



# Senate

General Assembly

**File No. 31**

February Session, 2014

Senate Bill No. 66

*Senate, March 18, 2014*

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

## ***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 Section 22a-174k of the general statutes is repealed and  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 from passage*):

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,] On

15 and after July 8, 2005, no person shall construct, install, establish,  
16 modify, operate or use an outdoor wood-burning furnace, unless (1)  
17 the outdoor wood-burning furnace was constructed, installed,  
18 established, modified, operated or in use prior to July 8, 2005, or (2) the  
19 outdoor wood-burning furnace complies with the following:

20 (A) Installation of the outdoor wood-burning furnace is not less  
21 than two hundred feet from the nearest residence not serviced by the  
22 outdoor wood-burning furnace;

23 (B) Installation of the chimney of the outdoor wood-burning furnace  
24 is at a height that is more than the height of the roof peaks of the  
25 residences that are located within five hundred feet of the outdoor  
26 wood-burning furnace, which residences are not serviced by the  
27 outdoor wood-burning furnace, provided the chimney height is not  
28 more than fifty-five feet; and

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

31 [(D)] (C) Installation and operation of the outdoor wood-burning  
32 furnace is in accordance with the manufacturer's written instructions,  
33 provided such instructions do not conflict with the provisions of this  
34 section.

35 (c) On and after the effective date of this section, no person shall  
36 burn any material in any outdoor wood-burning furnace other than  
37 wood that is not chemically treated.

38 [(c)] (d) The provisions of this section shall be enforced by the  
39 Commissioner of Energy and Environmental Protection and may be  
40 enforced by the municipality affected by the operation or potential  
41 operation of an outdoor wood-burning furnace.

42 [(d)] (e) Any person who operates an outdoor wood-burning  
43 furnace in violation of this section shall be deemed to have committed  
44 an infraction and shall be fined not more than ninety dollars. Each day  
45 of operation of such outdoor wood-burning furnace in violation of this

46 section shall be a separate violation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-174k

**ENV**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 15 \$</b>	<b>FY 16 \$</b>
Judicial Dept. <sup>1</sup>	GF - Potential Revenue Gain	Less than 450	Less than 450

**Municipal Impact:** None

**Explanation**

The bill (1) makes the ban on certain outdoor wood-burning furnaces (OWFs) permanent, and (2) requires that only non-chemically treated wood be used in OWFs.

To the extent violations of these provisions occur, there may be a revenue gain of less than \$450 annually, as there is currently a fine of \$90 per day applied to violations of OWFs. Less than five violations are anticipated annually.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

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<sup>1</sup> Statutory violations are subject to Infractions Bureau procedures which allow the accused to pay the fine by mail without making a court appearance.

**OLR Bill Analysis****SB 66*****AN ACT CONCERNING OUTDOOR WOOD-BURNING FURNACES.*****SUMMARY:**

This bill (1) makes permanent the ban on outdoor wood-burning furnaces that do not meet certain requirements and (2) extends the requirement to burn only non-chemically treated wood to all outdoor wood-burning furnaces.

Current law prohibits people from constructing, installing, establishing, modifying, operating, or using an outdoor wood-burning furnace unless it was either built or in use before July 8, 2005 or:

1. is installed at least 200 feet from the nearest home not serviced by it;
2. has a chimney higher than the roof peaks of homes within 500 feet of the furnace and not serviced by it, but no higher than 55 feet;
3. burns only non-chemically treated wood; and
4. is installed and operated according to the manufacturer's written instructions, provided the instructions comply with the law.

Under current law, these restrictions terminate if federal Environmental Protection Agency (EPA) regulations governing these furnaces take effect. The bill makes the restrictions permanent, and requires all outdoor wood-burning furnaces, regardless of when they were built or in use, to burn only non-chemically treated wood. This year, EPA proposed regulations covering outdoor-wood burning furnaces (see BACKGROUND).

By law, a violation of the outdoor wood-burning furnace law is an infraction, and violators are subject to a fine of up to \$90. Each day a furnace operates in violation of the law is a separate infraction.

EFFECTIVE DATE: Upon passage

## **BACKGROUND**

### ***Outdoor Wood-Burning Furnace***

By law, an outdoor wood-burning furnace is an accessory structure or appliance designed to (1) be located outside living space ordinarily used for human habitation and (2) transfer or provide heat, through liquid or other means, by burning wood or solid waste. It is used to heat (1) spaces other than the space where the furnace is located, (2) any other structure or appliance on the premises, or (3) domestic water or water used in a swimming pool, hot tub, or jacuzzi. The definition excludes fire pits, wood-fired barbecues, or chimineas.

### ***Proposed EPA Regulations***

Outdoor wood-burning furnaces are not currently regulated by EPA. In January 2014, EPA proposed new rules to its air emissions standards for residential wood heaters that would begin to regulate these furnaces. The current proposal would phase in particulate matter emissions limits, starting in 2015. It would apply only to new furnaces, not those already in use or for sale.

## **COMMITTEE ACTION**

Environment Committee

Joint Favorable

Yea 28      Nay 1      (02/28/2014)