



General Assembly

January Session, 2013

Raised Bill No. 1134

LCO No. 4561



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

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 Section 22a-174k of the general statutes is repealed and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, 2013*):

3 (a) For purposes of this section, "clean wood" means wood that does
4 not contain a coating of any kind of paint or stain and that is not
5 treated with any fire retardant, pesticide, preservative or any other
6 chemical treatment. "Clean wood" includes any wood pellet that is
7 authorized by law to be sold in the state; and "outdoor wood-burning
8 furnace" means an accessory structure or appliance, including, but not
9 limited to, any outdoor wood-burning boiler and any hydronic heater
10 designed to be located outside living space ordinarily used for human
11 habitation and designed to transfer or provide heat, via liquid or other
12 means, through the burning of wood or solid waste, for heating spaces
13 other than where such structure or appliance is located, any other
14 structure or appliance on the premises, or for heating domestic,
15 swimming pool, hot tub or jacuzzi water. "Outdoor wood-burning
16 furnace" does not include a fire pit, wood-fired barbecue or chiminea.

17 (b) [No] (1) On and after October 1, 2013, no person shall [, from
18 July 8, 2005, to the effective date of regulations promulgated by the
19 United States Environmental Protection Agency to regulate outdoor
20 wood-burning furnaces,] construct, install, establish, modify, operate
21 or use an outdoor wood-burning furnace, unless [(1) the outdoor
22 wood-burning furnace was constructed, installed, established,
23 modified, operated or in use prior to July 8, 2005, or (2) the] such
24 outdoor wood-burning furnace complies with the following:

25 (A) Installation of the outdoor wood-burning furnace [is] places the
26 chimney of such furnace not less than two hundred feet from the
27 nearest residence not serviced by the outdoor wood-burning 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 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] clean
36 wood; 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 (2) Any owner or operator of an outdoor wood-burning furnace
41 who provides evidence to the Commissioner of Energy and
42 Environmental Protection that reasonably demonstrates that such
43 outdoor wood-burning furnace was installed prior to July 8, 2005, shall
44 not be subject to the requirements contained in subdivision (1) of this
45 subsection.

46 (c) On and after October 1, 2013, no person shall sell or offer for sale

47 any outdoor wood-burning furnace unless such furnace complies with
48 the United States Environmental Agency's Voluntary Phase 2
49 Standards for outdoor wood-burning furnaces.

50 (d) The Commissioner of Energy and Environmental Protection, the
51 Commissioner of Public Health, or a local director of public health may
52 order the owner or operator of any outdoor wood-burning furnace to
53 remove, render permanently inoperable or discontinue the sale of any
54 furnace that does not comply with the requirements of subsection (b)
55 or (c) of this section, as applicable.

56 (e) On or before October 1, 2014, the Commissioner of Agriculture,
57 in conjunction with the Commissioner of Energy and Environmental
58 Protection, shall conduct a survey to identify the number and location
59 of outdoor wood-burning furnaces installed or operational in the state
60 as of October 1, 2013. On or before October 1, 2014, the Commissioner
61 of Energy and Environmental Protection shall report, in accordance
62 with the provisions of section 11-4a, to the Governor and the joint
63 standing committee of the General Assembly having cognizance of
64 matters relating to the environment on the results of such survey.

65 [(c) The provisions of this section shall be enforced by the
66 Commissioner of Energy and Environmental Protection and may be
67 enforced by the municipality affected by the operation or potential
68 operation of an outdoor wood-burning furnace.]

69 (f) Nothing in this section shall be construed to preclude the
70 Commissioner of Public Health, or any local or regional health officer,
71 from issuing any order to abate air pollution from an outdoor wood-
72 burning furnace that said commissioner or health officer deems to be a
73 nuisance.

74 [(d)] (g) Any person who operates an outdoor wood-burning
75 furnace in violation of this section shall be deemed to have committed
76 an infraction and shall be fined not more than ninety dollars. Each day
77 of operation of such outdoor wood-burning furnace in violation of this

78 section shall be a separate violation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	22a-174k

Statement of Purpose:

To require the operation of outdoor wood-burning furnaces to meet certain requirements, to require such furnaces sold after October 1, 2014, to meet certain EPA standards and to clarify the enforcement authority concerning such requirements and standards.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]