

## Outdoor Wood-burning Furnace Law

By: Kristen Miller, Senior Legislative Attorney  
September 22, 2017 | 2017-R-0198

### What is an OWF?

Basically, an OWF is a wood-fired boiler in an insulated shed with a smoke stack that is located outside of the residential structure it serves (see the below graphic from DEEP's [website on wood burning](#)).



### Issue

This report summarizes the state's outdoor wood-burning furnace (OWF) law ([CGS § 22a-174k](#)). It updates OLR Report [2006-R-0591](#).

### OWF Definition

Under the law, an OWF 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 (but the law only allows burning non-chemically treated wood).

Under the law, OWFs heat (1) spaces other than where they are located; (2) any other structure or appliance on the premises; (3) domestic water; or (4) water for a swimming pool, hot tub, or jacuzzi.

The OWF law does not apply to fire pits, wood-fired barbecues, or chimineas (i.e., freestanding ovens with a bulbous shape and vertical vent), and its installation and operation requirements do not apply to them.

### Installation and Operation Requirements

Connecticut's OWF law bans installing or operating OWFs that do not meet certain requirements, a violation of which is an infraction.

In specifying these requirements, the law distinguishes between two groups of OWFs based on when they were built.

Those that were built, modified, or in use on or after July 8, 2005 must:

1. be sited at least 200 feet from the nearest neighboring residence;
2. have a chimney shorter than 55 feet tall, but higher than the roof peaks of neighboring residences within 500 feet of the OWF; and
3. be installed and operated according to the manufacturer's written instructions, provided the instructions comply with the law.

Those that were built, modified, or in use before July 8, 2005 do not have to comply with the above requirements.

But the law limits the material that can be burned in all OWFs, regardless of when an OWF was built, to non-chemically treated wood.

## **Enforcement**

Under the law, anyone who operates an OWF in violation of the law commits an infraction, punishable by a fine of up to \$90. Each day the OWF operates is considered a separate violation.

Enforcement authority lies with the Department of Energy and Environmental Protection (DEEP) commissioner and the municipality affected by the OWF's operation or potential operation. The law requires the commissioner to enforce the law, while municipalities may choose to do so. (Beyond the scope of this report, there are other requirements that apply to OWF installation and operation such as building permit requirements, air quality laws, and municipal ordinances in the jurisdiction where an OWF is located.)

According to DEEP, it has received 38 complaints relating to a potential violation of the OWF law since June 2014, when the law was most recently amended. The department issued a Notice of Violation in 13 cases for OWFs that did not meet the law's siting or stack height requirements. In the other cases, the OWFs at issue were in compliance with the law or not subject to it.

KM:cmg