



General Assembly

**Amendment**

January Session, 2013

LCO No. 7112

**\*SB0113407112SD0\***

Offered by:

SEN. MEYER, 12<sup>th</sup> Dist.

SEN. CHAPIN, 30<sup>th</sup> Dist.

To: Subst. Senate Bill No. **1134**

File No. 496

Cal. No. 366

**"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 Section 22a-174k of the general statutes is repealed and  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 January 1, 2014*):

5 (a) For purposes of this section: [.] (1) "Clean wood" means wood  
6 that does not contain a coating of any kind of paint or stain and that is  
7 not treated with any fire retardant, pesticide, preservative or any other  
8 chemical treatment. "Clean wood" includes any wood pellet that is  
9 authorized by law to be sold in the state; and (2) "outdoor wood-  
10 burning furnace" means an accessory structure or appliance, including,  
11 but not limited to, any outdoor wood-burning boiler and any hydronic  
12 heater designed to be located outside living space ordinarily used for  
13 human habitation and designed to transfer or provide heat, via liquid  
14 or other means, through the burning of wood or solid waste, for

15 heating spaces other than where such structure or appliance is located,  
16 any other structure or appliance on the premises, or for heating  
17 domestic, swimming pool, hot tub or jacuzzi water. "Outdoor wood-  
18 burning furnace" does not include a fire pit, wood-fired barbecue, [or]  
19 chiminea or any unit permitted pursuant to section 22a-174 or any  
20 regulation adopted pursuant to said section.

21 (b) [No] (1) On and after January 1, 2014, no person shall [, from July  
22 8, 2005, to the effective date of regulations promulgated by the United  
23 States Environmental Protection Agency to regulate outdoor wood-  
24 burning furnaces,] construct, install, establish, modify, operate or use  
25 an outdoor wood-burning furnace, unless [(1) the outdoor wood-  
26 burning furnace was constructed, installed, established, modified,  
27 operated or in use prior to July 8, 2005, or (2) the] such outdoor wood-  
28 burning furnace complies with the following:

29 (A) Installation of the outdoor wood-burning furnace [is] places the  
30 chimney of such furnace not less than two hundred feet from the  
31 nearest residence not serviced by the outdoor wood-burning furnace;

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

38 (C) No other materials are burned in the outdoor wood-burning  
39 furnace other than [wood that has not been chemically treated] clean  
40 wood; and

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

44 (2) Any owner or operator of an outdoor wood-burning furnace  
45 who provides evidence to the Commissioner of Energy and

46 Environmental Protection that reasonably demonstrates that such  
47 outdoor wood-burning furnace was installed prior to July 8, 2005, shall  
48 not be subject to the requirements contained in subparagraphs (A) and  
49 (B) of subdivision (1) of this subsection until October 1, 2018.

50 (3) On and after October 1, 2018, any owner or operator who met the  
51 requirements of subdivision (2) of this section shall comply with the  
52 requirements of subparagraphs (A) and (B) of subdivision (1) of this  
53 subsection. The Commissioner of Energy and Environmental  
54 Protection may extend such compliance date for not more than three  
55 years upon a showing of economic or other hardship by such owner or  
56 operator, provided no adjacent property owner will be adversely  
57 impacted by the continued operation of such outdoor wood-burning  
58 furnace.

59 (4) On and after October 1, 2018, any owner or operator who met the  
60 requirements of subdivision (2) of this section shall not own or operate  
61 a wood-burning furnace unless such furnace is a Phase 2 qualified  
62 model under the Hydronic Heater Program of the United States  
63 Environmental Protection Agency. The Commissioner of Energy and  
64 Environmental Protection may extend such compliance date for not  
65 more than three years upon a showing of economic or other hardship  
66 of such owner or operator, provided no adjacent property owner will  
67 be adversely affected by the continued operation of such outdoor  
68 wood-burning furnace.

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

73 (c) On and after January 1, 2014, no person shall give, sell or offer  
74 for sale any outdoor wood-burning furnace unless such furnace is a  
75 Phase 2 qualified model under the Hydronic Heater Program of the  
76 United States Environmental Protection Agency.

77 (d) The Commissioner of Energy and Environmental Protection may

78 order the owner or operator of any outdoor wood-burning furnace to  
 79 remove, render permanently inoperable or discontinue the use of any  
 80 furnace that does not comply with the requirements of subsection (b)  
 81 or (c) of this section.

82 [(d)] (e) Any person who operates an outdoor wood-burning  
 83 furnace in violation of this section shall be deemed to have committed  
 84 an infraction and shall be fined not more than ninety dollars. Each day  
 85 of operation of such outdoor wood-burning furnace in violation of this  
 86 section shall be a separate violation."

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2014	22a-174k