody else out of business. I'll move on to
4 another subject. I heard another thing about diesel
5 in trucks, a comparison to outdoor wood furnaces and
6 trucks idling. Is there any regulation on that? I go
7 to these truck stops. I travel all over and go to
8 these truck stops, and there's hundreds and hundreds
9 of trucks sitting there idling all night long. How
10 much pollution does that put out? Are we going to
11 regulate that?

12 MR. HEPLER:

13 There's state legislation.

14 MR. FUELLNER:

15 Okay. There's state legislation? And
16 how is it enforced? And I'm also wondering why I'm
17 testifying to you folks and not to this gentleman.

18 MR. HEPLER:

19 I want the folks all to be able to hear.
20 I can hear you just fine.

21 MR. FUELLNER:

22 Thank you.

23 MR. HEPLER:

24 And the most important person is this
25 nice, young lady to the left so that she gets it in

1 the record.

2 MR. FUELLNER:

3 Mr. Jack touched on some points of some
4 regulations are only good for certain individuals and
5 that holds true. The DEP says it's okay to burn tires
6 if you're a cement factory or a power plant. Do you
7 know that we have facilities in this state that burn
8 tires as fuel? I personally think that's a great
9 thing, because you're using a waste product as fuel.
10 And tires, as everyone knows, tires burn fantastic.
11 They scrub that air, and they don't permit a lot of
12 the pollutants from making it into the air.

13 But the DEP also says that the certain
14 amount of pollutants that enter the air are okay. So
15 do we allow them to burn tires and let them put a
16 little bit of pollution into the air, or do we say no,
17 it's no good to burn tires at all? There was somebody
18 that mentioned about coal, that these outdoor wood
19 furnaces burn coal and it's stinky. It's terrible.
20 They burn the cheapest coal. The DEP also allowed for
21 the burning of bony dumps in coal-fired plants.

22 That produces per tonnage more
23 particulates, bad stuff, not just the stuff that the
24 EPA wants you to hear about, but the mercury and all
25 the other heavy metals. That burning of bony coal

1 produces more per ton than standard coal in natural
2 gas-fired plants.

3 And another issue on coal; go to some of
4 these coal towns. Go to Johnstown, Pennsylvania.
5 Have you ever driven down there in the morning when
6 it's real cold out? Every one of those people burn
7 coal, and there's a blanket of coal smoke over top of
8 that whole town. Are you going to regulate ---? This
9 gentleman said earlier that there was regulations on
10 air pollution controls on indoor burners. Do they
11 regulate coal burners? Is there some sort of
12 regulation on that? Obviously not. That whole town
13 is full ---.

14 You want to talk about your house getting
15 dirty, let's go to Johnstown. And I worked there for
16 a couple years, and it's wonderful to see those people
17 burning coal. They're not burning natural gas.
18 They're not burning oil. Another thing that's going
19 to come down the pipe a little bit stronger if you're
20 not aware of it is wood. This gentleman made a
21 comment about if the wood lays out in the woods it's
22 going to create the same carbon footprint as it does
23 in my wood burner.

24 There's currently bans on firewood, on
25 transporting firewood in the Commonwealth. There's

1 bans transporting firewood throughout other states,
2 and they're blaming it on this little insect called
3 the Mountain Ash --- or the Emerald Ash Wood Borer,
4 along with a handful of other insects. I was in the
5 timber business and the lumber business for many
6 years, and I know first hand the destructive
7 capabilities of these insects. But if you take that
8 wood and leave it in the woods, leave it down in the
9 woods, that insect will propagate again. If you cut
10 it up and burn it in your furnace, that insect is
11 going to go away.

12 These bans on firewood transportation are
13 senseless. And you should watch for them, because
14 they're going to come down the pipe, and it's going to
15 be another way for the tree lovers to say, hey, don't
16 burn anymore wood. It's bad for you.

17 We talked about stack height. I have a
18 neighbor that's got an inside wood burner and his
19 chimney sticks two feet above his house. If the
20 wind's blowing the right way, his smoke comes over to
21 my house. His smoke is constant all the time. My
22 wood burner just turns on about once every hour and
23 burns for ten minutes. If I burn wet wood or
24 unseasoned wood or wood that's drawing moisture, it
25 puffs out a plume of white smoke when it fires up. It

1 might keep going for the first or second cycle, but
2 I'm sorry, there's nothing that I can do about which
3 way the wind blows.

4 I have a whole bunch of other things that
5 I wanted to touch on, but for fear of running out of
6 time, I'll go ahead and read my written statement.
7 Outdoor wood furnaces are a cheap and efficient way
8 for us to heat our homes. They are designed to burn
9 any type of fuel. Mine in particular will burn wood,
10 coal, oil. It's got a port for natural gas, but I
11 chose not to do that. The reason I put a furnace
12 in --- an outdoor wood furnace in was because natural
13 gas got to the point where my fuel bill every month
14 was \$600.

15 Like Mr. Jack, I'm unemployed myself;
16 and I haven't been able to find steady work for quite
17 some time now. And this is a cheap and efficient way
18 for me to heat my home. Fuels that range from oil,
19 natural gas, wood and all types of wood whether it's
20 seasoned or freshly cut. Coal also is the
21 manufacturer's recommended fuel for my furnace, and
22 coal seems to be omitted from the list of approved
23 fuels on the DEP's proposal for regulation. Some
24 outdoor wood burners' owners burn anything that they
25 can stuff in the door. These owners are by no means a

1 majority. A select few have given the outdoor wood
2 furnaces a bad name.

3 One of the pictures shown on the DEP's
4 website, and it shows an outdoor wood burner emitting
5 a large plume of white smoke. White smoke is normally
6 steam or moisture. Wet or unseasoned wood is often
7 used by these types of furnaces simply because it's
8 cheap and easy to obtain. Those large white plumes
9 don't exist after one or two cycles of the furnace.
10 Most of the time you see very little emissions coming
11 out of an outdoor wood furnace. The Department's
12 example shown paints a big picture of a nasty, old,
13 outdoor wood furnace.

14 And why not just show a picture of a
15 coal-fired power plant emitting its big plumes of
16 smoke? That's another thing that they regulate is
17 coal-fired power plants. Do you have any close to
18 your house? I live two miles from one, and I
19 continuously get the soot and debris from those
20 furnaces. And I would much rather smell and breathe
21 in my outdoor wood furnace smoke than I would the
22 emissions from a coal-fired power plant. Look that up
23 and see how many nasty metals are coming out of those
24 things even with the scrubbers that are put in place
25 today. Look it up.

1 MR. HEPLER:

2 About two minutes.

3 MR. FUELLNER:

4 Thank you. There's absolutely no reason
5 why this quasi-board needs to regulate anything on a
6 state or federal level. It's time to return the
7 sovereignty back to the local governments. I'm sure
8 these proposed regulations came about from some bunny
9 hugger or a neighbor who was affected by outdoor wood
10 smoke. Probably the same neighbor who religiously
11 burns their household garbage in a burn barrel which,
12 by the way, are illegal. All burning in the
13 Commonwealth of Pennsylvania is illegal.

14 I shouldn't say all burning. There's
15 instances where farmers can burn crop or they can burn
16 whatever. But all you folks that burn your leaves and
17 burn your trash in your burn barrels, that's all
18 illegal according to the DEP. Let the local
19 municipalities control and regulate these furnaces if
20 they so desire. The proposed regulation is
21 nothing --- is going to do nothing but cost
22 Pennsylvanians more money in the form of more taxes,
23 higher fuel costs. And these proposed Phase Two
24 burners that cost between \$8,000 and \$15,000; today's
25 average cost of a standard outdoor wood furnace is

1 between \$3,000 and \$4,000.

2 At what point do you stop your
3 regulations? Do you regulate diesel trucks idling all
4 night long? Are you going to regulate NASCAR? Do you
5 know what kind of pollutants that puts out? How about
6 air shows? How about all this fun entertainment stuff
7 that pollutes, just throws senseless stuff for
8 entertainment into the atmosphere. What about power
9 plants and cement factories that burn tires as fuel?
10 Wait. That's already permitted at this level. Leave
11 the outdoor wood furnaces alone. Talk to your
12 neighbors. Talk to your local government officials
13 and let them handle it. Thank you very much.

14 MR. HEPLER:

15 Don't think me rude. I never had a
16 chance to eat lunch. The next person signed up to
17 give testimony, Mr. David Flick, Somerset, PA.

18 MR. FLICK:

19 I'm sorry, I didn't bring copies ---.

20 MR. HEPLER:

21 If you would follow-up and mail them to
22 me.

23 MR. FLICK:

24 Yes.

25 MR. HEPLER:

1 Okay. Did you want to come up and say
2 something on the record today?

3 MR. FLICK:

4 Yes.

5 MR. HEPLER:

6 I will give you ten minutes to say your
7 peace, sir. You did notice the American flag out
8 front?

9 MR. FLICK:

10 Yes. Okay. I didn't know I was going to
11 testify today, so I don't have all this written out in
12 order. I'll just get up there and talk a little bit.
13 I am going to write it out and e-mail it to these
14 folks which I hope everyone has positions on this
15 either way. I certainly feel bad. First of all, I
16 own an outdoor furnace, and I'm a big supporter of
17 them. But I was careful when I put mine in. I did a
18 wind survey.

19 I don't have any neighbors downwind.
20 Downwind, the nearest neighbor is close to a mile
21 away. The furnace has been in since January of last
22 year. I have not had a single complaint from any of
23 the neighbors anywhere, but I certainly do feel bad
24 for anyone who is close to one, who's downwind, or
25 someone put one in and they didn't take the time to

1 evaluate properly. That's not right, and I think I
2 agree with what everyone here has talked about. I
3 personally think it should be handled locally. If you
4 can't handle it locally, you hire yourself a good
5 lawyer who will sue the people that put it in, for
6 polluting the air and causing you health problems.

7 But I also wish these hearings weren't
8 held the first week of deer season. There probably
9 would have been a lot more people that have outdoor
10 burners come here and testify. Generally, people are
11 self-efficient, and they also like to hunt deer. They
12 work hard all year, and this is the only week they get
13 to take off. So I wish it would have been another
14 week; okay? I happened to notice too, going through
15 this, that coal is not mentioned as approved fuel.
16 Well, I guess what a lot of you have been saying
17 here ---. I'm a coal miner.

18 So I can tell you I'm 63-years old.
19 Probably 50 of those years I lived in houses heated
20 with coal. Twenty-five (25) of those 50 years were
21 with my wife in our first house. And the reason we're
22 not there anymore is she made us move out. She hated
23 the inside coal furnace so bad. It gave all kind of
24 breathing trouble. I have a heart problem. It just
25 give us both fits. We couldn't keep the carbon

1 monoxide out. But we moved out in the country where
2 we're at now a few years back, actually seven years
3 ago. It took me five of those years to convince her
4 to put one in. She let me put it in. Once I put it
5 in, I checked the atmosphere in the house for carbon
6 monoxide, oxygen deficiency with instruments.

7 Everything's fine. She loves the outside
8 furnace. Neither one of us is having any kind of
9 respiratory trouble or anything else. You know, if
10 you force people that have them now to take them out,
11 excessive requirements, a lot of people are going to
12 end up putting wood burners inside the house. They're
13 going to have health problems themselves. There's
14 greater risk of fires in the house, greater risk of
15 carbon monoxide poisoning the people.

16 I had a situation in my other house where
17 my inside coal furnace back drafted and created
18 hazardous carbon monoxide levels in the house. If I
19 hadn't had a CO detector, I wouldn't be here talking
20 to you today. So there's a lot of issues that need to
21 be looked at. My biggest problem with this
22 regulation, in addition to the fact that it appears
23 that coal is not labeled, is, you know, what's said
24 about coal. When I first got my furnace ---
25 fortunately my dealer was able to get it for me. I

1 didn't have any coal put in, but I did have a bunch of
2 firewood. I had dry firewood. I started burning
3 that. I burned dry firewood about the first two weeks
4 until I got around to getting some coal. And I was
5 burning a range of pickup load of firewood. I was
6 burning two of those in a week. That's a couple tons
7 of wood.

8 Then I started switching over to coal,
9 and now I'm going to burn it the whole winter. I'm
10 going to burn about six or seven tons of coal. So if
11 you think about the volume, I know there's some things
12 emitted from coal that you don't get from wood, but if
13 you think about the sheer volume, most of these
14 furnaces are going to burn in terms of weight of fuel
15 used. I still believe that the coal is not that bad.
16 I'll tell you something else. On my furnace even with
17 burning good dry wood, you'll see a little bit of
18 smoke like these other guys said when it first cycles
19 on, but you can occasionally see some smoke.

20 When I burn primarily coal in that unit,
21 there's a little bit of smoke right after I fix the
22 fire. It's after the blower comes on a time or two
23 and gets the furnace up. I mean, it's a couple
24 minutes an hour you'll see a little smoke. But other
25 than that, it's almost impossible to tell that furnace

1 is burning. Along the road where I live, which is
2 near Bakersville, along that road there's, like, six
3 or seven people who have furnaces. And, you know, I
4 can tell the people that are cautious and they're
5 using --- they're burning good dry wood or burning
6 coal. And I'll tell you the ones --- the people that
7 burn coal, you really just see very little smoke
8 coming out of their stacks.

9 Now, the next thing, in my situation, I
10 got a house 400 feet from my house. It's uphill and
11 upwind. The neighbor who lives there has never
12 complained. Actually, it's a relative. And if there
13 was a problem, believe me, I'd have complaints. And
14 this guy has a severe allergic condition and all kinds
15 of stuff. He's had no complaints, whatever. It's
16 uphill. I've had no survey done, because I can't
17 afford that. When I stand back there and look --- I
18 stand on the edge of his house and look out over my
19 furnace, it looks like I'm going to have to raise my
20 stack about eight or nine feet in the air.

21 Now, that would be virtually impossible
22 for me to do that. It would be cost prohibited. And
23 not only cost prohibited, I doubt very much that the
24 furnace would support the way of that. I doubt if the
25 furnace would even function. As you increase the

1 water condensation when you're forcing air through a
2 tube, the longer the tube gets, the greater resistance
3 is. I doubt the furnace is engineered to be able to
4 even do that. You also have the hazard ---. I
5 certainly don't have the ability to get up 80 or 90
6 feet in the air. So I'd have to hire some kind of
7 high steel construction crew with all kind of guide
8 wires. I'd end up having several thousand dollars in
9 that, and it probably won't work anyway.

10 I've got a good size furnace. I poured
11 nice cement pads so I wouldn't be in the mud. And I
12 spent a lot of money hauling rock in to regrade that
13 so I didn't need to cut the ground away. I got about
14 \$16,000 in that installation. Now you come along and
15 you tell me I'm going to have to take the thing out?
16 It makes no sense to me when it's not hurting anyone,
17 and no one's complained about it.

18 To me it's like the government passes a
19 new fuel standard. They say your car has to get 25
20 miles to the gallon beginning March 1st. And if you
21 have a car that doesn't get 25 miles to the gallon,
22 take that vehicle and scrap it; that's at your expense
23 and go buy another one. Well, I hope if that happens
24 we can all get some kind of a bailout from the
25 government. They bail out the big auto industry and

1 they bail out a lot of big Wall Street firms.

2 MR. HEPLER:

3 It's called Cash For Clunkers.

4 MR. FLICK:

5 Right. Thanks. That's good. They ought
6 to be able to help private individuals if that
7 situation happens to them and you got to throw \$16,000
8 down the drain. Or if you spend \$8,000 or \$10,000 or
9 whatever you spend.

10 MR. HEPLER:

11 You have about two minutes.

12 MR. FLICK:

13 Okay.

14 MR. HEPLER:

15 You're doing good.

16 MR. FLICK:

17 There's also a requirement that lists
18 propane as approved fuel. But if you use propane, it
19 doesn't say there's any deduction on the stack height
20 requirement. Propane's one of the cleanest burning
21 fuels. And as some of the people said earlier, it
22 just got so expensive people stopped it. I had the
23 foresight in mind, I got one with a propane burner
24 just in case everything ran out, because you like to
25 be prepared, the way fuel shortages are. But now,

1 even if I just switched over to propane, I still got
2 to put a stack eight or nine feet in the air; and it
3 probably won't work anyway. It just makes no sense,
4 this situation. If you read you have to comply with
5 all these sections; 121.7, 123.1, 123.31, 123.41,
6 Section 8, Section 13.

7 I managed to find some of them on the
8 Internet. They're pretty foggy and confusing, and I
9 don't know how much scientific background or how much
10 you'd have to pay some scientist to come in to my
11 house and then send the DEP a certificate to say
12 whether or not I was in compliance. And I don't know
13 what I'd be fined if ---. They'd have to come along
14 with some detector ---. Well, here's section 7-B of
15 the section. You're not in compliance. That's
16 something else I'd like to know. What are the fines
17 going to be if you're accidentally ---? You think
18 you're okay and you're not. So that's my comments.
19 Thank you. David Flick. Somerset, PA. F-L-I-C-K.
20 132 Rich Road, Somerset, PA, 15501.

21 MR. HEPLER:

22 All right. The next person signed up to
23 offer testimony, Mr. Dale Smith of Smicksburg. Now,
24 Dale, your name is easy to spell. I think she's got
25 that.

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MR. SMITH:

Would you like me to spell it for you?

MR. HEPLER:

How about letting her know where you
live?

MR. SMITH:

My name is Dale Smith. I live at 94
Eileen Drive, Smicksburg, PA, 16256.

MR. HEPLER:

Thank you, sir.

MR. SMITH:

Yes. I have been associated with the
outdoor furnace business for about 25 years now, and I
have to thank some of you, because I'm with Mahoning
Outdoor Furnace. I started out as a dealer, and then
I got into the manufacturer. And for the last four
years, believe me, I have been through the ringer. I
have been a member of HPBA, the manufacturer's caucus.
I have been at all the meetings that the caucus was
invited to.

It started out with a group up north
there, NESCAUM, which is seven states tucked up in the
corner of the United States all by themselves. And
they believe that they're pure silky white, and
they're pushing everything. A lot of the stuff that I

1 heard today has come from a person by the name of Lisa
2 Rector, who was the leader of that tribe, and who
3 wrote the model, the rule, for all the other states to
4 follow. And this is an echo of what that Lisa Rector
5 wrote. We were invited to the Attorney General's
6 Office in New York at Albany. And on my way to
7 Albany, a yellow Ford Mustang just passed me going
8 like fury. And this lady with blonde hair was flying.
9 And about five miles down the road, there was a cop
10 there, and he was writing something. Well, I don't
11 think he was writing to Ford Motor Company. I think
12 he was probably giving her a citation.

13 And I hope that when this all comes out,
14 I hope that they put something into a sensible
15 regulation, so that all of these situations can be
16 enforced on a case-by-case basis. We don't want a
17 regulation ---. I have four furnaces on my farm.
18 Okay? I have never had a complaint. But I have no
19 intentions of putting smoke pipes as high as the peaks
20 of my roofs and my houses and stuff around me until
21 I'm forced to do it, because it's ludicrous.

22 It's ludicrous to go into the country and
23 tell people that they have to put it up there. So if
24 it's a regulation which is safe and sane and
25 affordable, then let's do it. Let's enforce it. If

1 it's a situation where somebody's, you know, health
2 and everything is in jeopardy, then take that case by
3 itself and enforce whatever regulation needs enforced.
4 But we're talking about setbacks, and we're talking
5 about stack height and all that. That's dealing with
6 the uncertified stove. The new stoves, the Phase Two
7 with a .32 smoke emission, does not need a stack
8 height. It does not need a setback, because it's
9 probably going to make about as much smoke as that
10 pencil's making right now. That's how clean they're
11 going to be.

12 If you were to go out today and buy a new
13 car or a new truck or any other combustion engine ---.
14 And these furnaces is nothing but a combustion engine.
15 We're only taking the heat off. We're not using it
16 for steam for power or anything. But every combustion
17 engine nowadays has an engineered exhaust system. Our
18 stack is engineered for this firebox down here. So
19 for somebody to come along and tell us we have to put
20 a stack height two feet above somebody's roof, again
21 ludicrous. It's just not necessary.

22 And the new furnaces would probably
23 be --- after a few years, whenever they get the image
24 of our non-certified stoves, after they get that out
25 of their mind, these things are going to be used, you

1 know, downtown anywhere. I feel sure of it. The
2 stoves were developed as something for the country
3 folks. But due to the economy and due to the
4 efficiency of heating with wood, they've migrated into
5 town; and that's where our problems have started. As
6 the economy worsens, guess what happens? The problem
7 worsens, and there's going to be more showing up in
8 town. There's going to be more problems. So Phase
9 Two's coming down the pipe, and it will take care of
10 itself. Nobody ever went out.

11 Trucks was mentioned. The trucks are
12 regulated. Greg V., who is the manager of the EPA
13 facility down in Durham, North Carolina, he was big in
14 developing the diesel engine. Mike Tony --- these
15 guys are project managers working on a national
16 standard. And we would really like to see the State
17 of Pennsylvania hold off until the national standard
18 is in place. And this would just solve such a
19 tremendous amount of problems.

20 And as far as the sell-through, I heard
21 one customer or one dealer say about the sell-through
22 to get your inventory out. I hope that the inventory,
23 that there is a good time schedule for that. And, you
24 know, I know that anything I say isn't going to be
25 quite acceptable in the eyes of anybody, but we need

1 to set the regulations for the complaint. You know,
2 use the regulations for the uncertified for the
3 complaint, and the old units, you know, let's go to
4 2011 for this ---. If the State now puts something
5 in, let's move it to October of '11.

6 MR. HEPLER:

7 You have about three minutes, Dale.

8 MR. SMITH:

9 Phase Two would be October '12, and the
10 sell out would be October '13. Another thing that
11 really is bothering us as manufacturers is the fact
12 that we've got how many units out there for sale or on
13 inventory and our dealers are afraid to stock
14 anything, because they're thinking they're going to
15 get stuck with them. And now we have people who are
16 hesitating as far as buying, and because they don't
17 know what kind of regulations is coming down.

18 So I think there needs to be a better
19 communication between the state and the public. And I
20 just hope that we don't have to lay off our ---.
21 Well, we got between 30 and 40 workers working all the
22 time. I hope we don't have to lay them off, and then
23 see these dealers have to go out and start selling
24 potatoes or dress chickens or something. I mean it's
25 just --- it's something that a regulation can do. But

1 number one, get sane, sensible, safe, affordable
2 regulation. And number two, back off the Phase Two
3 regulations, because they aren't necessary. They
4 aren't necessary.

5 We do not want to pay our development
6 crew a price to develop a unit, and then have somebody
7 come in and have to sock 20 feet of pipe on top of it,
8 because they're going to ruin the whole design. It's
9 designed just like any car exhaust or any truck
10 exhaust system. And, you know, tampering with it is
11 going to mess it up. And if anybody wants to talk to
12 us from Harrisburg, our number is (800) 692-5200 and
13 ask for Robin. Whatever information you want is
14 available at the office. We'll gladly cooperate. We
15 have already had some inquiries, but we'll gladly
16 cooperate with anybody else who wants to know
17 anything. Thank you.

18 MR. HEPLER:

19 Thank you, Mr. Smith. Mr. Smith?

20 MR. SMITH:

21 Yes?

22 MR. HEPLER:

23 Sir, did you have any written comments
24 for me or could you mail some?

25 MR. SMITH:

1 I don't think you could read my comments.

2 MR. HEPLER:

3 I would just want to make sure if you're
4 entrusting Diane to get it right ---.

5 MR. SMITH:

6 I tried to speak clearly to her.

7 MR. HEPLER:

8 I'm sure she did an excellent job.

9 MR. SMITH:

10 If somebody reads it.

11 MR. HEPLER:

12 All right, sir.

13 MR. SMITH:

14 Did you get that?

15 MR. HEPLER:

16 The next person signed up for testimony,
17 Mike Seefeld.

18 MR. SEEFELD:

19 Yes.

20 MR. HEPLER:

21 Okay.

22 MR. SEEFELD:

23 I don't have anything in writing for you.
24 I didn't know that I had to, really. In fact, I
25 didn't know about this until recently.

1 MR. HEPLER:

2 Okay.

3 MR. SEEFELD:

4 It's S-E-E-F-E-L-D. Most of the people
5 that spoke already said what was on my mind. My main
6 thing is if they're going to start with this, they're
7 not going to stop. Never. Just like anything else.
8 They're taking our names down now that we buy a
9 furnace. You got to turn them in to the government or
10 what? You know, I believe in sovereignty. I believe
11 it starts on your own property. I feel bad for these
12 people here. I do. And they should do something
13 about people that are a nuisance like that.

14 The one lady said we just wanted to do it
15 because it was cheap. I bought a house and I put this
16 furnace here, and it was very expensive. It was very
17 expensive. But I have a tree care company and I
18 thought my gosh, what better way to get rid of my wood
19 and be self-sufficient than this wood burner. And I
20 thought this was a joke when I first heard about it,
21 but then again, it's the government. And if they put
22 regulations on this, then they will go inside your
23 house and put regulations on your fireplace and
24 everything else.

25 And, you know, I think they don't care

1 what we say, to tell you the truth, because I've been
2 in the government for a little while too. And we
3 might just be blowing our own smoke here today. But I
4 think we got to voice our opinion now. And, you know,
5 if I don't abide by what they say, I guess they come
6 on my property and tear it down. I don't know. But I
7 think it's a shame. I just think the government needs
8 to get out of our lives. And that's about it.
9 Everything else was already covered.

10 MR. SMITH:

11 If I could use one of his minutes, that
12 they're already on the fireplaces. They're already on
13 anything that burns wood.

14 MR. HEPLER:

15 You don't have to record that. I'm not
16 arguing with you, Mr. Smith, but that was his time for
17 his testimony. Okay. A point of clarification before
18 we proceed; I have three Fletchers signed up in a row
19 here, and I'm thinking you just signed up to let me
20 know you're here, or were you folks going to try and
21 testify three times? Is Francis Fletcher here? Okay.
22 I have Francis Fletcher, 123 Evans Lane. Then I have
23 Francis Fletcher, 134 Evans Lane.

24 MR. SMITH:

25 They were here, but I don't see them

1 right now.

2 MR. HEPLER:

3 Okay.

4 MR. SMITH:

5 Yeah. They might have left.

6 MR. HEPLER:

7 Okay. I'm making the call. And let the
8 record show I will call again after we get through
9 this list, just in case they decide to come back.
10 Okay. Let's move on then to Mr. Robert Pervis, Evans
11 City. How are you doing?

12 MR. PERVIS:

13 Good.

14 MR. HEPLER:

15 I'm Steve Hepler of Evans City.

16 MR. PERVIS:

17 Glad to meet you.

18 MR. HEPLER:

19 All right.

20 MR. PERVIS:

21 I'm going to have to mail you my thing,
22 because I just heard about this an hour ago.

23 MR. HEPLER:

24 Get up there and say your piece.

25 MR. PERVIS:

1 My name is Robert Pervis. I heat with an
2 outdoor furnace, and I sell them. I install them.
3 And I started researching them in 1995. And I looked
4 at all the aspects, and I wanted to be environmentally
5 friendly. And pretty much everything that's been told
6 about the zero footprint is correct. I mean the wood
7 rotting in the woods puts off as much carbon as
8 burning. I have a mechanical engineering degree that
9 I got thanks to the government, for my service in
10 Vietnam. And I studied this pretty hard. In fact,
11 real hard. I got into primary, secondary piping, low
12 delta Ts. And when you install these correctly, you
13 have very little emissions.

14 In other words, if I'm producing 180
15 degrees water temperature and I'm taking 20 degrees
16 out of it and I'm putting 160 degrees back into my
17 boiler, I'm not cutting trees very often. I put wood
18 in my furnace once a day. In the spring, in the early
19 fall, once every two, three days. I need to get
20 my --- I took some notes. Open fireplaces; I also
21 have a chimney sweep company, and I clean about 3,000
22 chimneys a year. Not me personally, but my crews do.
23 And trust me, these people are burning their
24 fireplaces thinking that they're going to heat their
25 house. And someone commented about the location of

1 the chimneys, and he was 100 percent correct. The old
2 farmers knew what they were doing. They put the
3 chimney up through the center of the house, and it
4 stayed warm, and it did not condense. It did not
5 create creosote.

6 And by keeping the chimney warm, they had
7 good draft, they had good combustion; and therefore,
8 they had very little carbon --- unburned hydrocarbons.
9 A lot of this comes down to the outside furnaces too.
10 The chimney height is not going to be the answer.
11 It's more surface area to cool. More surface area to
12 build up. Actually more unburned hydrocarbons. All
13 it's going to do is distribute the smoke somewhere
14 else. It's not the answer. I oppose that.

15 The only thing I agree with in all of
16 these --- I don't know how to call it --- hoopla, was
17 the minimum ten foot stack height. I do believe that
18 should be implemented. As far as these poor people
19 that are having issues, yeah, they're out there. I
20 also investigate fraud and houses that burn to the
21 insurance companies, and I have investigated three
22 outside furnaces. And all three that I investigated
23 burned up or caused a nuisance. None of them were the
24 fault of the furnace. They were the fault of the
25 operator. Two of them burned tires. The one denied

1 it with a whole stack of steel wire laying there. He
2 must have thought I was an idiot.

3 But they're out there. Even the
4 manufacturer ---. I called the manufacturer on that
5 one, and they said we do not at any time recommend
6 burning tires, but they're doing it. And you're going
7 to have that. I don't believe the state should get
8 involved. I really do not. I believe the townships
9 should get involved. Somebody in Harrisburg has no
10 clue how I live in Evans City. Not a clue. All
11 right? I have 58 acres. My nearest neighbor is a
12 mile away. My nearest neighbor is a nudist colony.
13 Okay? And they don't complain.

14 More issues should be on the
15 installation. It really should. It should be more,
16 and how much heat are you taking out of this furnace
17 before you pump your water back? That's called a
18 Delta T. And a high Delta T means high wood
19 consumption. That's not addressed at all. The
20 burning of coal ---. Coal puts off a real high sulfur
21 content. I'm not a fan of it.

22 I heated my house with coal before I got
23 into the outside furnace in '98, and it stunk. It was
24 dirty. I had too many clinkers. I didn't agree with
25 it. I just didn't. I went to the outside furnace. I

1 only burn wood. Now, I have saved since 1999, until
2 the beginning of this year, \$70,000 in oil, \$70,000.
3 I spent \$11,000 putting the furnace in. That's a heck
4 of a return, and they want to take it away from me.

5 As far as the open fireplaces, I mean
6 this season's coming up. I'll average 30 to 40
7 chimney fires this next month. And these people are
8 burning their trash. They're burning their wrapping
9 paper. They're burning their Christmas tree. They're
10 making more pollution than we are. Now, I'm also,
11 like I said, a heating contractor, and I do heat
12 pumps. Sixty (60) percent of heat pumps out there
13 need a shot of gas. Okay? Heat pumps, thousands of
14 them, millions of them and leaking freon or R410A into
15 the air. I don't see any more regulations on that.

16 Now, the new one is geothermal. I don't
17 know if anybody's researched geothermal or not, but
18 they're going around and putting three, four, five,
19 six, 200-foot wells in the ground. Putting plastic
20 tubing in there and filling them with glycol. Now,
21 that's ---. So now we're destroying our water, to me,
22 which is more important. But nothing's being said.
23 They're going after the people who just want to be
24 self-sufficient. I don't believe they want us to be
25 self-sufficient. They want us dependent on them. And

1 everything else has been said, so I don't want to
2 waste your time. And thank you.

3 MR. HEPLER:

4 All right. I'm going to try and read
5 this. Angie. Is it Halagus?

6 MS. HALAGUS:

7 Yes. I'm just with Ms. Maureen. I
8 thought that was all right.

9 MR. HEPLER:

10 Okay.

11 MS. HALAGUS:

12 To let you know that we were here.

13 MR. HEPLER:

14 And, Ms. Maureen, you signed up?

15 MS. MYERS:

16 Yes. I'm sorry. I didn't know.

17 MR. HEPLER:

18 All right. So noted. That's fine. I'm
19 making a note. I don't want somebody thinking I
20 didn't give you a chance. All right. We have one
21 last person signed up, William O'Brien. Is Mr.
22 O'Brien here ---? Maybe Mr. O'Brien thought he was
23 just signing in. Okay. Let's flip the page, and
24 we're going to go back and check one more time just to
25 be fair. I don't want anybody thinking I'm not giving

1 them a fair chance. Is Francis Fletcher back in the
2 room or Madeline Fletcher ---? Okay. Now, we've gone
3 through the pre-signed and those that signed up before
4 the hearing started. I'm now going to provide an
5 opportunity to anybody else who wishes to offer
6 comments on the record. Open invitation. Sir, come
7 to the pedestal. Give your name, address to the nice
8 young lady here, and we'll give you ten minutes.

9 MR. RADION:

10 My name is Bill Radion, R-A-D-I-O-N. 702
11 Evergreen Road, Leechburg, PA, 15656. And a lot of
12 the comments I heard today --- I have an outdoor wood
13 burner, so I very much enjoy it. I want to give you a
14 little bit of history on things that haven't really
15 been talked about here today. And I wasn't really
16 prepared to give you a statement. But my parents were
17 in their late 70s, and I come home from work one day
18 to visit with them. They both had their coats and
19 hats on sitting there watching the evening news.

20 And I says, you just got home or are you
21 just leaving? They said no, it's cold. And it was
22 cold in the house. So I says, we'll turn the gas on.
23 Well, we can't afford it. I says, well, at your age
24 you can't afford to get sick either, because it will
25 be the end of you and I won't have parents. So we

1 argued all throughout the evening. Of course I lost;
2 they won. They didn't turn the gas on. So I said to
3 them, give me the gas bill, let me pay the gas bill,
4 because I don't want you to get sick. No. So the
5 next year they researched a woodstove, the outdoor
6 woodstove, and they come up with one. And they did a
7 lot of diligence on research. They come up with a
8 model. They took me out and they showed it to me.
9 And I looked at it, and I said, well, this is good.

10 Now, mind you, my parents moved to the
11 country in 1956, out of the city of Lower Burrell, PA.
12 And they raised five children in this farmhouse that
13 was built in the 1860s. And they remodeled it in
14 1956, but even then the technology of insulating
15 wasn't what it is today. So it was always cold in the
16 house.

17 And it had a coal furnace when I was a
18 kid. I would go down and shovel two shovels full of
19 coal in the furnace. Then I'd go out and make a
20 snowman. It would be a different color the next day.
21 But that s how I grew up. Then in the late '70s, the
22 coal furnace went clunk, completely. They put two gas
23 furnaces in side by side to make up for the coal
24 furnace. Well, then the price of gas went up, and
25 they couldn't afford it. So they bought the

1 woodstove, the outdoor wood burner. They bought that.
2 They asked me about it. I says, well, you know, it's
3 a good thing. I knew it would be --- I knew it would
4 be heat for them; that they would not get sick because
5 of staying in a cold house. So they proceeded to do
6 that, and it is quite expensive for them. They
7 inherited some money from my father's sister. And I
8 said to them, I says, travel. Don't put that money
9 into a stove. Let me pay the gas bill. No. They
10 wanted to do this, so they invested lots of money.
11 And that first winter that we used it, the house was
12 warmer than it ever has been. Even with the coal
13 furnace, it was warmer than it ever has been.

14 So they were both very happy, but they
15 have both since passed away. And I bought the house
16 from the estate, and I had to pay my sibilings market
17 price for this house. It comes with 36 acres, but
18 they wanted their share of the estate. So now I have
19 a monster mortgage payment. And one of the reasons
20 why I did this was because the outdoor woodstove was
21 there. I could save money from those monster gas
22 bills. So the outdoor wood burner does keep the house
23 very nice. When I was in my apartment in town, I kept
24 my thermostat at 48 degrees, the lowest setting that
25 was on it, and it was cold. So cold that I put the

1 blanket over my head at night to go to sleep, because
2 I would wake up with a headache from being so cold.
3 But now I don't have that problem, because I've got
4 this wood burner. And it's the best thing that I ever
5 had. I've got 36 acres of lumber to cut from. I pick
6 up the downed trees first, and then I cut timber, you
7 know, as much as I need. So it's a good thing.

8 And these regulations that they're
9 talking about are going to destroy this for me.
10 Because it's a 13-room house, it's three stories. My
11 stack's going to be tremendously high and all the
12 safety issues that you already heard about that ---.
13 But, you know, this was the point that I wanted to
14 make about the elderly people. This was a good thing
15 for my mother and father and I'm glad that they did
16 it. It was a lot of money. They could have enjoyed
17 it in other places. But they chose to do that. And
18 that's all I have.

19 MR. HEPLER:

20 Thank you, sir. All right. I think we
21 have gotten through all those who wish to offer
22 testimony. I want to commend you all. You did a
23 great job. And I know you aren't all comfortable as
24 public speakers, but you did a good job. And just to
25 be formal about this, with no other witnesses present

1 on behalf of the Environmental Quality Board, I hereby
2 adjourn this hearing at my watch at 3:07 p.m.

3 * * * * *

4 HEARING CONCLUDED AT 3:07 P.M.

5 * * * * *

6
7
8 CERTIFICATE

9
10 I hereby certify, as the stenographic
11 reporter, that the foregoing proceedings were taken
12 stenographically by me, and thereafter reduced to
13 typewriting by me or under my direction; and that this
14 transcript is a true and accurate record to the best
15 of my ability.

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18 Court Reporter

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