



General Assembly

Substitute Bill No. 84

February Session, 2012

* _____SB00084ENV__031512_____*

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 Section 22a-174k of the general statutes is repealed and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
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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.*