



General Assembly

Amendment

January Session, 2011

LCO No. 6287

SB0083006287SD0

Offered by:

SEN. WILLIAMS, 29th Dist.
SEN. LOONEY, 11th Dist.
SEN. COLEMAN, 2nd Dist.
SEN. DOYLE, 9th Dist.
SEN. LEBEAU, 3rd Dist.

SEN. DUFF, 25th Dist.
SEN. SLOSSBERG, 14th Dist.
SEN. STILLMAN, 20th Dist.
SEN. MEYER, 12th Dist.

To: Subst. Senate Bill No. 830

File No. 691

Cal. No. 249

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 22a-174k of the general statutes is repealed and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

5 (a) For purposes of this section, "residence" means any structure
6 used for human habitation and all areas, including, but not limited to,
7 decks, patios, carports, porches and garages, directly or indirectly
8 attached to such structure; and "outdoor wood-burning furnace"
9 means an accessory structure or appliance designed to be located
10 outside living space ordinarily used for human habitation and
11 designed to transfer or provide heat, via liquid, hot air or other means,
12 through the burning of wood or solid waste, for heating spaces other
13 than where such structure or appliance is located, any other structure

14 or appliance on the premises, or for heating domestic, swimming pool,
15 hot tub or jacuzzi water. "Outdoor wood-burning furnace" does not
16 include a fire pit, wood-fired barbecue or chiminea.

17 (b) No person shall, [from] on and after July 8, 2005, [to the effective
18 date of regulations promulgated by the United States Environmental
19 Protection Agency to regulate outdoor wood-burning furnaces,]
20 construct, install, establish, modify, operate or use an outdoor wood-
21 burning furnace, unless (1) the outdoor wood-burning furnace was
22 constructed, installed, established, modified, operated or in use prior
23 to July 8, 2005, or (2) the outdoor wood-burning furnace complies with
24 the following:

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

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

35 (C) No other materials are burned in the outdoor wood-burning
36 furnace other than wood that has not been chemically treated or wood
37 pellets designed and commercially available for indoor heating
38 appliances; and

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

42 (c) On and after October 1, 2011, no person shall construct, install or
43 establish an outdoor wood-burning furnace, unless such outdoor
44 wood-burning furnace is qualified as a Phase II emission level model,

45 as acknowledged in writing by the United States Environmental
 46 Protection Agency, at the time that such outdoor wood-burning
 47 furnace is constructed, installed or established. On and after July 1,
 48 2016, no person shall operate or use an outdoor wood-burning furnace
 49 unless such furnace is qualified as a Phase II emission level model, as
 50 acknowledged in writing by the United States Environmental
 51 Protection Agency.

52 [(c)] (d) The provisions of this section shall be enforced by the
 53 Commissioner of Environmental Protection and may be enforced by
 54 the municipality affected by the operation or potential operation of an
 55 outdoor wood-burning furnace. Any municipality may regulate or
 56 institute a prohibition on the operation or use of outdoor wood-
 57 burning furnaces. Any local director of health, municipal building
 58 official or municipal zoning officer may enforce the provisions of this
 59 section.

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

67 (f) Nothing in this section shall be construed to prohibit the
 68 replacement or modification of any outdoor wood-burning furnace to
 69 meet a Phase II emission level model, as acknowledged in writing by
 70 the United States Environmental Protection Agency."

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