

COMMONWEALTH OF PENNSYLVANIA

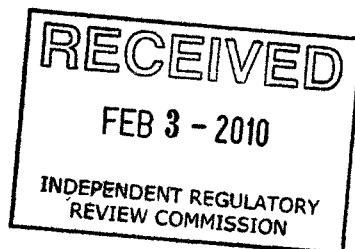
DEPARTMENT OF ENVIRONMENTAL QUALITY BOARD

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IN RE: Outdoor Wood-Fired Boilers (#7-444)

PUBLIC HEARING

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HEARING: Thursday, December 3, 2009

1:25 p.m.

LOCATION: Department of Environmental Protection

Northcentral Regional Office

Goddard Conference Room

208 West Third Street, Suite 101

Williamsport, PA 17701

SPEAKERS: Kevin Stewart, Tim Owens, Tammy Delinski,

Bruce Roy, Senator Gene Yaw, Representative Garth

Everett, Michael Forbes, Ron Johnson, John Jordan,

Sandy Mincemoyer, Walt Colton, John Punako, Robert

Boyles, Dale Miller, Jim Marsh, Ron Patt, Russell

Reitz, Steve Patt, David Backes, Michael Oaks

Reporter: Xi Xia

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Senate Environmental Resources & Energy Committee

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P R O C E E D I N G S

MR. HENDERSON:

Folks, with that we are going to get started on today's public hearing. And again, I do apologize for our delay. We are going to have a transcript made of this meeting. Unfortunately our recorder will not arrive until about 2:15 or 2:30. Until then we are recording the hearing, and the recorder is up here turned on. So as you come forward to offer testimony please be mindful that it should pick it up with the microphone.

I am required to start the hearing off by reading a statement on the purpose of today's hearing. At that time I will then --- after that time I will then call upon those who have pre-registered for today's hearing. If you can come up at that point, state your name for the record and then offer your comments. And we will just go in order as folks have pre-registered and then everyone on the list that had been pre-registered has testified, we will call for anybody else who is interested. With that I will start today's hearing.

I would like to welcome you to the Environment Quality Board's public hearing on the

1 proposed regulations regarding outdoor wood-fired
2 boilers.

3 My name is Patrick Henderson. I am
4 representing State Senator Mary Jo White, who is a
5 member of the EQB. I officially call this hearing to
6 order at 1:25. The purpose of this hearing is for the
7 EQB to formally accept testimony on the proposed
8 regulations concerning outdoor wood-fired boilers. In
9 addition to this hearing, the EQB held public hearings
10 on this proposal on Monday, November 30th in
11 Harrisburg, Tuesday, December 1st in Wilkes-Barre and
12 Wednesday, December 2nd in Cranberry Township.

13 The proposed rulemaking was adopted by
14 the EQB on September 15, 2009 and it adds requirements
15 in 25 Pa.C. Chapter 123 for the operation of outdoor
16 wood-fired boilers or OWBs, also commonly referred to
17 as outdoor wood-fired furnaces, outdoor wood-burning
18 appliances, or outdoor hydronic heaters. Unlike
19 indoor woodstoves that are regulated by the U.S.
20 Environmental Protection Agency, no federal standards
21 exist for outdoor wood-fired boilers. The majority of
22 boiler models are not equipped with air pollution
23 controls and, therefore, generate air pollution in
24 greater quantities than indoor woodstoves, even when
25 they are operated according to the manufacturer's

1 specifications. The emissions are intensified if the
2 boilers are improperly fired or used to burn waste.
3 Air pollution generated from the boilers not only
4 affects human health, but also is a source of many
5 odor and nuisance complaints.

6 In lieu of federal standards, the EPA
7 initiated a voluntary program that encourages
8 manufacturers of the boilers to improve air quality
9 through developing and distributing cleaner burning,
10 more efficient boilers. Phase one of the program was
11 in place from January 2007 to October 15th, 2008, and
12 includes EPA certification of boiler models that were
13 demonstrated to be 70 percent cleaner burning than
14 unqualified models by meeting a particulate matter
15 emission standard of 0.6 pounds per million of BTU
16 heat input. Phase two of the program was recently
17 announced and includes EPA certification of boilers
18 that meet a particulate matter emission standard of
19 0.32 pounds per million BTU output. In comparison,
20 most pre-program, older-model boilers emit about 2.0
21 pounds of particulate matter per million BTU.

22 The EQB's proposed rulemaking establishes
23 provisions that prohibit a person, manufacturer,
24 supplier, or distributor from selling, offering for
25 sale, distributing, installing, purchasing or leasing

1 or receiving a boiler for use in Pennsylvania unless
2 it is a phase two boiler. This prohibition would not
3 extend to boilers that are intended for shipment and
4 use outside of this Commonwealth. The proposed
5 rulemaking also establishes setback requirements for
6 phase two boilers, stack height requirements for
7 existing and new boilers, and restricts the type of
8 fuel that may be used in a boiler.

9 The additional particulate matter
10 emission reductions that will occur as a result of
11 this proposal are reasonably necessary as part of this
12 Commonwealth's efforts to maintain the 1997 and the
13 2006 health-based, 24-hour National Ambient Air
14 Quality Standards for fine particulates. The health
15 effects associated with exposure to particulate matter
16 include aggravation of respiratory and cardiovascular
17 disease, lung disease, decreased lung function, asthma
18 attacks and certain cardiovascular problems.
19 Individuals particularly sensitive to particulate
20 matter exposure include older adults, people with
21 heart and lung disease and children. The final form
22 regulation, if adopted by the EQB, will be submitted
23 to the EPA as a revision to the State Implementation
24 Plan.

25 On May 28th, 2009 the Department

1 presented the draft proposed rulemaking to the Air
2 Quality Technical Advisory Committee, who unanimously
3 concurred with the Department's recommendation to seek
4 EQB approval of the proposed rulemaking.

5 For today's hearing, in order to give
6 everyone an equal opportunity to comment on this
7 proposal, I would like to establish the following
8 ground rules: I will first call upon witnesses that
9 have pre-registered to testify at the hearing. After
10 hearing from these witnesses I will provide any other
11 interested parties with the opportunity to testify as
12 time allows. Testimony is limited to ten minutes for
13 each witness.

14 Organizations are requested to designate
15 one witness to present testimony on its behalf. Each
16 witness is asked to submit three written copies of his
17 or her testimony, if you have it available, to aid in
18 transcribing the hearing. Please provide me with any
19 written comments that you have.

20 Please state your name, address and
21 affiliation, if any, for the record prior to
22 presenting your testimony. The EQB would appreciate
23 your help by spelling names and terms that may not be
24 generally familiar so that the transcription of this
25 hearing may be as accurate as possible.

1 Because the purpose of this hearing is to
2 receive comments on this proposal, EQB and DEP staff
3 may question witnesses. However, the witnesses may
4 not question the EQB or DEP staff.

5 In addition to or in place of oral
6 testimony today, interested persons may also submit
7 written comments for the record on this proposal. All
8 comments must be received by the EQB on or before
9 January 4th, 2010. Comments should be addressed to
10 the Environmental Quality Board, P.O. Box 8477,
11 Harrisburg, Pennsylvania, and the zip code is 17105.
12 Again, I will give you that address, the Environmental
13 Quality Board, P.O. Box 8477, Harrisburg, PA 17105.
14 Comments may also be e-mailed to the following address
15 RegComments@state.pa.us. That is spelled
16 R-E-G-C-O-M-M-E-N-T-S at state.pa.us.

17 All comments received at this hearing, as
18 well as all written comments submitted by January 4th
19 2010, will be considered by the EQB and will be
20 included in a comment/response document prepared by
21 the Department and reviewed by the EQB prior to taking
22 action on any final rulemaking. Anyone interested in
23 receiving a copy of the transcript of today's hearing
24 may contact the EQB for further information.

25 With that I will now call the first

1 witness. And I would also issue another reminder that
2 if you could state your name and spell it if it is an
3 unusual spelling, for the record. And please limit
4 your comments to ten minutes. With that our first
5 witness today is Katherine Fox. If you are here, if
6 you could come forward. I'm not seeing Katherine.
7 Our next witness is Kevin Stewart from the American
8 Lung Association.

9 MR. STEWART:

10 My name is Kevin Stewart. That's
11 S-T-E-W-A-R-T. I'm with the American Lung Association
12 in Pennsylvania, 3001 Old Gettysburg Road, Camp Hill,
13 PA 17011.

14 Good afternoon, I thank the Department
15 and the Board for your work and for the opportunity to
16 present testimony on the proposed rulemaking with the
17 purpose of controlling emissions of particulate matter
18 from the operation of outdoor wood-fired boilers.

19 I serve as Director of Environmental
20 Health with the American Lung Association in
21 Pennsylvania. And I represent not only the one and
22 one half million Pennsylvanians who suffer from
23 chronic lung disease but also the millions more who
24 desire to breathe clean air and so to protect their
25 good health. The American Lung Association is the

1 nation's oldest voluntary health organization and
2 represents a body of scientific knowledge on the
3 subject of lung disease specifically on well-
4 established links between air pollution and lung
5 disease both as a cause of new cases and as an
6 exacerbating agent for existing conditions.

7 We have been fighting for relief from air
8 pollution since the middle of the last century. In
9 this respect, the Lung Association regards with great
10 concern the burgeoning use of outdoor wood-fired
11 boilers. It has been our observation, supported not
12 only by the literature but also by first-person
13 accounts of affected persons that these units produce
14 emissions that are either poorly controlled or
15 essentially uncontrolled.

16 The production of emissions occurs at a
17 rate that far exceeds those from other common, major
18 household sources usually by an order of magnitude or
19 two. The kinds of emissions from such units are among
20 those that are most hazardous to health and include
21 acid gases and fine particle pollution. Moreover,
22 existing combustion science shows that we can expect
23 emissions of air toxics and carcinogens to be high.

24 The use of such units frequently results
25 in adverse health consequences and loss of enjoyment

1 of life and property when a person's exposed to their
2 emissions. And reciting design, installation,
3 operation and fuels of such units each contribute to
4 create locally high levels of air pollution. Not only
5 for the users themselves but also for residents of the
6 surrounding area, pollution that as OWBs have been
7 more commonly installed and used even has adverse
8 impacts on regional air quality and on the ability to
9 achieve and maintain Ambient Air Quality Standard for
10 fine particle pollution.

11 In short, the Department cannot afford
12 not to institute responsible regulations to control
13 the emissions from OWBs. The only issues remaining
14 are what regulations would be both effective and fair.
15 The proposed rulemaking before the Board is
16 substantially in keeping with language proposed by the
17 Northeast States for Coordinated Air Use Management,
18 NESCAUM, in its model regulation for outdoor hydronic
19 heaters and of the same tenor is that being considered
20 in or already adopted by several northeast states.

21 Therefore, we will offer a few additional
22 considerations. The American Lung Association in
23 Pennsylvania strongly supports the proposed rulemaking
24 and respectfully advocates that the Board adopt the
25 regulation proposed by the Department. Current

1 evidence is incontrovertible that particle pollution
2 such as that produced by outdoor wood-fired boilers is
3 causally associated with such adverse health outcomes
4 as days of increased symptoms and restricted activity,
5 missed days from work and school, increased medication
6 use and physician visits, asthma attacks, hospital
7 admissions, emergency department visits and premature
8 death.

9 Some effects can be immediate. Certain
10 individuals' bodies respond so strongly to the
11 pollutants emitted from such units that they are
12 unable to remain in their own homes because of the
13 fumigation effects that can occur in some localities
14 as a result of proximity, topography and weak air
15 movement. Over a much longer time span some
16 pollutants from burning wood are understood to result
17 in an increase risk of cancer notably for people who
18 are chronically exposed to such contaminants.

19 The more that quality controlled outdoor
20 wood-fired boilers are permitted to proliferate
21 unchecked, the more we can expect to see increased air
22 pollution levels for affected localities certainly and
23 even for the region as a whole. But even more
24 important than that, we must remember that air
25 pollution worsens and causes disease and even death

1 for real people. ALAPA recognizes that there are many
2 sensitive groups within the population who are
3 especially susceptible to fine particle pollution,
4 notably a major type of pollution emitted from poorly
5 controlled combustion. And in Pennsylvania we
6 estimate that of the population as a whole, about 22
7 percent, 2.8 million, are infants, children or youth
8 under 18; 15 percent, 1.9 million people are 65 or
9 above; 12 percent, a quarter of a million children
10 with asthma; 900,000 adults with asthma, and those
11 include also people with emphysema; and chronic
12 bronchitis, a third of a million adults and 180,000
13 individuals. About 30 percent, 3.7 million, have
14 heart disease, and six and a half percent, 800,000,
15 have diabetes. Any of the above puts people at higher
16 risk of adverse health consequences from fine particle
17 pollution and some persons fall into more than one
18 category. All told, these categories describe about
19 half the states' population.

20 According to the background and summary
21 for the proposed rule, testimony the Board has already
22 received and the report of NESCAUM assessment of
23 outdoor wood-fired boilers in 2006 as revised, the
24 evidence is clear that OWBs deserve to be properly
25 regulated if we as a Commonwealth are to be serious

1 about achieving and maintaining air quality standards
2 for PA. ALAPA wants to be clear that we support the
3 Department and this Board in their work to craft just
4 such necessary and proper regulations to preserve air
5 quality and to protect public health. We have read
6 with respect the many comments by individuals who have
7 written to secure their continued use of OWBs and we
8 have some suggestions to address their concerns. But
9 we have also heard from and read the pleas of many
10 others who are seeking to protect their health or that
11 of their families and to regain the use and enjoyment
12 of their properties.

13 We have seen repeatedly that persons who,
14 in good faith, chose a place to live in a clean
15 environment have been confronted with new nearby OWB
16 operations that at times have made their homes
17 unlivable. Although municipalities have certainly had
18 the authority to impose certain restrictions on the
19 use and sighting of OWBs, they have in most cases,
20 whether through lack of expertise, resources, or
21 political will, failed to exercise that authority.
22 Municipalities have simply not adequately controlled
23 this source of air pollution and do not appear likely
24 to do so. That is why there is a need for this
25 regulation.

1 The principal the American Lung
2 Association follows here is simple and the same that
3 we employ when dealing with the matter of secondhand
4 tobacco smoke, one person's privilege to engage in
5 legal activity does not give that person the right to
6 affect adversely the health of another. In other
7 words, one person's choice to employ an OWB does not
8 give that person a right to pollute a neighbor's air.
9 Simply the right of residence to the clean air
10 guaranteed by Pennsylvania's Constitution must be
11 upheld.

12 That being said, we have the following
13 additional remarks: ALAPA supports the Department's
14 requirement that new OWBs meet the United States
15 Environmental Protection Agency's Phase Two emission
16 standard of 0.32 pound PM BTU heat output. Given that
17 most other states implementing such regulations have
18 an effective date of April 1, 2010 for this
19 requirement, Pennsylvania's provision would be
20 consistent with those rules.

21 ALAPA supports the Department's suggested
22 seasonal restriction on OWB use between the dates of
23 May 1 and September 30, recognizing that this
24 requirement may pose a hardship for those individuals
25 who use OWBs as their sole source of heat, including

1 hot water, some phase in period for this provision may
2 be appropriate.

3 ALAPA strongly supports an effective rule
4 governing stack height. NESCAUM reports have clearly
5 demonstrated the necessity for such provision.
6 However, commenters have pointed out certain aspects
7 of the stack height provisions that may prove to be
8 unworkable. It may therefore be appropriate for the
9 Department to consider steps to deal with situations
10 regarding stack height and sloping topography so that
11 undue burdens or safety hazards are not created even
12 while the health of neighbors remains protected. When
13 a property is bonded by extensive unoccupied
14 properties on which no residence is permitted to be
15 placed, ALAPA would be willing to consider an
16 appropriate modification to the section of the
17 regulation concerning sighting OWBs with respect to
18 property lines. We remain concerned that any such
19 modification be ensured not to create local air
20 pollution problems for others.

21 ALAPA recognizes that in some
22 circumstances some users indicate that their use of
23 OWBs contributes to their economic security. And
24 therefore, separate from this regulation we would
25 support the establishment of programs as may be

1 necessary to assist disadvantaged or indigent
2 populations to deal with economic hardship that
3 adoption of this regulation may pose. However, it is
4 critical to remember here that OWB users and their
5 families are themselves likely to be exposed to
6 elevated PM levels because of their use of these
7 units. And that ALAPA continues to discourage their
8 OWB use.

9 ALAPA would favor efforts to assist
10 persons to transition to less polluting alternatives.
11 Thank you for your attention. Should the Board have
12 questions, I will do my best to answer them.

13 MR. HENDERSON:

14 I will try and give you the names of the
15 next two or three folks who are registered to testify,
16 just so that you have an idea of who's coming up next.
17 And I apologize in advance if I mispronounce anyone's
18 name. Please feel free to correct me on the record as
19 you come up.

20 Our next three witnesses are Robert
21 Mudie, Tim Owens and Tammy Delinski. And with that I
22 will call Robert Mudie, if he's available. Is Tim
23 Owens available? Okay. Followed by Tammy Deliniski
24 then Bruce Roy.

25 MR. OWENS:

1 Tim Owens, 1111 Sugar Run Road, Mill
2 Hall, PA 17751.

3 In reviewing this regulation 121.123, if
4 you look at Section D of the proposed regulation
5 you'll find information relating to particulate matter
6 and air quality much like the Lung Association had
7 said. What I think is a little ironic about this
8 information given in here, if you look at what they're
9 blaming --- they're blaming poor air quality on
10 outdoor wood boilers but where they're saying the air
11 quality's bad is in areas --- is in populous areas of
12 the state. Naturally with more people you have more
13 traffic, you have more pollutants of all sources, but
14 we're going to target the outdoor wood boiler, kind of
15 find that questionable.

16 And then furthermore, how many of these
17 outdoor wood boilers do you see in downtown
18 Philadelphia, Pittsburgh, Harrisburg, or even
19 Williamsport, if you're going to compare apples to
20 apples let's check the air quality in say Cameron
21 County, Potter County, Fulton County, Wyoming County,
22 Forrest County. If you want to discuss particulate
23 matter and if these outdoor wood boilers are really
24 the source of poor air quality, let's go where they're
25 at. With testing and analysis you should find out

1 that probably your air quality isn't necessarily
2 coming from these outdoor wood boilers. I'm not
3 saying they don't create emissions, because they do,
4 but I think we need to consider this from a more
5 holistic approach rather than just pointing fingers at
6 one particular subject.

7 Let me jump down to paragraph five in the
8 same section, 155,000 outdoor wood boilers sold in the
9 period from 1990 to 2005, 95 percent being 19 states.
10 155,000 in 19 states, wow, that's serious.
11 Considering there's like 12.5 million people in the
12 State of Pennsylvania based on 2008 census data, if
13 you do the math on that that's one boiler for every 80
14 people if all 155,000 were sold in the State of
15 Pennsylvania. Divide that by the 19 states and you
16 have one boiler for about every 1,500 people. I don't
17 really see the correlation between poor air quality
18 and the density of these boilers.

19 Do you want to do the distribution on the
20 land area scale to better describe the density of
21 these boilers? Commonwealth is comprised of about
22 28.6 million acres, based on that acreage and that
23 total number of 155,000 boilers sold in the last 15
24 years, that works out to one boiler for every 185
25 acres. Now, you know, if you're in the City of

1 Williamsport, one for every 185 acres, there's one
2 here, the next one is probably out on four mile drive
3 somewhere. If the boiler sat in the middle of that
4 185 acres, there's 2,800 feet between boilers, over a
5 half a mile. So seriously these statistical numbers
6 that are being twisted to make this look like a
7 serious problem, I think they really need to evaluate
8 a little further.

9 Then further on in Section D, paragraph
10 seven, there are many citizens' complaints regarding
11 operation of outdoor wood boilers. How many
12 complaints, let's quantify that data. Do we have two
13 people, do we have 100,000 people or do we have 5,000
14 people, 500 people? You know, until you get some real
15 data to this, you're making a regulation on hearsay.
16 I want to see some numbers put to this.

17 And then furthermore on this regulation,
18 who came up with it? How much knowledge do they
19 really have about these boilers? Did they ever
20 operate one and see what the smoke is? I mean, most
21 of the time these things are operating its wintertime.
22 And a little bit of basic chemistry, you burn
23 something, you get heat and water. Well, water when
24 the dew point temperature's a certain degree, you're
25 going to get steam. So whether its smoke or steam it

1 appears that there's an emission from a boiler, the
2 fact of the matter is it may not be a particulate
3 matter, it may be steam or water vaporizing.

4 And further on in paragraph seven,
5 Section D, we find a statement regarding the reduction
6 of particulate matter, 2.5 would improve human health,
7 decrease soiling, decrease damage to plants, et
8 cetera. Now, this is in relation to the study they
9 did in the populous areas. So they're telling us now
10 that extending the stack height we're going to reduce
11 soiling, improve human health, there's a disconnect
12 here. Something isn't adding up. It's more back to
13 the apples to apples; we're not on a level playing
14 field.

15 And let's discuss Section E, paragraph
16 five. Ten feet above the ground is a realistic stack
17 height. However, two feet above the highest peak
18 within 150 feet is a little bit ridiculous. What if
19 the house within 150 feet is the owner of the outdoor
20 wood boiler? You know, why do you want to make a
21 stack height requirement for the guy that put it right
22 next to his house. If he has a problem with it, he's
23 going to extend it on his own. We don't need to
24 create regulations because of personal stupidity.

25 The same with the 500-foot distance. I

1 mean, 150 feet or 500, it is really irrelevant when,
2 depending on topography, stack height, the location,
3 it just isn't adding up. I mean, I could have an
4 outdoor wood boiler on the top of a mountain with a
5 two-foot stack but there may be a house within 500
6 feet but within elevation grade the burner stack
7 height may already be ten feet above the highest peak
8 within 500 feet.

9 Furthermore, Section F, what citizens of
10 the Commonwealth would benefit from these regulations.
11 We heard there's people with diabetes, we heard
12 there's people with lung disease and we heard there's
13 people with heart disease. Are we all attributing
14 these to outdoor wood burners or where are these
15 problems coming from? It's real hard to say just
16 because neighbor Joe's burning wood that he caused
17 everybody in the hollow to have heart disease.

18 And then what about the people that
19 purchased these outdoor wood burners? You know,
20 energy --- oil was \$4 a gallon not real long ago, so
21 we go green. DEP likes green energy so we buy
22 renewable wood-burning furnaces and now we get a raft
23 of bologna like this that says, oh, we want a stack
24 height that's 40 feet high so that your neighbor don't
25 smell it because he's burning coal and his smoke don't

1 stink.

2 Compliance cost. I have my own land and
3 cut my own wood. And they're telling me in this
4 regulation it's going to cut my costs. How's it going
5 to cut my costs when it's something that I am already
6 not purchasing? You're going to add 15 percent more
7 to the cost to this thing, so that's money out of my
8 pocket. That's not a cost savings. And maybe if more
9 of us cut wood, there wouldn't be the problem with
10 heart disease, diabetes, because we'd be doing a
11 little more exercise.

12 It appears to me that more of this
13 stimulus is about --- this regulation is akin to
14 stimulus, we're going to borrow \$800 billion to save
15 \$100 million.

16 And then the research on this review of
17 the hearth side patio fireplace on the stack height
18 prices --- or the price of the stacks. Just because
19 you got a price for a piece of stove pipe doesn't mean
20 that's an installed price, or it doesn't take into
21 account a 40-foot --- you ain't going to slide
22 together ten pieces of four-foot stove pipe and it's
23 going to stand there. I mean, where's your thoughts
24 on the guide-wire system or some type of means of
25 support?

1 In summary, I think it would behoove the
2 Department to forego any attempts to regulate the
3 outdoor wood burners at the state level.
4 Municipalities are equipped to and have been
5 addressing this issue at the local level on an
6 as-needed basis for quite sometime now. We aren't
7 going to improve the quality of air in Pittsburgh or
8 Harrisburg by regulating the height of an outdoor wood
9 burner stack in Coudersport. However, you will have a
10 negative impact on the lives of those who attempt to
11 use those, the resources.

12 If you want to improve air quality in
13 impaired regions, target those issues regionally and
14 get the facts straight on where the emissions are
15 coming from. Thank you.

16 MR. HENDERSON:

17 Tammy Delinski.

18 MS. DELINSKI:

19 I'm here today not in support of the OWB.

20 MR. HENDERSON:

21 All right. Just for the record, could
22 you state your name and address? Thank you.

23 MS. DELINSKI:

24 I'm sorry. Tammy Delinski, 25 Marvi
25 Lane, Liberty, Pennsylvania 16930. I'll start over.

1 I'm not here today in support of the
2 OWBs. I am here in support of getting some sort of
3 regulation on the stoves, furnaces, boilers, whatever
4 you want to call them.

5 Where I live, it's in the country and we
6 live probably within I would say 140 to 150 feet from
7 one of these OWBs. And we're kind of situated on a
8 little hill so we get the smoke and the smell and it's
9 just awful. Our neighbor had --- he installed this in
10 2003 so it's been six years. And we have tried our
11 local government to try to get them to do an ordinance
12 of some sort, but because we were the only ones that
13 were complaining, they were unwilling to do it.

14 My husband and I both had talked to state
15 and some government officials, too, regarding trying
16 to get some sort of relief from this OWB because he
17 just didn't burn in the winter, he burnt year-round in
18 the summer, in the heat. And we could not open our
19 windows to get any sort of relief from --- we didn't
20 have an air conditioner and we didn't have central
21 air. So we were roasting in our own home and did
22 place an air conditioner in but the smoke and the odor
23 came through, you know, because you had to put it in a
24 window so your window wasn't closed all the way. So
25 it was coming in through there, so that wasn't

1 working. So we ended up having to spend \$3,000 to put
2 in a central air system so we could live in our own
3 home.

4 We ended up --- and we did try to talk to
5 our neighbors about this, trying to see if they would
6 just not burn at certain times of the year because it
7 was bothering us, but they were not planning to do
8 anything different. They wanted to heat their
9 swimming pool in the summer, so that is why they were
10 going to burn this.

11 So we ended up going to court. And then
12 we had talked to our township about it, they said we
13 probably could get --- go to court and get a private
14 nuisance and hopefully get some relief that way, get
15 it, you know, shut down during the summer months. We
16 didn't. We ended up actually having to pay half of
17 raising their chimney or their stack on their OWB.
18 But it still didn't help even the amount --- I mean,
19 it was pretty high but it still didn't help because of
20 where we are situated from them there's just not going
21 to be any relief for us unless they do not burn during
22 the summer months.

23 And that is my biggest gripe and
24 complaint here today, is I would like to see them, you
25 know, regulate it to that part where they're not

1 burning them in the summer months. So that we can
2 enjoy our life, so that we can have air quality back,
3 and that we could enjoy our lawn. And we can enjoy
4 opening the windows, smelling the fresh air, hearing
5 the birds. I mean we can't even leave our dog out
6 without our dog coming in smelling like this OWB.

7 I'm not here to say anything about people
8 who use them to heat their home because it is
9 expensive to heat your home. And I understand that,
10 but I don't think you heat your home in the summer.
11 And that is my complaint today and that's why I'm
12 here. And that's what I would really like to see
13 happen myself. Thank you. I have a bunch of these
14 papers here for you if you want them.

15 MR. HENDERSON:

16 Thank you. Our next witnesses are Bruce
17 Roy to be followed by Senator Gene Yaw and
18 Representative Garth Everett.

19 MR. ROY:

20 Bruce Roy, State Route 328, Box 41-S,
21 Millerton, Pennsylvania. I am an outdoor wood furnace
22 dealer. I guess I'll get started here.

23 I'm a dealer in northern Pennsylvania and
24 have been for 17 years. Personally I've installed
25 around 900 outdoor wood furnaces in those 17 years.

1 And I'm addressing this to the Environmental Quality
2 Board members.

3 I own and operate Border Drive Heating,
4 formally known as Royal Stoves in Millerton. I have
5 been a central boiler dealer, like I said, for 17
6 years. I went into business selling these appliances
7 because I wanted one myself, liked it, and became a
8 dealer. And I soon realized the great savings that is
9 possible with these. And like many Americans, I have
10 a desire to be energy independent.

11 I support reasonable regulations that
12 govern proper use and reasonable setbacks and
13 reasonable chimney height requirements. Over the
14 years, I've been personally involved with situations
15 where people have smoked out their neighbor because of
16 improper use. And worked with those homeowners on
17 both sides of the fence to correct the problem, which
18 in most instances is correctable but it needs to be
19 done reasonably.

20 Several other states have already passed
21 reasonable regulations for outdoor wood boilers. I
22 think that Pennsylvania should look at requirements
23 from some of these states and implement them in our
24 state. Several of these states have a lot of years of
25 experience in governing the installation of outdoor

1 wood boilers and it is working well. But the
2 regulations as presented have some tremendous
3 problems. And I'll list a few of them.

4 One thing is that an in-state business
5 owner like some other dealers that I've talked to here
6 today, if they enact some regulations, there has to be
7 a sell through exemption established for dealers
8 selling outdoor wood-fired boilers. A sell through
9 exemption in Pennsylvania would allow those businesses
10 to sell their current inventory. It would be
11 unrealistic for DEP to make a regulation that would be
12 a hardship on the manufacturers and the dealers and
13 the installers of outdoor wood boilers within the
14 state.

15 Vermont allowed their in-state businesses
16 an indefinite period of time to move their existing
17 inventory of non-emission certified outdoor wood-fired
18 boilers that were on their lot at a specific date. So
19 there would be no hardship on those units on the
20 inception date of the regulation.

21 Also reasonable setbacks and chimney
22 heights requirement could be established for
23 appliances sold during this sell through period.
24 Setback requirements for the DEP Hydronic Heater Phase
25 Two appliances should be eliminated or at most be no

1 more stringent than what Maine did. Maine did EPA
2 Phase Two units. The only setback they did was 50
3 feet from a property line. Personally there's too
4 many installations where it makes sense to put it ten
5 feet from the property line if its vacant land all
6 around it.

7 Chimney height requirements for EPA
8 Hydronic Heater Phase Two appliances should be no more
9 restrictive than what Maine did. Two feet higher than
10 the structure that is served if there are residences
11 within 150 to 300 feet. That would be the only time
12 there would be a chimney height requirement. Chimney
13 height requirement for non-certified, meaning the
14 existing technology, would only be applied on existing
15 appliances that are verified to be creating a
16 nuisance. That's the only time that existing units
17 should have any requirements put on them, is after a
18 nuisance has been documented.

19 Opacity should never be looked at in
20 residential applications. Opacity is more of a
21 commercial term, the darkness of the smoke. And what
22 somebody else mentioned, a lot of what people consider
23 particulate matter might be just water vapor.

24 Some additional comments that I have, the
25 way it's written, it's written specifically for .

1 outdoor wood boilers. Where does this leave the coal-
2 fired boilers? And could somebody sell a unit as an
3 outdoor coal-fired boiler and circumvent the
4 restrictions? So there's been no --- I think that
5 needs to be addressed. And is this going to push
6 people away from wood and try to get people to start
7 burning coal? And then we're down to the multi-fuel
8 units, people would buy them and put them in saying
9 they're going to burn coal but then there's going to
10 be --- of course they're going to burn wood in them.

11 So in summary, outdoor wood furnaces is
12 what my business is, it's my livelihood, I'm an
13 advocate of them, but I think the regulations as
14 presented were very unreasonable and I appreciate you
15 hearing my suggestions on this. Thank you.

16 MR. HENDERSON:

17 Senator Gene Yaw.

18 SENATOR YAW:

19 State Senator Gene Yaw, 330 Pine Street,
20 Williamsport, PA.

21 Thank you for the opportunity to come at
22 proposed rules relating to outdoor wood-fired boilers.
23 I represent the 23rd Senatorial District. The
24 demographics of this district are very important
25 because when considering the proposed rules, their

1 necessity and impact. The 23rd Senatorial District
2 consists of all or a part of five counties in central
3 Pennsylvania. It's all of Lycoming County, all of
4 Bradford, all of Sullivan, the eastern half of Union
5 County and the western half of Susquehanna County.

6 These counties together are over 4,000
7 square miles. The population density in these
8 counties is very interesting also. Union County has
9 131 people per square mile. Lycoming County has 97
10 people per square mile. Bradford County has 54 per
11 square mile. Susquehanna County, 51 people per square
12 mile. And Sullivan County, 15 people per square mile.
13 Needless to say, the district has significant open
14 space and is quite rural.

15 It's informative to note that the
16 justification for the OWB regulations is based on the
17 fact that several counties have been designated non-
18 attainment for the 1997 fine particulate standards
19 issued by the National Ambient Air Quality Standard.
20 Those counties are Allegheny, Armstrong, Berks,
21 Beaver, Bucks, Butler, Cambria, Chester, Cumberland,
22 Dauphin, Delaware, Greene, Indiana, Lancaster,
23 Lawrence, Lebanon, Lehigh, Montgomery, Northampton,
24 Philadelphia, Washington, Westmoreland and York.
25 Notice the pattern?

1 The air quality standards were revised in
2 2006. Then on December 18th, 2008 all or parts of the
3 following counties were designated by EPA as non-
4 attainment, they were Allegheny, Armstrong, Berks,
5 Beaver, Bucks, Butler, Cambria, Chester, North
6 Cumberland, Dauphin, Delaware, Greene, Indiana,
7 Lancaster, Lawrence, Lebanon, Lehigh, Montgomery,
8 Northampton, Philadelphia, Washington, Westmoreland
9 and York. Once again, there's a pattern to them.
10 Obviously none of the non-attainment counties are in
11 the 23rd Senatorial District. It's equally obvious
12 that the air quality standard issues are of much
13 greater concern in an urban setting.

14 For example, of the non-attainment
15 counties, Bucks County has 984 persons per square
16 mile. Delaware County has 2,990 people per square
17 mile. Montgomery County, 1,553 per square mile. And
18 Chester County has 573 people per square mile.

19 I'm aware that DEP information states
20 that there are 12,000 OWB units in Pennsylvania.
21 Without question, the popularity of these furnaces in
22 rural areas was increased by the high price of heating
23 oil. In our area, firewood is either cheap or it's
24 free if the user is willing to cut their own, which
25 many people do. The use of OWB has a significant

1 impact on residents of the 23rd Senatorial District.
2 That impact affects not only homeowners but also
3 renters and sellers. Stated bluntly, taking away OWBs
4 takes away the ability of many residents to heat their
5 homes.

6 The justification for the proposed rules
7 at a program manager's meeting for proposed rulemaking
8 for outdoor wood-fired boilers held on October 23rd of
9 this year, the statement was made that DEP annually
10 receives numerous citizen complaints relating to
11 health concerns, odors, smoke, improper fuel, short
12 stack heights and year-round use resulting from OWBs.
13 I don't doubt that they do receive complaints. But
14 how many complaints are received regarding fireplaces
15 or barbeque grills? How many complaints are from an
16 urban setting versus a rural setting? And how many
17 complaints are received about the outdoor burning of
18 trash? If a comparison is to be made, it is only fair
19 to represent the comparable information relating to
20 other burning activities.

21 I'd like to address just a couple of the
22 specifics regarding the regulations. The setback, the
23 proposed 100 feet --- 150 feet from the nearest
24 property line for all practical purposes that a
25 homeowner must have a lot approaching two acres to be

1 compliant. At a minimum the parcel has to be 300 by
2 300. If it has to be 150 feet from each property
3 line, they all have to be 300 feet.

4 If a landowner has a one-acre parcel that
5 is approximately 220 by 220 next to 1,000 acres of
6 vacant land, an OWB would not be permitted under the
7 proposed regulations. In a rural setting this is just
8 not logical. Further, in the smaller and less
9 affluent villages in my district, home sites are far
10 less than two acres, but these are the situations
11 where OWBs are in prevalent use. With the setback,
12 those who need the economic benefit offered by OWB
13 would be denied that advantage.

14 Stack height. Under the proposed rules
15 the height must be two feet above the highest peak
16 within 150 feet. First of all, since the unit has to
17 be 150 feet from the property line, that regulation is
18 just absolutely meaningless. I guess it means that
19 there is no restriction as long as you are 150 feet
20 from your property line you can have a four-foot
21 stack. That's what the regulation says the way it's
22 written.

23 Further, even if the 150-foot stack
24 height somehow applies on a sloping side hill layout,
25 the downhill stack would need to be at least 40 to 50

1 feet in height to be above the upside neighbor's
2 roofline. And when considering the 500-foot proposal
3 for existing units, the stack height could be
4 ridiculously high. Near my home is an existing OWB in
5 a development on a significant incline. Within the
6 500-foot restriction there is an elevation change of
7 at least 100 feet, which would mean a stack height for
8 the lower person of over 100 feet. Moreover,
9 according to DEP, the estimated cost for the stack
10 required is approximately \$150 for every four feet,
11 which would place the cost of a 100-foot stack at
12 \$3,750. I don't think either of these consequences is
13 intended. And if they weren't, then the proposed
14 regulations are seriously flawed.

15 Seasonal use. Some consideration is
16 being given to the seasonal prohibition. For example,
17 the period between May 1 and September 30. What this
18 suggestion does not recognize is the fact that most of
19 those who utilize an OWB use that heat source for
20 domestic hot water year-round.

21 I have no problems with promoting the
22 technical advances to OWBs as set forth in the phase
23 two partnership agreement. Provided those rate
24 requirements are applied prospectively from a date
25 certain. The reduction in particulate emissions is

1 significant with the phase two units. In order to be
2 fair to dealers who have current phase one inventory,
3 however, some accommodation must be made to avoid a
4 drastic financial impact on them.

5 In closing, the problems associated with
6 OWBs arise primarily in an urban setting not a rural
7 setting where the use of wood as a primary heat source
8 is common. The general statewide regulation of the
9 type proposed does not recognize rural lifestyles, nor
10 rural settings, nor rural economics. Local
11 municipalities throughout Pennsylvania have been
12 dealing with OWB issues for years. And in a rural
13 setting, are the entity best suited to deal with this
14 issue.

15 As stated by DEP in January 2009, that's
16 about a little less than 11 months ago, in a proposed
17 model ordinance for outdoor wood-fired boilers the
18 following statement appears, the Air Pollution Control
19 Act limits the Department's authority to regulate
20 household heating sources. Specifically Section 6.1
21 of the Act states that no written approval --- plan,
22 approval or permit shall be necessary for any such
23 source, equipment or device used solely for the supply
24 of heat or hot water to one structure intended as a
25 one-family or two-family dwelling. The Department

1 does not have regulations that specifically regulate
2 outdoor wood boilers. Where home heating decisions
3 are concerned, the Department believes that local
4 municipalities can respond to and resolve these issues
5 more effectively and swiftly than a state agency.

6 Section 12 of the Act provides that local
7 government bodies are authorized to enact ordinances
8 that regulate, among other things, the selection,
9 operation and location of outdoor wood-fired boilers.
10 Many local governments have done so. Nothing has
11 occurred since January 2009 to warrant a wholesale
12 reversal of DEP's previously stated position.

13 Respectfully, Gene Yaw. Thank you.

14 MR. HENDERSON:

15 Our next witness is Representative Garth
16 Everett to be followed by Michael Forbes, Ryan Johnson
17 and John Jordan.

18 REPRESENTATIVE EVERETT:

19 Garth Everett, 25 Christie Road,
20 Pennsdale, Pennsylvania. I'm a state representative
21 for the rural part of Lycoming County, and I just want
22 to comment that I'm not going to be repetitious of
23 what Senator Yaw just stated. I have written
24 testimony that I'm turning in that covers some of
25 those issues. I really want to thank Senator Yaw. I

1 love it when he goes first and I can just say I agree
2 with everything that my senator said, because I do.
3 And I have a few more comments to add onto what the
4 Senator just said.

5 One of the things that the Senator was
6 wrapping up with is about local control. And prior to
7 becoming a state legislator I was a solicitor for, I
8 believe about 17 municipalities in Lycoming and
9 Sullivan County and Columbia County, most of them very
10 rural. In the ones that are boroughs, those
11 municipalities have already enacted local ordinances
12 with respect to wood burners. And, in fact, they
13 regulate it to the point that it said you can't have
14 them in the borough. And I think that's a reasonable
15 regulation and I think that's typical of what should
16 be done statewide. It should be handled on a local
17 basis. When you're on a small lot in a borough, just
18 the storage of as much wood as you need for a wood
19 burner can be a problem. And I just don't think that
20 they're appropriate in that setting. And I think that
21 the boroughs have recognized that. And the boroughs,
22 I believe all of them in the 84th District, have
23 decided that they're not appropriate in town.

24 I represent some other municipalities
25 that are kind of mixed. They've got areas that I

1 would call villages or they've got some that are
2 suburban that are around the boroughs that are
3 actually subdivisions. And again, in those
4 residential areas where the lots are small, they've
5 dictated that outdoor wood burners are not
6 appropriate. And again, I think that's the way the
7 system should work and the way it has worked
8 successfully for a long time.

9 Some of the other townships that I
10 represent have areas, like I said, that are mixed.
11 When you get out into the five-acre lots, the ten-acre
12 lots, or the great big --- you know, the open farm
13 areas and woodlands, they're pretty much non-
14 regulated. Some of them have put in regulations that
15 do have some setbacks. Not usually from property
16 lines, but from residences and some stack height
17 requirements. And they've used those off of model
18 ordinances that we've found that were used in other
19 states and that have been put out by PSATS and the
20 boroughs association. And I believe that system to be
21 working well and I believe that's where we need to
22 stay in rural Pennsylvania.

23 Now, in non-attainment areas as Senator
24 Yaw covered, if there's areas that are --- that do
25 have air pollution problems and DEP wants to put

1 regulations in on those non-attainment areas or in
2 more populated areas, I think that that's something
3 that I would find reasonable as long as they leave us
4 country people alone up here in northern central
5 Pennsylvania, out in the great wide open. I'm on the
6 Environment and Energy Committee and I'd be willing to
7 look at those kinds of regulations. I'd like a little
8 more time.

9 The way these particular regulations that
10 get promulgated by DEP and other agencies, they are
11 following the rules. However, I don't know that this
12 particular system that is used in this case is
13 actually getting input from the folks in Pennsylvania
14 that are going to be affected by this.

15 First off, these hearings were held
16 during deer season for one thing, when a lot of our
17 folks are busy, and out at one o'clock in the
18 afternoon when a lot of people find it very
19 inconvenient to come and voice their opinions. And
20 also this is the only hearing that was held in rural
21 Pennsylvania where the people are really affected.
22 The other hearings, if you looked at the list, were
23 held in Wilkes-Barre, Cranberry Township, which is
24 suburban Allegheny County, and in Harrisburg. And do
25 you know what, I think that wood burners should be

1 regulated in those areas. And if DEP wants to
2 regulate them there, as I've said before, I'm fine
3 with that. I wish they'd had more chances to come out
4 in rural Pennsylvania.

5 And actually, rather than us being
6 interrogated by DEP and the Quality Board, I think
7 that we should have a chance to ask them where they
8 came up with these regulations. How they came up with
9 the regulations. Who wrote the regulations? My sense
10 of this is that these regulations were spawned in
11 urban and suburban areas where for whatever reason
12 those municipalities failed to regulate them. And I
13 would also point out that it's in your --- I forget
14 exactly what section, but it's in your sheet that
15 there are already regulations that pertain to this.
16 DEP already has air quality regulations that if
17 something's a nuisance, if somebody's burning garbage,
18 that that's what the problem is, they could come right
19 now and regulate what you're burning in your wood
20 burner. We don't need special regulations to do that.
21 There's already laws on the books that need to be
22 enforced.

23 And another thing that I would question
24 is Senator Yaw and I both hear from DEP, and I'm not
25 --- trust me, I love our local DEP people, this is the

1 DEP people from down in the big DEP in Harrisburg,
2 Dan, I'm not ---. The thing is that there are these
3 regulations that are already on the book, and I
4 believe that these regulations were put together by
5 folks that have never been out here often in rural
6 Pennsylvania to see the settings that these wood
7 burners are used in.

8 And Senator Yaw was using the example of
9 uphill wood burner. I have a friend who lives up
10 Beaver Lake Road, and for those of you who know Beaver
11 Lake Road at all in Penn Township, that means the name
12 Shaner (phonetic). And one of the Shaners has a wood
13 burner and his uncle Ned lives within the prescribed
14 distance because the younger Shaner fellow is not a
15 phase two. The phase twos were not out when he bought
16 his a few years ago. But his uncle Ned's house is
17 severely uphill from him and we were going to try to
18 get up on uncle Ned's roof and get a sight level and
19 figure out exactly how tall the stack would have to
20 be. But I could tell you that we would probably need
21 an FAA permit to put a stack up that high. And it's
22 just these kinds of things that just do not make sense
23 in our rural environment.

24 And I'm going to do what I can. I'm not
25 saying that we don't need some reasonable regulations

1 with respect to this. Especially going forward with
2 maybe requiring that people have phase two burners as
3 they become available. But to go backwards on
4 existing burners where there is no nuisance problem, I
5 just think is unreasonable, unnecessary. And I'm
6 going to join with Senator Yaw --- and I can tell you
7 there's other --- when I first picked up on this, I
8 sent an e-mail out to all the other Republican
9 legislators and Democrat legislators that live in the
10 rural districts and we were unaware that this was
11 happening until just a few weeks ago.

12 I just have a few other brief points. As
13 a municipal solicitor, one of the hot button issues
14 that we had in some of the boroughs over the past few
15 years have been about outdoor burner barrels. Fifty-
16 five (55)-gallon drums where you burn whatever you
17 want in your backyard. When we used to approach DEP
18 about this problem, DEP always told the municipalities
19 that I represented that hey, we can't regulate that,
20 that's not within our purview. Well, you know, if you
21 want to put something in your purview that emits
22 particulates out of a hole that's about this big and
23 folks burn about whatever they want in it, I think if
24 DEP wants to start on particulate matter in those
25 kinds of issues, that burner barrels might be a better

1 place to start than wood burners that heat people's
2 homes.

3 And the last point I want to make is that
4 during this last budget cycle we had, we heard from
5 DEP how they were not going to be able to do their job
6 because they don't have the manpower, they don't have
7 the time, they don't have the assets to do it. I'm
8 curious as to why they're trying to take on a new
9 issue like this and go out and try to regulate and
10 enforce this. I would suggest that maybe their time,
11 energy and assets would be better spent with Marcellus
12 Gas, Chesapeake Bay, rate caps and taking care of
13 folks who are on incomes that are restricted as we
14 have electrical caps come up and a panoply of other
15 environmental issues that we have.

16 And again, maybe looking forward with
17 some reasonable regulations but going backwards on
18 folks that already have wood burners that are causing
19 their neighbors no problem at all, I think is not the
20 way we need to go. And I thank you for your time.
21 And thank you.

22 MR. HENDERSON:

23 Michael Forbes.

24 MR. FORBES:

25 My name's Michael Forbes. I live at 481

1 Columbia Avenue, Milton, Pennsylvania. And I'm here
2 today for agreeing with outdoor wood burners.

3 I'm here today to address the proposed
4 amendments to Title 25 PA Act, mainly Chapter 123.14,
5 outdoor wood-burning regulations. Two months ago I
6 made an \$11,000 investment of an outdoor wood burner
7 because I could no longer afford the rising cost of
8 heating my home. By saving on the cost of wood it
9 would help me pay the cost of the unit.

10 I went with an outdoor model instead of
11 an indoor burner because my existing chimney is very
12 old and would have cost me thousands more to redo the
13 chimney. Plus an outdoor model I never have to worry
14 about it catching my house on fire since it is all out
15 in my yard away from everything, making it much safer.
16 Also by having a unit outside I do not have to bring
17 the wood into my home, reducing the amount of dust and
18 dirt, therefore, improving the indoor air quality of
19 my home.

20 I figured this was the way to go since
21 the wood is a renewable resource and is cheap. The
22 other plus side was wood is promoted by the Department
23 of Environmental Protection as a green energy and it
24 got me away from having to use fossil fuel, which is
25 very hard on the environment and actually creates more

1 pollution.

2 Before purchasing the unit I talked to my
3 neighbors about it to make sure they were okay with my
4 plans. I then contacted our local code enforcement
5 officer and discussed my plans with him and to make
6 sure I was complying with all codes. I bought the
7 permits that were required from my borough and had the
8 required inspection done. I even added an extra
9 section of chimney pipes to the stack just as a
10 precaution to the smoke and my neighbors.

11 Now even though I did everything right, I
12 have to ask myself if I am now going to be out \$11,000
13 and not be able to use my new unit. The reason for
14 this is under Section E, relating to stack height
15 requirements of existing outdoor wood-fired boilers.
16 I could not meet the two feet above the highest peak
17 of the highest residence located within 500 feet of
18 the outdoor wood burner.

19 Under the Cost Compliance Section of the
20 proposed rulemaking it makes it look like for an
21 existing outdoor wood burner to become compliant under
22 the new law, the cost would be between \$73 to \$145 to
23 make the existing unit comply with the chimney
24 restrictions. These numbers are greatly
25 misrepresented as to the true cost to meet the

1 requirements, if they can be met at all.

2 Due to the way the terrain is in my
3 personal case as with many others, I would need a
4 chimney height of approximately 80 to 100 feet to go
5 two feet above the highest peak of the highest
6 residence located 500 feet of the outdoor wood burner.
7 This is not only impractical to even think of trying
8 to build one of that height, but the cost would be in
9 the tens of thousands of dollars.

10 Maybe this is just a way to stop citizens
11 from having them and using them without having to go
12 through a lot of legal processes. I'm not questioning
13 the Department of Environmental Protection Agency's
14 authority to set rules and regulations, but why
15 wouldn't existing outdoor wood burners be
16 grandfathered and the new rules applied moving forward
17 like all other technologies are treated?

18 An example of this, when cars had to
19 start using catalytic converters, all the older models
20 were not made to change or to be taken off the road.
21 If existing units do not get grandfathered the way ---
22 sorry, lost my spot here.

23 MR. HENDERSON:

24 Not a problem.

25 MR. FORBES:

1 If existing units do not get
2 grandfathered the way they are, then this should send
3 a huge warning and concern to all residents and
4 consumers of Pennsylvania. That before they make any
5 large purchase, whether it be a heater, a car or
6 anything, that it can and might be outlawed on any
7 given day and even though when they purchase it they
8 were compliant with all laws and regulations.

9 If the real reason for these amendments
10 are solely for the citizens of this Commonwealth's
11 health, well-being, environmental reasons, and not
12 driven by special interests groups or politics, then
13 the Department of Environmental Protection Agency owes
14 it to all of the citizens of this Commonwealth to
15 ensure that not only existing outdoor wood burners
16 meet these chimney requirements, but all existing
17 chimneys meet the same. Since the reason given for
18 this amendment would also apply to anything that
19 burns, not just outdoor wood burners.

20 If the Department of Environmental
21 Protection does not require that of everyone, then
22 they are doing a grave injustice to all. Thank you.

23 MR. HENDERSON:

24 Ron Johnson.

25 MR. JOHNSON:

1 My name is Ron Johnson, 46 South Main
2 Street, Tioga. I'm here as a Tioga councilman
3 representing the borough on one point, and the rest of
4 the points from my own.

5 I will say this, and no disrespect to our
6 other two politicians here, I hate to refer to myself
7 as a politician but I actually am borough councilman,
8 so I know how it really works in the borough. And in
9 the Tioga Borough we do have an ordinance concerning
10 the outdoor wood burners, and it does not ban them.
11 Okay. It allows the wood burning. We had four wood
12 burners in the borough initially. We worked with the
13 owners. In one case the owner moved his furnace and
14 raised the stack and what was a problem disappeared.

15 But we do currently have an ordinance,
16 and anybody interested in getting a copy is more than
17 welcome. I could take your name and I'm more than
18 welcome to have you get one.

19 The problem with putting this on the
20 municipalities is that it takes an incredible amount
21 of time. I did it. It takes an incredible amount of
22 time and a lot of municipalities aren't going to
23 invest those number of hours to actually thoroughly
24 research this topic for reasonable ordinance. Because
25 they put it on your solicitor, well, we pay for the

1 solicitor. And that also assumes that the solicitor
2 has the background to really understand the technology
3 involved.

4 Also there are areas in the townships
5 that mirror areas in the municipalities. And the
6 townships, they really don't want to deal with the
7 issue because there are an awful lot of people in the
8 township that do, in fact, burn wood. And there is
9 going to be a lot of opposition to any ordinance
10 because they jump to the conclusion that it's going to
11 ban the wood burning entirely from the townships.

12 Now, my second point --- and if I don't
13 make any other point today, I'd like to really make
14 this one, is that it is not not in the best interest
15 of the owners of these furnaces and people who want to
16 buy these furnaces to have no regulation. It is
17 definitely --- you want to be sure that the regulation
18 is reasonable. And I was very pleased to hear the
19 talk here from the seller, I'm sorry, I don't remember
20 his name, but the seller in Millerton of the furnaces.
21 Because the problem isn't going to go away, it's only
22 going to get worse because some of these are being
23 located in obviously improper, inappropriate
24 locations. The Hearth Patio and Barbeque Association,
25 the Trade Association of the manufactures of the

1 furnace has some basic standards that they recommend.
2 And these furnaces are being installed in areas that
3 violate the guidelines of the very organization that
4 represents the manufacturer. You need to be sure that
5 these furnaces are not being put in areas that are
6 obviously going to cause a problem because that is not
7 going to benefit the owners of the furnaces.

8 It reminds me of a comment I saw when I
9 was doing research on the internet from somebody that
10 said, he loves his outdoor wood burner in the village
11 where he lives, but he sure as hell hopes nobody else
12 buys one. And it's because as you get more and more
13 of them improperly located, the problem is only going
14 to get worse.

15 Now I want to say something about this
16 whole nuisance issue. And unless you think that I'm
17 some kind of leftist green guy that's going to object
18 to every smell or odor that he happens to run across,
19 my background is in working with organic materials in
20 a laboratory and I've smelled things like you wouldn't
21 believe. I also have another property and I burn
22 wood. I have two, actually, indoor wood stoves that I
23 run on another property. I lived next door to an
24 indoor stove for 30 years, never had a problem, never
25 complained. And when I --- until someone located an

1 outdoor wood burner 70 feet upwind from my house, I
2 would have never believed how bad it could be.

3 When my wife started to complain I
4 honestly thought she was exaggerating until it
5 continued that the weather got colder, it burned more
6 often and it just permeated the entire house. I
7 couldn't even sleep in the room that I normally sleep
8 in, our normal bedroom. I had to go to another part
9 of the house.

10 It's been said also on the internet,
11 which I agree with, a lot of politicians don't take
12 this seriously until someone locates one near them.
13 And when I say locates near them, I mean improperly
14 locate. Again, I am not against these burners, okay.
15 And I sympathize with the cost of the fuel, but they
16 are simply being put in locations where they are
17 completely inappropriate.

18 Yes, a nuisance. They're referred to as
19 a nuisance. A nuisance is something that you
20 encounter occasionally in your backyard. Like I
21 bristle up when somebody brings up burning barrels. I
22 have a burning barrel, my neighbors had a burning
23 barrel. You burn it, what, a couple times a week?
24 When my house filled up with the smoke from this
25 furnace, it did not go away. Okay, we lived in that

1 environment. We lived in that environment.

2 That's another thing that gets me when
3 there's talk about urban versus rural environments and
4 the air quality standards, okay. There was a modeling
5 study done by the New York State DEC, okay. And the
6 concentration, the particulates from these kind of
7 burners. And obviously the concentration goes down to
8 further the distance you are from the top of the
9 stack. Where you have the major health problem is
10 where that concentration is high, and that's going to
11 be within a certain distance from that stack. Exactly
12 what the modeling study says is where you're going to
13 have the highest concentration, and that's the major
14 health concern.

15 So it has nothing to do with the number
16 of people in the county, what it has to do with, where
17 that furnace is located relative to where the people
18 live near it. And again, these furnaces are operated
19 on a frequent basis, not a couple of times a week.
20 Once our house filled up with this smoke, I quite
21 honestly didn't know how to get rid of it.

22 I think the key --- I do agree with a
23 comment about this property line business. Okay,
24 what's important is not how far you are from the
25 property line. What's important is how far you are

1 from your neighbor's house. What's important is that
2 distance from the house and the stack and the height
3 of that stack. I think there really --- and of
4 course, of course how you run the furnace, what you
5 put in the furnace and the quality of the furnace you
6 have. And I recognize that the quality --- the amount
7 of emissions of these furnaces are getting better and
8 better as time goes on.

9 I guess that is all I have to say. I'd
10 be willing to talk to anybody about it on a one to one
11 basis. And again, I do have a copy of Tioga's
12 ordinance. But I do urge the state and I urge the
13 furnace owners and supporters to work with the state
14 to come up with a reasonable regulation that applies
15 across the board, not just the municipalities --- not
16 just the boroughs, but also the townships. Thank you.

17 MR. HENDERSON:

18 Thank you. Our stenographer has joined
19 us. We're going to give them 30 seconds here to get
20 set up and then we're going to continue.

21 OFF RECORD DISCUSSION

22 MR. HENDERSON:

23 Our next witness is John Jordan to be
24 followed by Howard Wool and then Ron and Sandy
25 Mincemoyer.

1 MR. WOOL:

2 I'm Howard Wool and I'm going to pass
3 because all my comments were already touched on.

4 MR. HENDERSON:

5 Okay. Thank you.

6 MR. JORDAN:

7 John Jordan, 6287 Mayhollow Road,
8 Emporium. Is the microphone on? Can you hear me now?
9 John Jordan, 6287 Mayhollow Road, Emporium,
10 Pennsylvania, Cameron County, north central part of
11 the state. It's sort of that empty spot right under
12 Potter County. Everybody seems to know where Potter
13 County is.

14 First of all, I want to thank everybody
15 for the opportunity to testify. I'm in Cameron
16 County, again, northwestern part of the state.
17 Residence is about 5,000 and declining right now.
18 It's a very rural county. Over 50 percent of the
19 county is owned by the State of Pennsylvania, and
20 almost all of it's in the forestland. Actually, my
21 property is surrounded by state forestland.

22 I've heated with a wood stove for more
23 than 30 years, indoor wood stove and about three years
24 ago we moved up to an outdoor wood burner. It's a
25 central boiler. For a couple different reasons, first

1 was safety. We are raising children in the house and
2 it's always bothered me that we could have a house
3 fire with the indoor stove. Religiously cleaned our
4 chimney. There was creosote in it every time I
5 cleaned it, and that was the indoor stove.

6 The outdoor stove, what can I say? It's
7 the best move we ever made as far as burning wood. It
8 increased the house safety. The only thing we have
9 coming in the house now is hot water and we use it for
10 heating our house through the winter. We heat our
11 domestic hot water and we heat a pool with it.

12 The first --- before I go further, I
13 wanted to say a little bit about the north central
14 part of the state. Doing some research for today I
15 did come across some information from PSU, and it's
16 available on the internet if anybody wants to look and
17 see. It has the average day of first freeze and the
18 average day of last freeze for Pennsylvania. If you
19 can --- you might not be able to see it very well from
20 there, but north central part of the state is
21 obviously a cold area. Kane, Bradford, Emporium,
22 there's a different climate there. We live at an
23 elevation of 1,700 feet halfway up the mountain, and
24 in the summertime we have an outdoor pool, but it
25 would never get warm enough for the kids to enjoy it.

1 Local state parks, Sizerville State Park
2 has a public swimming pool. It gets very little use
3 because the climate is different and the water
4 temperature hardly ever reaches a comfortable level.
5 It never gets up in the 80s in that pool. Same with
6 the school swimming pool. The reason I'm mentioning
7 the pool is my son is autistic and he has sensory
8 issues. We heat the pool and we heat it up to 85
9 degrees and he loves it. He'll go in there and his
10 friends will come over and he just has a ball in it.
11 We don't have any other way of heating the pool other
12 than with the outdoor wood stove. And it's an
13 important thing to me. I'm not going to stop heating
14 the pool with it. So the restriction on summer use is
15 not practical in our case at all.

16 And also we have a lot of a sense of
17 being able to provide for ourselves and being immune
18 from the prices of fuel going up and down. We have no
19 control over that. We do have control over wood. We
20 burn it off our own property. Give me just a second
21 here.

22 The other point that I want to make was
23 the creosote in the chimney. I mentioned it was a
24 danger in the indoor wood stove in our house. We have
25 a short chimney on our outdoor wood stove. It's two

1 four-foot sections, and they start about four-foot, so
2 it's about 12-foot overall height. The creosote in
3 that never builds up because it's a short chimney.
4 It's an insulated double-wall chimney. We never have
5 --- in the time I had it inspected, we never have any
6 creosote buildup because it's a short stack.

7 If we went to a longer stack, I'm
8 positive we'll have creosote buildup because the flue
9 gas temperatures cool down the higher it goes. You're
10 going to have problems with creosote buildup, and
11 incidentally we're next to the state forest. When you
12 do get a flue fire you'll get sparks coming out the
13 top. That's just the way it is. Creosote is bad
14 though. It's going to increase the danger of
15 localized forest fires. I haven't seen any reference
16 to that. There's a definite negative effect of the
17 cooling of flue gas temperature.

18 This last summer I was down to Penn State
19 University Ag Progress Days, and I met a professor
20 from Penn State. He's working with bio fuel. It was
21 a really big thing in the state, Pennsylvania, trying
22 to go to bio fuel. He worked with St. Marys Hospital
23 up in Elk County, which uses bio fuels to do a
24 cogeneration. They heat their hospital plus generate
25 electricity at the same time. A lot of technology

1 goes into that. They have to maintain a certain
2 moisture content in the wood. They run it at a very
3 high temperature to make sure everything burns, scrub
4 the stack coming out, and it works good for them.
5 It's a very expensive system, and they did it with a
6 lot of help from the state.

7 But anyway, he was very interesting. I
8 got to talking to him about my wood stove and I asked
9 him, you know, I am concerned. I hear people talking
10 about dangerous chemicals coming out of the wood
11 stove. I said I don't really see any difference
12 between my wood stove and a campfire. I said, you
13 know, it doesn't burn hot. It's burning at regular
14 fire temperature. It does choke down if you have
15 moisture content in your firewood. Of course you're
16 going to get steam coming up. That's the white smoke
17 that everybody sees and thinks it's pollution. It's
18 not. It's the same as a cloud. It's condensation.

19 Anyway, he told me that the chemicals
20 coming off of the outdoor wood stove are the same as
21 the campfire. He said the temperatures in an outdoor
22 wood burner aren't high enough to produce the other
23 pollutants that they ran into with the St. Marys cogen
24 station. He said if you get above a certain amount
25 you'll get combinations of chemicals, nitrous oxide,

1 things like that, and they have to scrub those out.
2 He said but what you're doing with an outdoor wood
3 burner, it's the same as having a campfire. It's no
4 different.

5 The DEP website had some interesting
6 information. They had some pretty scary pictures of
7 outdoor wood burners with a lot of white smoke coming
8 out of the stack. The information they're providing
9 has a lot of toxic chemicals listed. From what he's
10 saying, is these are existing in our environment
11 anyway. They aren't being created.

12 He said the neighbor up the hollow, the
13 campfire in the summertime, he said that smoke you
14 smell is the same chemical mix that's coming out of
15 your wood stove. He said it's actually a little bit
16 dirtier because it does have any of the creosote in
17 it. It doesn't stick to the inside of the stove and
18 then burn off later on. He said so the campfire is
19 actually dirtier. Kids roasting a marshmallow over a
20 campfire, according to the fellow from the Lung
21 Association, which I have nothing against lungs, you
22 know, but he's saying all these chemicals are just ---
23 well, every year there's several forest fires in the
24 area, just in Cameron County alone. I'm sure you have
25 your share in Williamsport area as well. These forest

1 fires, they release the same chemical.

2 Our state forest has very restrictive
3 fuel wood cutting for Elk State Forest in Cameron
4 County, very restrictive fuel wood cutting process.
5 You have to hand-carry the wood to get it out of the
6 woods. You can buy a permit for \$10 for a pickup
7 load, but you have to hand-carry it out of the woods,
8 which isn't practical. That wood that's laying on the
9 forest floor is going to rot. Those chemicals are
10 going to be in the environment either way. If they're
11 burnt in a forest fire, you'll have the same
12 particulates come off of it. It might be in a more
13 concentrated area, but I haven't seen any studies that
14 compare campfire smoke or forest fire smoke compared
15 to the so-called problem of the outdoor wood burner.

16 I agree that there is a particular
17 problem when you're associated with nearby neighbors.
18 My only answer to that is you can't regulate
19 neighborliness. I mean it's not a function of the
20 state to tell everybody they have to get along, all
21 right. It's a function of the community. And I'd
22 like to say that it was, you know, a local government
23 in our case is much better --- the townships and the
24 boroughs, is a much better venue for solving these
25 problems than a statewide regulation.

1 Okay, yes. One last thing is we have a
2 very good extension office from Penn State up in
3 Cameron County. And it's very appropriate to harvest
4 dead and diseased trees off your property and to burn
5 them. Now, whether that burn is in your wood stove or
6 a burn pile, it really doesn't matter. But in order
7 to get rid of the diseased trees, that's the accepted
8 process and it's the best management process for wood
9 lots. Again, thank you for allowing me to testify.

10 MR. HENDERSON:

11 Next witness I have Ron or Sandy
12 Mincemoyer to be followed by Walt Colton.

13 MS. MINCEMOYER:

14 I'm Sandy of Ron and Sandy Mincemoyer
15 from 1755 Wertman Road, Watsontown, PA.

16 It's been a very interesting experience
17 today, let me tell you. I'm not technical, I'm
18 emotional. Fire is a very basic necessity of life.
19 Its use states that thousands of years heating,
20 cooking and manufacturing. It is all natural,
21 homegrown and renewable. We own a 65-acre farm with a
22 house that averaged 1,800 gallons of fuel oil a year
23 to provide heat and domestic hot water, which is used
24 24 hours a day, 365 days a year.

25 When fuel oil was approximately \$2 a

1 gallon, it was a strain to purchase fuel oil. Then it
2 was put out in the media that fuel oil could go to \$4
3 a gallon. That amount would have been financially
4 ruining. Current price today is --- 12/2/09, which
5 was yesterday, is \$2.70 a gallon. We have to do
6 something. We looked into the outdoor wood furnace
7 and decided this would be a perfect solution.

8 We had the space to locate the burner
9 away from our house, near a shed to store the
10 firewood, almost in the middle of those 65 acres, and
11 we have our own timber to harvest. We purchased a
12 wood furnace in 2006 before phase two, before phase
13 one, so it's really old at going on four years, which
14 is efficient and economical. Our investment was
15 almost \$10,000. It's a very nice installation. It
16 was placed approximately 80 feet downhill, south of
17 the house. The stack was compliant at the time. And
18 you can seldom smell the smoke.

19 To comply with the proposed regulation I
20 estimate the stack would now have to be approximately
21 70 feet tall at a cost of approximately \$5,000.
22 Totally insane. We burn only clean wood. It is a
23 central boiler, a renewable source.

24 Since we started using the outdoor
25 furnace our home is finally comfortable. We were even

1 able to add heat to our bedroom, something we couldn't
2 consider burning oil due to the expense. I developed
3 sinus problems and it aggravates my arthritis when
4 sleeping in a cold environment. We're comfortable
5 now.

6 The federal government has done very
7 little to offer new energy resources that would make
8 energy affordable to all. If it has done anything it
9 is just the opposite, and looking for more ways to
10 make energy even more expensive. This is outrageous.
11 Really, think about it, folks. Ask yourself, what is
12 really going on, and why?

13 Going to electric for us was not feasible
14 and now we know those rates are going to go through
15 the roof. Natural gas was not available. And the
16 current president promised in his campaign to tax coal
17 out of existence. We had a problem and we found a
18 solution in good faith and now the government wants to
19 make it difficult and expensive to comply with new
20 regulations. Is that reasonable? Of course not; it
21 is a bold tactic.

22 Does anybody like the rules changed after
23 the fact? If the burning of wood for any reason was
24 totally banned from a simple campfire, cozy little
25 fireplace, a pep rally bonfire, any and all wood-

1 burning appliances inside a home, maybe this proposal
2 would make some sense. But it's targeting relatively
3 few. Why? My answer is jealousy. We're warm, we're
4 not going broke, we don't need a government bailout
5 and we are not beholding to foreign oil.

6 Regulations are probably necessary where
7 homes are closer together for not only outdoor wood
8 burners but for any apparatus that burns anything.
9 Our outdoor wood boiler is safe, it's not a fire
10 hazard. We don't worry about supplementing our heat
11 with kerosene heaters, electric space heaters, or a
12 burner in our house; which in the past we have used
13 all of them, all known to cause many house fires. It
14 is safe, there is no coal gas.

15 If these regulations are being proposed
16 to protect people and the environment, consider this.
17 Why not ban automobiles? They pollute, cause many
18 deaths and injuries, cost billions of dollars to build
19 and maintain roadways to use them on. Plus many other
20 hazards associated with their use. Most people have
21 feet and can walk or maybe ride a bicycle or a
22 scooter. Sound ridiculous? You bet. Some common
23 sense needs to be put into this regulation, starting
24 with grandfathering existing outdoor wood burners that
25 burn only clean wood.

1 Regulations in many instances have driven
2 numerous industries either out of business or to other
3 countries. It has created job loss, lost revenue, and
4 has helped fuel a huge national debt. Just this week
5 the biggest hoax being played on the world has been
6 exposed. A hoax that would have lead to even more
7 regulations, a hoax that I believe was flawed from the
8 beginning. It didn't match any science that I had
9 ever learned. Thank you.

10 OFF RECORD DISCUSSION

11 MR. HENDERSON:

12 Our next witness is Walt Colton to be
13 followed by John Punako, Robert Boyles and Dale
14 Miller.

15 MR. COLTON:

16 Thank you. I'm Walt Colton from
17 Wellsboro, Tioga County.

18 We're a rural county but we do have some
19 communities with houses pretty close together. We're
20 all interested in probably the same thing, saving
21 money. But at what cost?

22 When we put a price on good health,
23 health is something that is so important that we all
24 want and we all need. Many people burn these things
25 and they don't burn them with any common sense. They

1 load them up in the morning with as much fuel as they
2 can put in because they want them to stay all day
3 while they go to work. But they do need to go to
4 work. They come home at night, they turn on the hot
5 water, they turn up the thermostat and all that
6 creosote that collected all day long burns off and the
7 people in the community get to breathe it; and they
8 breathe it and they breathe it and they breathe it.
9 It's tough on the people who have any medical problems
10 to have this come into their house.

11 It's very expensive to put in an outdoor
12 wood boiler. The people who have them seem to think
13 that they don't ever want to quit because we have so
14 much money invested. When you put that kind of money
15 into something, you should investigate what the
16 problems are and what the advantages are. So many
17 times we have problems that we just don't want to
18 accept. If the people would insulate their houses
19 with the money that they put in these outdoor wood
20 boilers, it would be a whole lot better for the
21 environment around us.

22 People who make comments like our
23 politicians, some of them, they have never studied. I
24 talked to one of our politicians and said, do you
25 understand how these things work? Yes, I do. I saw

1 one. I said, do you know how hot they burn? Well,
2 no, I don't really. I said, well, I think when you
3 represent us, if you're going to take a stand, you
4 need to investigate it.

5 I wouldn't want one without having good
6 health from my family and my neighbors. So that's
7 about all I have to say. Thank you for your time.

8 MR. HENDERSON:

9 Thank you. John Punako. I hope I
10 pronounced that correctly.

11 MR. PUNAKO:

12 Yes, you did.

13 MR. HENDERSON:

14 Thank you.

15 Mr. PUNAKO:

16 My name is John Punako, 1885 Crossroads
17 Drive, Lewisburg.

18 I'm pretty much in agreement with
19 everything I've heard so far. The only thing I take
20 exception to, particularly in the regulation or the
21 proposed regulation change, is your wood as the only
22 fuel. There are several companies throughout the
23 State of Pennsylvania with backing from state and even
24 USDA in promoting bio energy crops such as
25 switchgrass, which is most commonly known.

1 There are reviews of densifying
2 switchgrass to produce for fuel for these outdoor wood
3 burners that burns as clean as wood. It says nothing
4 in the regulations for any of the bio energy crops.
5 That's my exception there. Thank you.

6 MR. HENDERSON:

7 Thank you. Robert Boyles.

8 MR. BOYLES:

9 Good afternoon. Robert Boyles from
10 Muncy, Pennsylvania.

11 A couple things I'd like to bring up.
12 I'd like to back up the fact that the burners are
13 already in place, there should be --- have some kind
14 of grandfather clause. You can't expect people to
15 spend \$10,000, \$15,000 to heat their home and then
16 turn around and say well, now you're not allowed to
17 use it. If that was anything else, that's just
18 ridiculous.

19 They also should go by the make and the
20 model of the unit. You drive around and look at
21 different people's units. You'll see one unit that is
22 smoking --- or putting off steam or whatever like you
23 would not believe. And the next house over the
24 burner's burning and it's not putting out anything.
25 It's the same wood, same environment. You're talking

1 200 to 300 feet apart and it's the make and the model
2 of the unit. It's not the --- it's got nothing to do
3 with the outdoor burners in general.

4 The one thing that nobody has brought up,
5 that's why I stuck around, is because what happens if
6 the 500 feet set back for the existing units ---
7 everybody wants to put one in now, only has to be set
8 back 150 feet for their two stack minimum two for the
9 peak. But then for us it's 500 feet. And then what
10 happens my neighbor has a development --- what happens
11 if a house gets built in my 500 feet? I was here
12 first, guess what? You're going to smell it because
13 I'm going to burn it.

14 Another thing is I'd like to bring up the
15 fact that the woman up here that said she went to
16 court with her neighbors, paid half the bill to raise
17 the stack and it didn't work. Let the record show
18 that raising the chimney to these units don't work.
19 We had testimony here today. Thank you.

20 Another thing that was brought up, the
21 Cancer Society guy, well, he was after all us, wasn't
22 he? He was right in there saying we're doing it all.
23 He never said --- he never mentioned the percentage of
24 the people that are sitting on their front porch
25 complaining about our smoke, are smoking a cigarette.

1 You know what I mean? Come on, give me a break.
2 These people bring it on themselves, and it's not all
3 us.

4 Another thing is I think that this has
5 been brought up by somebody that has something to gain
6 by this. This is the people that's bringing this up,
7 pushing this issue, either has money invested in
8 either oil, gas, something. If you ask me, this is
9 another Luzerne County issue right here, and it's
10 happening in Harrisburg or somewhere. We need to get
11 to the background on these people that are pushing for
12 this and see who's putting the money in their back
13 pocket, because is it the American Association? Is it
14 the oil companies? No.

15 And I've bought wood for senior citizens.
16 I donate the firewood to them. We burn --- I've been
17 --- we have over roughly 60 to 70 cords of firewood
18 we've got for the people to try to get through this
19 economy and to get these people over the recession.
20 And then you have people like this up here that's
21 trying to shut us down. And, you know, it breaks my
22 heart that the grandma and grandpa there two years,
23 they've had this burner for two years and they live on
24 65 acres. In the middle of 65 acres, come on. It's
25 ridiculous.

1 You have to regulate these --- it has to
2 be one person. You have to go out to each individual
3 unit. You have to start now and put some good
4 regulation on these units from here on out. You can't
5 go backwards on all of us that's invested the money
6 and are saving. My house has seven fireplaces. You
7 take my outdoor burner, I'm going to start my garbage
8 can up, throw some diapers in it for you, and start
9 all seven fireplaces up. Now, you think that's not
10 going to stink? I'm going to guarantee it's going to.

11 This is an issue that needs to be
12 stopped. It needs to be relooked at and you got to
13 have a grandfather clause in here. That's my biggest
14 issue, the grandfather clause. And what happens if a
15 neighbor moves into our territory? We were here
16 first. It's got to have something in there about
17 that. I got to get back to work. I've already lost
18 four hours today. Thank you.

19 MR. HENDERSON:

20 Our next witness is Dale Miller to be
21 followed by Jim Marsh and Richard Caldera. Mr.
22 Miller.

23 MR. MILLER:

24 My name is Dale Miller. Some of these
25 comments you already heard but I think they need to

1 hear it again. I live at 1170 Mathias Road,
2 Littlestown, Pennsylvania, which is right on the
3 Gettysburg --- below Gettysburg on the
4 Maryland/Pennsylvania line.

5 I have a Hardy Wood Stove which I put in
6 40 years ago. Before my purchase I contacted Germany
7 Township and there was no ordinance or setback at that
8 time and still isn't, along with no stack heights. My
9 unit sits about 100 feet away from my house, which
10 sits up on a hill which drops off in the back to the
11 woods. There is 20 acres of property there but the
12 house is on the corner of the parcel. I placed my
13 unit down behind the house in the woods actually, and
14 my house is three stories high in the back.

15 I got a permit from the township and the
16 county to put a building around my stove to match my
17 house, to make it blend in with the woods and so I'd
18 have a place to store my wood. On 10/15/07 I had
19 contacted Mike Barone from DEP, and I have his phone
20 number if anybody wants it, to come test my emissions
21 from my stack. He said if I was burning wood or coal,
22 he couldn't do it. So I only burn raw wood that is
23 harvested on our property.

24 Before the unit was installed I had a
25 Harmony indoor unit. It did the same thing as the

1 outdoor unit. It went through my indoor furnace.
2 When the unit went bad I purchased the outdoor unit to
3 make it safer, cleaner and more efficient. Since my
4 unit was installed four years ago I have not burned a
5 drop of oil. I also use it for my domestic water, so
6 it does burn in the summer. It's all about going
7 green and a renewable resource. I don't know how you
8 get any better than that.

9 I can't get my stack even close to the
10 proposed ordinance to get two feet above the peak of
11 my house. My question is what is a permanently
12 attached stack? I had to take my stack down maybe
13 once a month, because I do have a pretty high stack
14 now, to clean the creosote. So I don't know what is
15 meant by permanently attached. And I don't think ---
16 to put a stack on that high because of the weight, the
17 efficiency, and the big factor is safety.

18 Look all over the state and see one-story
19 houses from 50 feet to 500 feet away from each other
20 beside a two-story house that burns wood. Whether it
21 be a fireplace, a wood or coal stove or an indoor wood
22 boiler, are they going to have to raise their
23 chimneys? Are they going to tear the brick down and
24 go higher? I don't think so.

25 A while back I had the state

1 representative from my area, Dan Moul, out to my
2 residence to look at my situation. He told me that
3 the operation that he saw was one of the cleanest he's
4 seen. He wanted to come to this meeting or one of
5 these meetings. But guess what? How it came the
6 first week of deer season is iffy.

7 You know, is it because most owners of
8 these are maybe younger guys? Maybe they're outdoors
9 type, they like to cut wood and they like to hunt. I
10 don't know. I think maybe a couple more of these
11 meetings should be opened up in January or February
12 when maybe we're not all hunting. And the reason I'm
13 here instead of going to Harrisburg, which would only
14 have been an hour instead of two and a half is because
15 I was hunting. And I feel strongly on these units
16 enough that I wanted to come up here today.

17 That's the emissions from my stack. I
18 have tree branches hanging all over the top of that
19 stack because it's right at the edge of the woods.
20 And in the spring and in the summer when those leaves
21 come out they stay as green as any tree that's in that
22 woods. If I had a burn barrel and I burned one time
23 in it and have a branch over it, those leaves turn
24 brown.

25 I can't believe that these pollutants are

1 all that bad. I think it is mostly steam coming from
2 the stack. And again, I invite EPA to come out and
3 test my stack. Tell me what it is. If I'm doing
4 something wrong, then let's fix it. But you got to
5 come out and check it. I don't know what else I can
6 do. I called twice to the same gentlemen and, again,
7 I get the same reply.

8 It seems like a lot of people seem to
9 smell with their eyes not their nose. Also I read an
10 article and somebody else in here brought this up and
11 I'm going to say it again. But I also read an article
12 which states that burning wood gives off no more
13 pollutants than wood that's sitting in the woods
14 rotting on the ground.

15 I know that there are a lot of people
16 with these units that don't burn properly. And I can
17 see the problem with that. But why punish the people
18 that are trying hard to do it right? Let's look at
19 the ones known to be trouble and have them correct it
20 or ban them from this unit.

21 There are a lot of units that will have
22 to be moved, replaced or deleted if these regulations
23 go through. Even though they have had no problems
24 with anyone or anything around them. And many of you
25 probably know that the government is given a \$1,500

1 rebate on these units. So you know, why are they
2 giving them if we're trying to regulate them harder?

3 And in closing, I have no problem
4 replacing my unit with a new phase two when the old
5 one burns out. I have no problem with that at all.
6 But until then I got the money invested and I'd like
7 to keep burning it. And when it does burn out I'll
8 put the new unit in, I have no problem with that.

9 So the grandfather clause does need to go
10 in there and should not affect these older units if
11 they're doing everything right. Thanks for your
12 consideration and time. Thank you.

13 OFF RECORD DISCUSSION

14 MR. HENDERSON:

15 Jim Marsh.

16 MR. MARSH:

17 Hi, my name is Jim Marsh. I'm actually
18 from 305 Hoods Mill Road, Acme, Pennsylvania, which is
19 in southwestern PA. Not up in this neck of the woods,
20 but I attended the Cranberry meeting yesterday and I
21 needed to make the drive. I'm just going to read this
22 because I'm pretty passionate about it and I don't
23 want to get off task.

24 I'm a heating contractor and I've been a
25 dealer for Central Boiler Outdoor Furnaces since 2001.

1 And I've been an owner and operator since 2000. I was
2 in attendance at my most local public hearing
3 yesterday in Cranberry Township, but I did not offer
4 testimony. I just listened very clearly to be able to
5 get the exacts as far as these guys, as far as what
6 the attendance was, who spoke, et cetera, but I would
7 estimate there were approximately 50 people on-hand,
8 of which about 12 to 15 offered testimony. Of the
9 people offering testimony, most do not support the
10 proposed regulations. The few who do are the vast
11 minority of people who are negatively affected by a
12 neighbor's irresponsible use of an outdoor wood
13 burner.

14 After digesting what I heard yesterday
15 and having the opportunity to think about it further,
16 I decided that I needed to make this three and a half
17 hour drive to Williamsport today to offer my
18 testimony, even though it's my daughter's 11th
19 birthday and I'm going to miss it.

20 I care about my livelihood as a
21 responsible dealer for outdoor wood burners and how it
22 would be affected with the proposed regulations. As
23 well as how I and all of many, many responsible
24 existing customers would be affected by these
25 regulations that did not exist when they purchased the

1 furnaces.

2 When building codes change, and other
3 people have mentioned this and I wasn't taking your
4 quotes, do homeowners have to tear down a building and
5 put it up to the new code? No. When septic
6 regulations change in Pennsylvania do people have to
7 dig up the septic systems and put in a sand mound?
8 No. When new cars, and this was mentioned before, in
9 the state have to be counted for the emission; are
10 existing cars, antique cars, classic cars restricted
11 from use? No. Then why is it expected that the
12 proposed regulations be retroactive on existing
13 outdoor wood burners that were purchased prior to the
14 proposed requirements?

15 My original intention was to attend the
16 Cranberry hearing, listen and respond all by mail and
17 e-mail, but that won't do. I started preparing this
18 testimony at one o'clock this morning after being
19 woken up by a heavy, strong thunderstorm and I could
20 not return to sleep due to these issues being on my
21 mind.

22 One of the points made yesterday by
23 several people and many, many more today was the
24 ridiculous stack height requirements for both existing
25 and phase two outdoor wood burners. When I was

1 awakened from sleep early this morning, I thought to
2 myself, I wonder how many of those chimneys would have
3 come down last night in the storm. It would have been
4 struck by lightning. How much damage or injury or
5 worse could have happened if all the outdoor wood
6 burners out there had stacks on them to meet the
7 proposed requirements?

8 All that being said, here's where I stand
9 on the regulations. I am not opposed to phase two
10 outdoor wood burners. We have them in stock as we
11 speak. They're available for customers to choose
12 them. My other issue is the fact that the state is
13 trying take the choice away from the customer. These
14 furnaces cost significantly more money and are in a
15 lot of cases unaffordable for some customers. They
16 should not be restricted from making a choice on their
17 own.

18 I am opposed to the two feet above,
19 quite, chimney height requirements for outdoor wood
20 burners within 150 feet of a building for phase two
21 and 500 feet from a building for non-phase two outdoor
22 wood burners. These distances would need to be
23 reduced to a more reasonable number. I am opposed to
24 the restriction of outdoor wood burners used in the
25 summer. Most owners do not burn in the summer anyway,

1 but those who do may have no other source for domestic
2 hot water or they may be heating a pool or car wash
3 for their hot water, which should remain their choice.
4

5 I am opposed to a blanket statewide
6 regulation that would affect everyone who owns or
7 wishes to own an outdoor wood burner. I'm also
8 opposed to any irresponsible manufacturers, dealers,
9 or outdoor wood burner owners who condone or have
10 actually burned materials other than wood or their
11 approved backup fuel, such as natural gas, propane or
12 kerosene. These outdoor wood burners should never be
13 used as trash incinerators. They are designed to be a
14 safe heating alternative, utilizing a renewable
15 resource that is readily available.

16 If you know of anybody who has ever lost
17 a home, business, or worse yet, a loved one, ask them
18 how they appreciate a safe product like an outdoor
19 wood burner. My in-laws lost a business last year due
20 to an indoor wood burner. Two weeks ago they got
21 their outdoor wood burner. Now they think it's going
22 to have to be changed. It's not right.

23 Yesterday the points were well covered
24 and presented on how burning wood is carbon neutral
25 and how burning fossil fuels is not. I'm not going to

1 go there. It's not my area of expertise. With
2 regards to emissions, a fellow dealer from Evan City,
3 Pennsylvania yesterday pointed out that when an
4 outdoor wood boiler or any other boiler for that
5 matter is designed, installed and properly ---
6 operated properly within the designed temperature, and
7 I'll explain this just briefly.

8 Delta T, the boilers' burn cycle is very
9 short per hour, thus reducing smoke emissions
10 dramatically, and I couldn't agree more. Delta T is
11 an engineering term that means the difference between
12 supply temperature going into the home, return
13 temperature coming back to the boiler. Twenty (20)
14 degree Delta T is the proper measurement for return
15 water temperature on any boiler for it to work
16 effectively, is basically what it is. It is a fact
17 that the majority of outdoor wood burners currently in
18 use have not and do not cause any problems or
19 complaints.

20 The only way that I would support any
21 requirements or regulations on outdoor wood burners at
22 all locally or statewide, in order to protect the very
23 few unfortunate people who are adversely affected by
24 the misuse of an outdoor wood burner would be if the
25 requirements are dramatically revised to include

1 reasonable stack height and setbacks from buildings,
2 not including your own building and your property line
3 so that they are possible to achieve if necessary.
4 And that the only time that they would be enforceable
5 would be if and only if there is a complaint-driven
6 case that through the Department's investigation is
7 found to be legitimate where action is required.
8 Owners and operators without complaint should be left
9 alone, they have done nothing wrong.

10 As far as one person provided testimony
11 yesterday, they may very well be one of the
12 unfortunate few that a couple have mentioned today who
13 was adversely affected by a neighbor's outdoor wood
14 burner, his name was Mr. Paul Foskie (phonetic), and
15 he's from Ligonier. I would like it to be on record
16 that a very short time after he offered his testimony
17 against outdoor wood boilers, he stood up during
18 another man's testimony, gathered his items, whispered
19 to the lady behind him, they don't care, and he left.
20 It was very rude and disrespectful to the person
21 speaking and was not appreciated.

22 I find it interesting that we
23 respectfully listened to what he had to say but he
24 didn't even care to stick around to hear what the rest
25 of the people had to say. Nobody at any time ever

1 said they didn't care. And if he would have stuck
2 around he would have heard several people indicate
3 that they feel for his situation.

4 I'm going to close with this. I, as well
5 as many others, did not speak or offer testimony
6 yesterday, so it's unknown exactly as to where the
7 quiet ones --- there's a lot of people here today that
8 aren't going to testify, and that's fine, stand on the
9 subject. Therefore, if there's no objection, I'd like
10 to have a vote for our record out of the attendants
11 who opposes these positions and who wants to see them
12 happen. Are we allowed to do that? Just a simple
13 raise the hand. Like do you want restrictions or do
14 you not to where we could say percentage-wise how it
15 is?

16 MR. HENDERSON:

17 It is up to the folks here. They are not
18 in any way inclined to make their position known.

19 MR. MARSH:

20 Well, we can not do that.

21 MR. HENDERSON:

22 I would ask you if you could wrap up so
23 we can get to the next witness.

24 MR. MARSH:

25 Okay. Well, I'll leave it at that.

1 We'll just go by everybody's comments. Thank you for
2 your time, everybody.

3 MR. HENDERSON:

4 Our next witness is Richard Caldera
5 followed by, difficult to read, Chris Loge I think
6 from Montoursville, and Ron Patt. Next up is Richard
7 Caldera. Is he available? Do we have a Chris from
8 Montoursville?

9 MR. LOGE

10 Most everyone covered mine, so I'll turn
11 in the written.

12 MR. HENDERSON:

13 Okay. Okay. Thank you. Ron Patt of
14 Wellsboro. Is Mr. Patt available? Thank you. State
15 your name and address.

16 MR. RON PATT:

17 My name is Ron Patt and I live in
18 Wellsboro, Pennsylvania. And we have a real problem
19 with wood smoke in Wellsboro. I've already spoke to
20 that, and I'd just like to make a couple of very
21 important points.

22 Our state is ranked third dirtiest in the
23 nation, we all should be doing whatever we can to
24 improve this fact. Whether you live in a rural or
25 urban area there's always someone downwind of you.

1 We're downwind of a couple of indoor burners, and one
2 outdoor burner that I know of. And we have smoke
3 continually day and night. I don't know which one is
4 worse, but it's not good for us. There are even some
5 folks in town talking about moving because of the wood
6 smoke.

7 Also we must be concerned about global
8 warming. The faster we burn wood the more pollution
9 we're putting up there. And you can talk about other
10 pollution, that's fine, but wood smoke is certainly
11 adding to it. And I'm not against wood burners, I
12 have one, an indoor wood burner. I bought the newest
13 technology, it's fantastic. You can come to my house
14 and view the stack, it looks like I'm burning gas or
15 oil. And there's no smoke at all. I can start the
16 stoves without smoke. I have to use quite a bit of
17 paper to do that, and the dry kindling, but it's
18 smokeless. Believe me.

19 That was my next point. Our outside wood
20 furnace manufacturers have risen to the challenge.
21 They are producing smokeless furnaces, if you operate
22 them properly. No matter what stove or furnace one
23 uses there are proven guidelines that will result in a
24 cleaner burn. The one guideline that is most
25 important is seasoned wood. And I toured all around

1 Wellsboro and that's the main problem in Wellsboro.
2 We have wood just thrown in piles with no covers. And
3 we've had an exceptionally wet year, as you all know,
4 in this area. And that wood is going to smoke and
5 smoke and smoke.

6 To have seasoned wood it takes a lot of
7 space and it takes a lot of sunshine and air
8 circulation. It's a science in itself. The old
9 timers knew the value of seasoned wood, because they
10 were cooking with it. They threw small sticks in
11 there to get the coffee pot going or to fry the eggs
12 or whatever.

13 It should be cut, split, stacked in neat
14 rows about four inches apart so that there can be
15 plenty of air circulation. And they should be covered
16 on the top with a heavy tarp or a roof, a regular wood
17 shed. The old timers all had wood sheds, huge wood
18 sheds. And they had their wood well ahead of time, so
19 they knew the value of seasoned wood. Oak takes two
20 years; maple, hickory, cherry, one year; ash, soft
21 maple, six months. So if you update to a new furnace
22 or a new wood stove and you have seasoned wood, there
23 will be no smoke, I can prove this. Come to my house.

24 I don't know about --- I'm not sure about
25 the new furnaces, outdoor wood furnaces, but they

1 claim that they are smokeless. So I'll just take
2 their word for it because they certainly did it with
3 my indoor wood stove. And that's all I have to say.
4 Thank you for --- this is necessary, yes indeed, very,
5 very important to the entire state, the nation and the
6 world.

7 MR. HENDERSON:

8 Our next presenter is Paul Katemaier.

9 MR. KATEMAIER:

10 I'm going to pass because it's all been
11 covered.

12 MR. HENDERSON:

13 Thank you. Russell Reitz to be followed
14 by Steve Patt and David Backes.

15 MR. REITZ:

16 Good afternoon. I'm Russ Reitz, 2549
17 Lick Run Road, right here in Lycoming County.

18 I want to thank Senator Yaw and
19 Representative Everett for their stand in protecting
20 overzealous --- protecting us from overzealous
21 regulation. I'm here this afternoon on behalf of
22 Lycoming County Farm Bureau, which has over 400
23 members in the county, as well as state director for
24 the Pennsylvania Farm Bureau, we have over 44,000
25 members in the State of Pennsylvania.

1 I'd like to make some comments on
2 proposed Chapter 123 standards for contaminants of
3 particulate matter emissions rulemaking.

4 Comment one, since the regulations are
5 strictly on air emission regulation, the Department
6 should set the emission standard for the manufacturing
7 of outdoor wood fire boilers and acceptable fuels and
8 then we can tell municipalities to adopt their own
9 standard related to the setback requirements of OWB
10 placement and stack heights. Since the Air Quality
11 Act allows municipalities to adopt more stringent
12 standards, this approach will allow the municipality
13 to adopt local ordinances specific to their
14 community's concerns and landscapes as well as handle
15 all nuisance complaints and enforcement with both
16 existing and new units. The state should focus only
17 on air emission standards at the manufacturing level.

18 Comment two, Section 123.14(c), setback
19 requirements for phase two, outdoor wood fire boilers.
20 The setback requirements should be set by the
21 municipality. However, in the event that this is not
22 allowed, the proposed language should be changed from
23 150 feet from the nearest property line to 150 feet
24 from the nearest neighboring residence.

25 Comment three, Section 123.14(d)(2),

1 stack height requirements for phase two, outdoor wood
2 fire boilers. Stack height for new units should be
3 set by the municipality. However, in the event that
4 this is not allowed, the language should be changed
5 from two feet above the highest peak of the highest
6 residence located within 150 feet to two feet above
7 the highest peak of the highest neighboring residence
8 located within 150 feet.

9 And unlike some others here, my home is a
10 three-story home and it's up on about a 20-foot grade
11 above the elevation of the stove. And I'd have to put
12 up about a 50 to 75-foot stack to get above my house.
13 It's about 100 feet from the house. So at any rate
14 ---.

15 Comment four, stack height requirements
16 for existing outdoor wood fire boilers. Again, stack
17 height for existing units should be set by the
18 municipality. Stop that. I want to make sure I do
19 three --- but at any rate ---. However, in the event
20 that this is not allowed, the language should be
21 changed from two feet above the highest peak of the
22 highest residence located within 500 feet to two feet
23 above the highest piece of the highest neighboring
24 residence located within 150 feet.

25 Comment five, Section 123.14(f), allowed

1 fuels. All wood products from residential or
2 agricultural operations not containing creosote, et
3 cetera, to be added to the fuels that are allowed to
4 be burnt in outdoor wood fire boilers. These wood
5 products need to be disposed of, and if they're not
6 allowed to be burnt in outdoor wood fire boilers, they
7 will be burned in open pits that have no particulate
8 matter emission control on them. I might add here I
9 took over a farm that was in a lot of disrepair and
10 there's been a lot of buildings and so forth that were
11 rotting and if we gathered them all up and burned a
12 big bonfire, I think that would have been a lot worse
13 than helping to heat my home over the last nine years.
14 It's been updated, remodeled and that sort of thing.

15 Comment six, Section 123.14(g), prohibit
16 fuels. This section could be expanded in regards to
17 comment five that wood containing creosote, tires,
18 rubber, plastics, non-paper household products, et
19 cetera, are prohibited to be burnt in outdoor wood
20 fire boilers. And that ends my comments. Thank you,
21 sir.

22 MR. HENDERSON:

23 Thank you. Our next presenter, Steve
24 Patt, Eldred Township Supervisor.

25 MR. STEVE PATT:

1 How we doing today? My name is Steve
2 Patt, P-A-T-T, Eldred Township supervisor right out
3 the back of little village of Warrensville,
4 Pennsylvania.

5 We are a rural township that is a village
6 center. We took it upon ourselves to take and adopt
7 an ordinance for the outdoor burners. The first
8 proposal that was given to us, we went over and went
9 over and digested and went over and worked with our
10 solicitor over a several-month period to get this down
11 to what is fair for the residents and fair for their
12 neighbors.

13 And I guess being rural we still believe
14 that the people have a responsibility for themselves.
15 We're talking stack heights. We're talking all types
16 of micromanagement hoopla. I'm sitting back hearing
17 these stack heights, and it's like, okay, so we're
18 going to have to put a stack height, and let's say
19 we're going to need to go 70 feet in the air as the
20 last one was just stated. Well, you take an outdoor
21 furnace, now you put that 70-foot in the air, that
22 stack height, has DEP considered any of the
23 regulations for the regulations of freestanding
24 towers? The guide wires that are going to need to be
25 stretched out, the problems in those yards to keep

1 those guide wires out. And also in Eldred Township,
2 and I'm sure most other townships, setbacks are one
3 thing if you're putting your house up and you need to
4 be 50-foot away from a boundary line or whatever, but
5 also in the happy fine print is that the building can
6 be no higher than the setback or where the building's
7 being placed. In essence, you put up your 70-foot
8 stack. If it would happen to fall over, they want it
9 so that it's going to fall on your property not your
10 neighbors.

11 There's a whole can of worms that's being
12 opened by stack height. And I think a major one that
13 has not been addressed yet today is you take --- and
14 the newer furnaces I've seen have a 15-foot stack
15 height coming off of them, you add 50 feet onto that
16 you're going to have deposits of creosote and other
17 matter building up in that furnace, how are we going
18 to pay for it? You've just taken the efficiency of
19 that furnace and nullified it.

20 What we've done, and I've got three
21 copies here, I'd be happy to submit one, and if I
22 could just --- I'm not going to read the whole crazy
23 thing. But page three, and just general instructions.
24 And it's letter B, all outdoor furnaces shall be
25 constructed, established, installed, operated and

1 maintained in accordance with the manufacturer's
2 instructions. These people are building these things.
3 They don't want to put junk out there because it's a
4 dog eat dog world. And if theirs aren't efficient
5 it's going to go. They're going to buy brand X
6 instead of brand Y. Let's let the people building it
7 do their job.

8 I do agree if the state wants to put
9 emission standards on furnaces, that's a good thing,
10 because none of us need the smoke or whatever. But to
11 come back on our residents right now and you're going
12 to have to do this, this, this and this. Like it's
13 been said before, they didn't go back to our 1973
14 Chevette and make us put catalytic converters on.

15 That being said, and then also on page
16 six we go to the inspection and I feel for your
17 situation there, young lady. It's a terrible thing to
18 not be able to enjoy --- and your quality of life, not
19 being able to enjoy money invested in property and
20 that, it's wrong. And we do have put in there if the
21 township has a concern about the outdoor furnace, the
22 township may conduct an inspection, determine if the
23 outdoor furnace is being operated and maintained in
24 accordance with the ordinance, EPA and/or DEP
25 regulations, or the manufacturer's recommended

1 installation and operating parameters.

2 In other words, if Mr. Smith is burning
3 garbage in our township and Mr. Jones complains or
4 we're going by and we're seeing or we're smelling as
5 we're plowing snow or whatever, we have the right to
6 talk to Mr. Smith and say hey, what do we have ---
7 what do we have going on here? Because not everybody
8 is a good neighbor, realizing that. But we tried
9 cutting it down to being responsible for yourselves
10 but also trying to protect our residents of the
11 township without trying to micromanage this down to an
12 infinite --- you know, the bigger the law gets or the
13 regulation, the more loopholes are going to come out.

14 And that's really all that I really
15 wanted to bring up today. You know, I would rather
16 see it personally, the DEP if need be. And I see a
17 need for that of putting regulations on the
18 manufacturers. But let it up to each borough/township
19 to work whatever they're working.

20 In our township we have I think there's
21 five or six different areas of setbacks. If you're in
22 the village we took as if you were going to put up a
23 small storage shed, what those setbacks would need to
24 be, you know. You start going 150 feet and 150 feet,
25 it starts getting a little crazy. But like I say,

1 then it also came down to have some respect for your
2 neighbor, you know. If you're thinking about putting
3 one of these up, light a fire and see which way the
4 smoke's going, prevailing winds should tell you not to
5 do that. If you're foolish enough to invest \$15,000
6 then it's blowing in your neighbor's house, they have
7 a right to complain. A little forethought is always a
8 good thing. And with that, thank you all for having
9 us here today.

10 MR. HENDERSON:

11 Thank you. David Backes.

12 MR. BACKES:

13 Hi, I'm Dave Backes. I live at 5384
14 Lower Road, Shamokin. And there's been a lot of good
15 comments, a lot of comments that aren't just what
16 people think. And, you know, it's all good. We do
17 need to get together.

18 One of the biggest things that I run into
19 is people say, you know, it should be done at the
20 local level. The problem with going to local level,
21 and to quote my supervisors is, we're not equipped for
22 this. It's something that should be done at the state
23 or the federal level and we're not getting involved.
24 So right there, some of these people that have good
25 representatives and they're involved, you got to

1 applaud those people. Mine will not get involved.

2 As far as the statement of trying to be
3 neighborly, same thing happened. One gentlemen, let
4 me get this together, said that if I get regulated I'm
5 going to burn diapers until my neighbors can't breathe
6 anymore. The problem is, it was in his testimony
7 today, you know, people are very adamant about this
8 subject. And when you take it on a local level, the
9 representatives, they don't want to get in between
10 neighbor against neighbor. This does need to be
11 regulated at a much higher level because the people
12 that will be doing the regulations can sit down and
13 analyze data.

14 People say it's the smoke, people don't
15 like the way it looks. They don't like the way it
16 smells. It has nothing to do with the way it looks.
17 It has nothing to do with the way it smells. When I
18 was growing up I enjoyed nothing more than a campfire,
19 I was a boy scout. You know what, when the wind was
20 blowing nobody stayed on the side of the campfire that
21 the wind was blowing. You couldn't breathe there. My
22 problem is that I live northeast of an OWB, which
23 means that the southwesterly prevailing wind, mean
24 that I get that person's emissions. What does it
25 mean? I spent literally thousands of dollars trying

1 to make my house airtight, air cleaner upon air
2 cleaner. I've tried four different styles of air
3 cleaners. I just put in a geothermal heat pump with a
4 very extensive air cleaning system, a Lenox Pure Air.
5 It will take virtually everything out.

6 The problem is that what most people
7 don't realize is that houses are not airtight. If
8 they're airtight, you'll suffocate. Over a matter of
9 time what is outside your house, between 60 and 70
10 percent of that will be inside of your house. Air
11 inside your house is like a swimming pool. I have
12 filters running. I can --- makes my house bearable to
13 live most times, not all the time.

14 Like a swimming pool, there's a filter
15 running. Most people leave it even run 24 hours a day
16 because you get a bunch of kids jump in, water the
17 gets dirty, they get out, the filter runs, finally the
18 water gets clean. Problem is that 24 hours a day, 365
19 days out of the year the dirt's coming into my house
20 and my filters can never get my air to the point of
21 being clean. Can it be better? Could the person be
22 more responsible? Could another burner be better? I
23 can't say that for sure.

24 I do know through extensive research,
25 because I was never a person that was an

1 environmentalist, a tree hugger. When I was growing
2 up those were derogatory terms. The problem is that
3 as I'm aging I'm finding that these things are
4 detrimental to my health and my wife's health. We're
5 spending thousands of dollars on health insurance. My
6 wife is on oxygen. We just have a major problem.

7 Now, if all you people burn as
8 responsibly as you say you do, maybe we wouldn't have
9 a problem. Personally, I don't think that's the case.
10 But that's for the experts that can put a meter on a
11 smoke stack and say there's so much PM coming out of
12 the smoke stack, this is going to make a person ill.
13 Okay. I'm not the scientist but I do know how to
14 read. And there's so much stuff out there, everybody
15 has the internet today. Health effects of wood smoke,
16 type it into the computer. It's enough to make your
17 toes curl.

18 You know, another thing is they say a few
19 complaints. Some of my neighbors, I said let's go up
20 to the meeting of the supervisors. No, I don't want
21 my name being involved in this because I'll lose
22 property value if I decide to move. Why don't we have
23 complaints? We don't have complaints because they
24 don't want their property value to drop and they don't
25 want people to start burning diapers next to them as

1 payback. Believe me, some of these things have
2 happened.

3 The other thing that the representative
4 from the Tioga County mentioned and the young woman,
5 that and the other gentlemen --- there was only
6 probably about three people that are for the
7 ordinance, but they've been in the hot spots. In
8 other words, we're talking about Philadelphia, the air
9 quality is not good. There is a couple of these
10 people living there, okay. There's never going to be
11 an OWB down there. There's not enough room to put an
12 OWB. Problem is, are we trying to get our air as
13 dirty as there?

14 We're supposed to be living in pristine
15 country air. The valley I live in, when the sun's
16 out, it's blue. You're trying to look at the mountain
17 and you have to look through the blue haze. That's
18 not clean air. California, they call that smog. So
19 that's, you know, some of the things that I'm having
20 trouble with, is that I particularly am in a hot spot.

21 As they said, the last gentleman, light a
22 fire and see where the smoke goes. If you spend
23 \$16,000 and you're wrong, then you're going to have to
24 live with it. My neighbor, he never did that of
25 course. He does not want to talk about any type of me

1 giving him money to compensate for it, because it's
2 his right to do what he wants to on his ground. The
3 only problem I have is that he has multiple ways of
4 heating his house. Tell me where I can get air other
5 than what's coming from his house. The air's coming
6 from the southwest, whatever he puts in it, I'm
7 breathing. If you can get different air for me, I
8 won't ever make a complaint. I wish I would have had
9 more time to prepare for this. I already went over
10 the closed window.

11 Our health costs have been just
12 astronomical. Some of the costs of these people that
13 are quoting \$10,000, \$11,000, \$16,000 to put an OWB
14 in, I just put a geothermal in, and with the tax
15 rebate it's going to be well under \$10,000. I didn't
16 figure it out to the exact penny yet. I'm going to
17 have a clean house, extremely easy to heat, reduced
18 air conditioning costs, and the extra heat will be put
19 on my hot water. My total energy bill for the house
20 including hot water, now I'm going by what the website
21 says, is going to be in the vicinity of \$600 to \$700 a
22 year. If you really figure out how much it costs to
23 drive trucks, chainsaws, you'll get this stuff you're
24 spending a few hundred dollars just in wear and tear.
25 Yes, the wood is free but the gathering isn't. So

1 this is something that increases the value of my
2 house. Maybe you think you'll never move, but not
3 everybody wants the wood burner, if you do decide to
4 move.

5 The seasonal is an absolute must. I have
6 a swimming pool that we use between one and five times
7 a summer because of the constant smoke coming up on
8 us. I do wake up with headaches. I do wake up
9 fatigued. It's been as far as the one time I woke up
10 --- well, not one time, I woke up many times feeling
11 extremely bad. I finally went to the emergency room
12 and was diagnosed with CO poisoning. People say
13 that's not possible. Had hired a consultant that
14 specializes in this and he said it absolutely is
15 possible.

16 So yes, there is some issues that need to
17 be addressed. The other gentleman, there's a thing
18 about properly seasoned dried wood. That's something
19 that should absolutely be included in this ordinance.
20 What's happening is that I have two different --- I
21 had one person tell me directly, another one tell a
22 friend that they like to burn wet wood because these
23 things are so voracious on appetite for wood that they
24 put the wet stuff in so they don't have to feed it so
25 often.

1 And you get back to the local people
2 don't want to get involved.

3 MR. HENDERSON:

4 Sir, can I ask you to wrap up?

5 MR. BACKES:

6 Okay. Well, basically you can tell that
7 I am for this ordinance. We need it regulated because
8 not every place will. Thank you.

9 MR. HENDERSON:

10 Thank you. I will note for the record
11 I'm entering written testimony submitted by Mr. Keith
12 Hagar and Mr. Dowain Nielson. We have concluded our
13 list of pre-registered witnesses. Is there anyone who
14 has not spoken today that would like to stand up and
15 offer any comments? You can come forward, state your
16 name and your address, please.

17 MR. OAKS:

18 Michael Oaks in Williamsport. And I'll
19 subsequently provide written testimony.

20 A little background, my father was a fire
21 safetyman at Bethlehem Steel and one of the things he
22 taught me was how to burn in a backyard burner barrel
23 without creating smoke. Ten years after he died I got
24 a movement in Williamsport to ban backyard burner
25 barrels. Other communities have done the same thing.

1 Some municipalities still allow those and don't
2 regulate those. If they can't regulate backyard
3 burner barrels, how are they going to regulate outdoor
4 wood furnaces? The regulations, which I'll talk about
5 from my municipality, I think, are very deficient.

6 The legislators, and I guess they're not
7 here, were bringing up some statistics. And you might
8 want to ask what percentage of the world's population
9 lives in Pennsylvania and what our statistic
10 contribution to global warming is, greenhouse gas
11 emissions, CO2, emissions from wood smoke are
12 considerable.

13 Yes, it's a renewable resource but it's
14 not necessarily green because of the emissions that
15 are emitted when it's burned. In light of the
16 Commonwealth's efforts to reduce our contribution to
17 climate change, be enhanced by requiring phase two
18 outdoor wood furnaces. Take a holistic view as the
19 one fellow said and think globally and act locally.
20 It's nearly 40 years since the first Earth Day. What
21 are our municipalities on all levels doing to reduce
22 our carbon footprint? I'll summarize what I'm going
23 to say, if you want to take a break.

24 I want to endorse the Pennsylvania
25 adoption of the EPA Phase Two standards for outdoor

1 wood furnaces. Yes, I am a Green Party member. And
2 as you know, Green Party members believe in grass
3 roots democracy and subsidiarity. That is to say that
4 all decisions should be made on the most local level
5 as possible, local level of government. But I don't
6 think that boroughs and townships, et cetera, have the
7 time, talent or treasure to evaluate what's all on the
8 market as far as outdoor wood furnaces are concerned.
9 So I would defer to the state and federal level on
10 what are the most appropriate outdoor wood furnace
11 compliances.

12 Now, if I could start with a little
13 visual from a Hearth Patio and Barbeque Association
14 expo workshop. And for those of you who haven't seen
15 these kinds of things, this is one photo. Do you want
16 to know why people are all fired up? Maybe you can't
17 see these photos, talk about the blue haze. My
18 favorite, which comes at the end one from a van, one
19 of the sites, S-I-T-E-S, on the internet that was
20 mentioned would be your EPA site, Environmental
21 Protection Agency site. If you go to
22 www.epa.gov/burnwise or www.epa.gov/woodheaters,
23 you'll find a lot of information. I don't have a
24 computer, I go to the library. Ask your librarian to
25 help you access that website, if you're like me and

1 don't have a computer. There's a lot of information
2 on health and the environment. Health effects of wood
3 smoke. I'm not going to read all of that.

4 There are also articles in the newspaper
5 now and then. This one says study says particulates
6 in air hurt women's hearts more than researchers
7 realized. And environment recently indicated that the
8 air pollution is the third highest cause of health
9 related premature death in Pennsylvania, killing an
10 estimated 5,000, causing thousands more hospital
11 admissions a year. The only groups with a higher
12 incidence of premature mortality of violence or
13 accidental death were smokers, who topped the list,
14 and people with a poor diet and sedentary lifestyle
15 who came in second.

16 A study from New York State, quote, New
17 York State Office of the Attorney General
18 Environmental Protection Bureau reviewed information
19 on OWBs and analyzed the manufacture, distribution,
20 testing and sells of OWBs in New York State. We found
21 that while OWBs are advertised as a clean and
22 economical way to heat one's house and water, OWBs may
23 be among the dirtiest and least economical models of
24 heating especially when improperly used. Even when
25 used properly, OWBs emit on an average per hour basis

1 about four times as much fine particulate matter
2 pollution as conventional wood stoves, about 12 times
3 as much fine particle pollution as EPA certified wood
4 stoves, 1,000 times more than oil furnaces, and 1,800
5 times more than gas furnaces. Such emissions are
6 significant because fine particulate matter pollution
7 causes both short term and long term health effects.

8 You know, there's a lot out there if you
9 want to read about the health effects of wood smoke in
10 the State of Washington. Emissions from outdoor wood
11 burning, residential hot water furnaces, besides the
12 problems you can also find best burn practices, how
13 tos in terms of improving the quality of the air
14 that's being emitted from your outdoor burner or your
15 outdoor wood furnace. There's a list of cleaner
16 outdoor wood heaters or burners, basic information, et
17 cetera.

18 One of the reasons I'm here today,
19 although I live in the city, is that a couple of years
20 ago I tried to defend the woman from sighting of an
21 outdoor wood furnace on the adjacent property. So I
22 did a quick study and I thought that, given their
23 township regulations, that the argument that I
24 presented would prevail. However, it did not. And
25 after the wood furnace was sighted I recorded three

1 regs from the municipality. Here's where I disagree
2 with the legislators that municipalities are the best
3 resource for determining decision making.

4 They had a right that said all solid fuel
5 furnaces shall be laboratory tested and listed to
6 appropriate safety standards such as UL Underwriters
7 Laboratories, CNS/CSA Canada National Standards,
8 Canadian Standards Association, or ANSI American
9 National Standards Institute Standards, or other
10 appropriate safety standards, no mention of EPA. Next
11 it said all such facilities shall be constructed,
12 established, installed, operated, and maintained in
13 accordance with the manufacturer's instructions and
14 the requirements of this section. In the event of a
15 conflict the stricter requirement shall apply. Well,
16 the stricter requirement would be the EPA, but it's
17 not indicated.

18 And finally, it says all furnaces shall
19 comply with emission standards established for outdoor
20 solid fuel premises by the EPA. All such emission
21 standards currently required by the EPA or as made
22 hereafter being amended or modified or included by
23 referencing this ordinance. However, the appliance
24 did not have an orange tag and was still allowed to be
25 installed. So the EPA rights did not apply. Adopting

1 what was proposed today would help that. I'd like to
2 note that there are change-out case studies where
3 whole municipalities have been required to change from
4 non-certified EPA appliances to certified EPA
5 appliances, and when you change out one old, dirty,
6 inefficient wood stove, that's equal to the fine
7 particulate pollution reduction of taking five old
8 diesel buses off the road.

9 In one study, when 75 of these were
10 changed out in 35 communities, 200 tons of fine
11 particulate, fine particle emissions were reduced each
12 year and an estimated \$100 million per year of health
13 benefits accrued.

14 MR. HENDERSON:

15 Sir, can I ask you to wrap up?

16 MR. OAKS:

17 Thank you. There are financial
18 incentives and allowances for these change-outs. So I
19 would encourage, as I said, just to summarize the
20 adoption of this EPA Phase Two appliance standard.
21 And I thank you.

22 MR. HENDERSON:

23 Thank you. Is there anyone else who
24 would like to step forward and offer testimony?

25 MR. MARSH:

1 Are you allowed to ask a question? And
2 it's a useful question, neither one side or the other,
3 but something I think is very relevant and I'd like to
4 direct it to the seller in Millerstown and the
5 gentlemen from the township.

6 MR. HENDERSON:

7 I would encourage you, since this is a
8 formal process, the DEP will be responding to the
9 comments raised today. I would raise those after we
10 adjourn the hearing.

11 MR. MARSH:

12 Okay.

13 MR. HENDERSON:

14 Okay. With that I want to remind
15 everyone, first off, thank you for your patience and
16 cooperation today. I know this was a long afternoon
17 and many of you gave up your personal time and your
18 work time to come here. So thank you very much for
19 that. I want to also remind you that public comment,
20 if you'd like to submit written detailed comment, can
21 be submitted until January 4th, 2010. You can e-mail
22 them to RegComments@tate.pa.us. And with that, seeing
23 no other witnesses, I will adjourn this hearing at
24 4:05. Thank you, again, very much.

25 * * * HEARING CONCLUDED AT 4:05 P.M. * * *

1
2 CERTIFICATE

3
4 I hereby certify, as the stenographic
5 reporter, that the foregoing proceedings were taken
6 stenographically by me, and thereafter reduced to
7 typewriting by me or under my direction; and that this
8 transcript is a true and accurate record to the best
9 of my ability.

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13 Court Reporter
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