



General Assembly

**Substitute Bill No. 1134**

January Session, 2013



**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 Section 22a-174k of the general statutes is repealed and  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: [ ] (1) "Clean wood" means wood  
4 that does not contain a coating of any kind of paint or stain and that is  
5 not 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 (2) "outdoor wood-  
8 burning furnace" means an accessory structure or appliance, including,  
9 but not limited to, any outdoor wood-burning boiler and any hydronic  
10 heater designed to be located outside living space ordinarily used for  
11 human habitation and designed to transfer or provide heat, via liquid  
12 or other means, through the burning of wood or solid waste, for  
13 heating spaces other than where such structure or appliance is located,  
14 any other structure or appliance on the premises, or for heating  
15 domestic, swimming pool, hot tub or jacuzzi water. "Outdoor wood-  
16 burning furnace" does not include a fire pit, wood-fired barbecue or  
17 chiminea.

18 (b) [No] (1) On and after October 1, 2013, no person shall [ , from  
19 July 8, 2005, to the effective date of regulations promulgated by the  
20 United States Environmental Protection Agency to regulate outdoor

21 wood-burning furnaces,] construct, install, establish, modify, operate  
22 or use an outdoor wood-burning furnace, unless [(1) the outdoor  
23 wood-burning furnace was constructed, installed, established,  
24 modified, operated or in use prior to July 8, 2005, or (2) the] such  
25 outdoor wood-burning furnace complies with the following:

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

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

51 (c) On and after October 1, 2013, no person shall sell or offer for sale  
52 any outdoor wood-burning furnace unless such furnace complies with  
53 the United States Environmental Agency's Voluntary Phase 2  
54 Standards for outdoor wood-burning furnaces.

55 (d) The Commissioner of Energy and Environmental Protection, the  
56 Commissioner of Public Health, or a local director of public health may  
57 order the owner or operator of any outdoor wood-burning furnace to  
58 remove, render permanently inoperable or discontinue the use of any  
59 furnace that does not comply with the requirements of subsection (b)  
60 of this section.

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

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

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

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2013</i>	22a-174k
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**ENV**      *Joint Favorable Subst.*