



General Assembly

January Session, 2005

Raised Bill No. 6773

LCO No. 3622

03622_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING CLEAN AIR STRATEGIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) For purposes of this
2 section, the term "outdoor wood-burning furnace" means an accessory
3 structure or appliance designed to be located outside living space
4 ordinarily used for human habitation and designed to transfer or
5 provide heat, via liquid or other means, through the burning of wood
6 or solid waste, for heating spaces other than where such structure or
7 appliance is located, any other structure or appliance on the premises,
8 or for heating domestic, swimming pool, hot-tub or jacuzzi water.
9 "Outdoor wood-burning furnace" does not include a fire pit, wood-
10 fired barbecue or chiminea.

11 (b) No person shall advertise, distribute, solicit, sell, offer for sale,
12 trade or barter an outdoor wood-burning furnace unless such outdoor
13 wood-burning furnace meets federal standards for air emissions from
14 such furnaces as may be adopted after the effective date of this section.

15 (c) No person shall construct, install, establish, modify, operate or
16 use an outdoor wood-burning furnace, unless such person can

17 demonstrate to the satisfaction of the enforcing agency or municipality
18 that such furnace (1) was constructed, installed, established, modified,
19 operated or in use prior to the effective date of this section, or (2)
20 complies with federal standards for air emissions from such furnaces
21 as may be adopted after the effective date of this section.

22 (d) The provisions of this section may be enforced by the
23 Commissioner of Environmental Protection, the Commissioner of
24 Consumer Protection, or by the municipality affected by the operation
25 or potential operation of an outdoor wood furnace.

26 Sec. 2. (NEW) (*Effective October 1, 2005*) (a) For purposes of this
27 section, "mobile source" means a source of air pollution designed or
28 constructed to move from one location to another during normal
29 operation, except portable equipment, including, but not limited to, an
30 automobile, bus, truck, tractor, earth moving equipment, hoist, crane,
31 aircraft, locomotive operating on rails, vessels for transportation on
32 water, lawnmowers and other small home appliances. "Mobile source"
33 does not mean portable equipment or a school bus, as defined in
34 section 14-275 of the general statutes.

35 (b) No person shall operate a mobile source for more than three
36 consecutive minutes when such mobile source is not in motion, except
37 (1) when a mobile source is forced to remain motionless because of
38 traffic conditions or mechanical difficulties over which the operator
39 has no control, (2) when it is necessary to operate defrosting, heating
40 or cooling equipment to ensure the safety or health of the driver or
41 passengers, (3) when it is necessary to operate auxiliary equipment
42 that is located in or on the mobile source to accomplish the intended
43 use of the mobile source, (4) to bring the mobile source to the operating
44 temperature recommended by the manufacturer, (5) when the mobile
45 source is below twenty degrees Fahrenheit, (6) when the mobile source
46 is undergoing maintenance that requires such mobile source to be
47 operated for more than three consecutive minutes, or (7) when a
48 mobile source is in queue to be inspected by United States military

49 personnel prior to gaining access to a United States military
50 installation.

51 (c) Any person who violates any provision of this section shall be
52 deemed to have committed an infraction and shall be fined not more
53 than ninety dollars.

54 Sec. 3. Section 22a-174j of the general statutes is repealed and the
55 following is substituted in lieu thereof (*Effective October 1, 2005*):

56 Not later than January 1, 1999, the Commissioner of Environmental
57 Protection shall, by regulations adopted in accordance with chapter 54,
58 establish uniform emissions performance standards [for electricity
59 generation facilities supplying power] to regulate emissions to the air
60 from the generation of electricity supplied to end use customers in this
61 state. Such standards shall, to the greatest extent possible, be designed
62 to improve air quality in this state and to further the attainment of the
63 National Ambient Air Quality Standards promulgated by the United
64 States Environmental Protection Agency. Such performance standards
65 [shall be based on the fuel used for generation of electricity and] shall
66 apply to [electric suppliers' generation facilities located in North
67 America] emissions caused by electricity generation in any location in
68 North America used to supply end-use customers in the state, shall
69 limit emissions to levels consistent with those permitted from
70 technically similar generators located in the state and shall limit the
71 amount of air pollutants, including, but not limited to, nitrogen oxides,
72 sulfur oxides [,] and carbon dioxide [, carbon monoxide and mercury,]
73 emitted per megawatt hour of electricity produced. Such performance
74 standards may provide for a program for purchase of offsetting
75 reductions in emissions and trading of emission credits. [A
76 performance standard established by the Department of
77 Environmental Protection for an individual pollutant pursuant to this
78 section shall go into effect when three of the states participating in the
79 northeastern states' Ozone Transport Commission as of July 1, 1997,
80 with a total population of not less than twenty-seven million at that

81 time, have adopted such standard.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2005</i>	New section
Sec. 3	<i>October 1, 2005</i>	22a-174j

Statement of Purpose:

To reduce air pollutant and visible emissions from outdoor wood-burning furnace units, to codify a prohibition of the idling of a mobile source of air pollution, which prohibition currently exists in the Department of Environmental Protection regulations, and to designate a violation of such prohibition as an infraction, and to amend section 22a-174j of the general statutes to rephrase the term "electricity suppliers' generation facilities", to delete carbon monoxide and mercury from the list of emissions affected by said section, and to delete contingency language regarding when the performance standards should go into effect.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]