



Senate

General Assembly

File No. 196

February Session, 2012

Substitute Senate Bill No. 84

Senate, April 2, 2012

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING 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 Section 22a-174k of the general statutes is repealed and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, 2012*):

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

12 [(b) No person shall, from July 8, 2005, to the effective date of
13 regulations promulgated by the United States Environmental
14 Protection Agency to regulate outdoor wood-burning furnaces,

15 construct, install, establish, modify, operate or use an outdoor wood-
16 burning furnace, unless (1) the outdoor wood-burning furnace was
17 constructed, installed, established, modified, operated or in use prior
18 to July 8, 2005, or (2) the outdoor wood-burning furnace complies with
19 the following:]

20 (b) No person shall construct, install, establish, modify, operate or
21 use an outdoor wood-burning furnace, unless: (1) The outdoor wood-
22 burning furnace was constructed, installed, established, modified,
23 operated or in use prior to July 8, 2005, or (2) the outdoor wood-
24 burning furnace complies with the following:

25 (A) Installation of the outdoor wood-burning furnace is not less
26 than two hundred feet from the nearest residence not serviced by the
27 outdoor wood-burning furnace; and

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 roof peaks of the
30 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; and

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

39 (c) No person shall burn any material in an outdoor wood-burning
40 furnace other than wood pellets or wood that has not been chemically
41 treated.

42 (d) Installation and operation of an outdoor wood-burning furnace
43 shall be in accordance with the manufacturer's written instructions,
44 provided such instructions do not conflict with the provisions of this
45 section.

46 (e) Nothing in this section shall prohibit the replacement or
 47 modification of any outdoor wood-burning furnace installed in
 48 accordance with the provisions of subsection (b) of this section, which
 49 results in a net reduction of particulate matter emissions.

50 (f) If an adjoining property owner affected by the use or operation of
 51 an outdoor wood-burning furnace files a written complaint with the
 52 Commissioner of Energy and Environmental Protection or the local
 53 health director and said commissioner or local health director
 54 determines that the use or operation of such outdoor wood-burning
 55 furnace violates chapter 446c or section 19-13-B2 of the Public Health
 56 Code, the owner or operator of such outdoor wood-burning furnace
 57 shall not operate or use the furnace between May first and September
 58 thirtieth, inclusive.

59 [(c)] (g) The provisions of this section shall be enforced by the
 60 Commissioner of Energy and Environmental Protection and may be
 61 enforced by the municipality affected by the operation or potential
 62 operation of an outdoor wood-burning furnace.

63 [(d)] (h) Any person who operates an outdoor wood-burning
 64 furnace in violation of this section shall be deemed to have committed
 65 an infraction and shall be fined not more than ninety dollars. Each day
 66 of operation of such outdoor wood-burning furnace in violation of this
 67 section shall be a separate violation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	22a-174k

Statement of Legislative Commissioners:

In section 1(c), "outdoor wood-burning furnace installed in accordance with the provisions of subsection (b) of this section," was substituted for "lawfully installed outdoor wood-burning furnace" for clarity, and section 1(f) was rephrased for clarity.

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which makes a number of changes to the statutes concerning outdoor wood-burning furnaces, is not anticipated to result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 84*****AN ACT CONCERNING OUTDOOR WOOD-BURNING FURNACES.*****SUMMARY:**

This bill makes several changes to the outdoor wood-burning furnace law. It:

1. makes permanent the ban on installing, modifying, or using an outdoor wood-burning furnace that does not meet certain requirements;
2. extends, to outdoor wood-burning furnaces constructed or in use before July 8, 2005, two restrictions that currently apply only to furnaces constructed or first used after that date;
3. adds wood pellets to the materials allowed for burning in all such furnaces;
4. creates a seasonal restriction on operating or using an outdoor wood-burning furnace under certain circumstances; and
5. allows replacing or modifying a lawfully installed outdoor wood-burning furnace if it results in a net reduction of particulate matter emissions.

The bill also makes conforming changes.

EFFECTIVE DATE: October 1, 2012

OUTDOOR WOOD-BURNING FURNACE REQUIREMENTS

Current law prohibits people from constructing, installing, establishing, modifying, operating, or using an outdoor wood-burning furnace until the United States Environmental Protection Agency

regulations governing these furnaces take effect (none have been adopted) unless it was built or in use before July 8, 2005 or the furnace:

1. is installed at least 200 feet from the nearest residence not serviced by it;
2. has a chimney no higher than 55 feet but higher than the roof peaks of residences not serviced by it within 500 feet of the furnace;
3. burns only non-chemically treated wood; and
4. is installed and operated according to the manufacturer's written instructions, provided the instructions comply with the law.

The bill makes these restrictions permanent by no longer requiring their termination when federal regulations are effective. It adds wood pellets to the burnable materials.

The bill also extends to outdoor wood-burning furnaces built or in use before July 8, 2005 requirements that the furnaces (1) operate and be installed according to the manufacturer's written instructions and (2) burn only wood pellets or non-chemically treated wood.

SEASONAL OPERATION RESTRICTION

The bill prohibits operating or using an outdoor wood-burning furnace from May 1 to September 30 if:

1. an adjoining property owner affected by the use or operation of such a furnace files a written complaint with the Department of Energy and Environmental Protection (DEEP) commissioner or the local health director, and
2. the DEEP commissioner or local health director determines that the furnace's use or operation violates state air pollution control law or the Public Health Code's nuisance abatement provision.

BACKGROUND

Nuisance Abatement

Under the public health regulations, local health directors must investigate a nuisance or pollution when they are informed of it or it comes to their attention. If they find the nuisance or pollution exists, they must issue a written order for abatement. The order must (1) specify the nature of the nuisance or pollution and (2) designate the time to abate or discontinue it. If the order is not complied with, the local health director must submit the information to the prosecutor (Conn. Agency Regs. § 19-13-B2).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 22 Nay 7 (03/14/2012)