



General Assembly

February Session, 2012

Amendment

LCO No. 4858

SB0008404858SD0

Offered by:
SEN. MEYER, 12th Dist.

To: Subst. Senate Bill No. 84

File No. 196

Cal. No. 179

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 Section 22a-174k of the general statutes is repealed and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

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

14 (b) No person shall [, from July 8, 2005, to the effective date of

15 regulations promulgated by the United States Environmental
16 Protection Agency to regulate outdoor wood-burning furnaces,]
17 construct, install, establish, modify, operate or use an outdoor wood-
18 burning furnace, unless (1) the outdoor wood-burning furnace was
19 [constructed, installed, established, modified,] operated or in use prior
20 to July 8, 2005, or (2) the outdoor wood-burning furnace complies with
21 the following:

22 (c) On and after October 1, 2012, no person shall construct, install or
23 modify an outdoor wood-burning furnace unless such outdoor wood-
24 burning furnace meets the minimum United States Environmental
25 Protection Agency's voluntary Phase 2 emission standard or a
26 comparable standard for hydronic heaters.

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

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

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

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

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

44 (e) Installation and operation of an outdoor wood-burning furnace

45 shall be in accordance with the manufacturer's written instructions,
46 provided such instructions do not conflict with the provisions of this
47 section.

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

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

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

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

70 (j) The Secretary of the Office of Policy and Management, or the
71 secretary's designees, shall convene a working group that consists of
72 the Commissioners of Energy and Environmental Protection,
73 Agriculture and Public Health to evaluate modifications to existing
74 statutes and regulations and the development of economic incentives
75 to: (1) Replace existing outdoor wood-burning furnaces with cleaner
76 technologies, (2) evaluate state and municipal resource state needs for

77 the timely enforcement of standards for outdoor wood-burning
78 furnaces, (3) evaluate the need for an operational ban on outdoor
79 wood-burning furnaces on high ozone days, and (4) evaluate methods
80 of reducing particulate matter emissions. Such working group shall
81 solicit testimony from any impacted organization on the number of
82 installations and volume of outdoor wood-burning furnace sales in the
83 state."

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