



General Assembly

Substitute Bill No. 830

January Session, 2011

* _____SB00830ENV___032211_____*

AN ACT PROHIBITING THE USE OF CERTAIN OUTDOOR WOOD-BURNING FURNACES.

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

1 Section 1. Section 22a-174k of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) For purposes of this section, "residence" means any structure
4 customarily used for human habitation. "Residence" does not include
5 any structure or portion of any structure that is not customarily used
6 for human habitation that is contiguous to a structure customarily
7 used for habitation; and "outdoor wood-burning furnace" means an
8 accessory structure or appliance designed to be located outside living
9 space ordinarily used for human habitation and designed to transfer or
10 provide heat, via liquid, hot air or other means, through the burning of
11 wood or solid waste, for heating spaces other than where such
12 structure or appliance is located, any other structure or appliance on
13 the premises, or for heating domestic, swimming pool, hot tub or
14 jacuzzi water. "Outdoor wood-burning furnace" does not include a fire
15 pit, wood-fired barbecue or chiminea.

16 (b) No person shall, from July 8, 2005, to [the effective date of
17 regulations promulgated by the United States Environmental
18 Protection Agency to regulate outdoor wood-burning furnaces]
19 September 30, 2011, inclusive, construct, install, establish, modify,

20 operate or use an outdoor wood-burning furnace, unless (1) the
21 outdoor wood-burning furnace was constructed, installed, established,
22 modified, operated or in use prior to July 8, 2005, or (2) the outdoor
23 wood-burning furnace complies with the following:

24 (A) [Installation of the] The chimney of the outdoor wood-burning
25 furnace is not less than two hundred feet from the nearest exterior wall
26 of an existing residence not serviced by the outdoor wood-burning
27 furnace;

28 (B) Installation of the chimney of the outdoor wood-burning furnace
29 is at a height that is more than the height of the existing roof peaks of
30 the residences that are located within five hundred feet of the outdoor
31 wood-burning furnace, which residences are not serviced by the
32 outdoor wood-burning furnace, provided the chimney height is not
33 more than fifty-five feet;

34 (C) No other materials are burned in the outdoor wood-burning
35 furnace other than wood that has not been chemically treated or wood
36 pellets; and

37 (D) Installation and operation of the outdoor wood-burning furnace
38 is in accordance with the manufacturer's written instructions, provided
39 such instructions do not conflict with the provisions of this section.

40 (c) On and after October 1, 2011, no person shall construct, install,
41 establish, modify, operate or use an outdoor wood-burning furnace,
42 unless (1) the outdoor wood-burning furnace was constructed,
43 installed, established, modified, operated or in use prior to October 1,
44 2011, and, if applicable, was installed and is operated in accordance
45 with subparagraphs (A) to (D), inclusive, of subsection (b) of this
46 section, or (2) such outdoor wood-burning furnace meets a Phase II
47 emission standard with a particulate matter emission limit of 0.32
48 pounds per MMBtu heat output and is installed and operated in
49 accordance with subparagraphs (A) to (D), inclusive, of subsection (b)
50 of this section.

51 [(c)] (d) The provisions of this section shall be enforced by the
52 Commissioner of Environmental Protection and may be enforced by
53 the municipality affected by the operation or potential operation of an
54 outdoor wood-burning furnace. Any municipality may regulate or
55 institute a prohibition on the operation or use of outdoor wood-
56 burning furnaces for the period beginning May fifteenth and ending
57 September fifteenth, or any period of time between such dates,
58 provided nothing in this subsection shall be construed to affect any
59 municipal ordinance or regulation concerning the operation or use of
60 outdoor wood-burning furnaces. Any local director of health also may
61 enforce the provisions of this section.

62 [(d)] (e) Any person who operates an outdoor wood-burning
63 furnace in violation of this section shall be deemed to have committed
64 [an infraction] a violation and shall be fined not more than [ninety]
65 two hundred fifty dollars for a first violation. Each subsequent day of
66 operation of such outdoor wood-burning furnace in violation of this
67 section following such first violation shall be a separate violation and
68 shall carry a fine of one hundred dollars for each such subsequent day.

69 (f) Nothing in this section shall be construed to prohibit the
70 replacement or modification of any outdoor wood-burning furnace to
71 meet a Phase II emission standard.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	22a-174k

Statement of Legislative Commissioners:

In subsection (d), the phrase "In addition to section 19-3-B2 of the Public Health Code," was deleted for purposes of clarity. Subsection (e) was rephrased for clarity.

ENV Joint Favorable Subst.