

June 15, 2010

Honorable John Hanger
Secretary
Department of Environmental Protection
PO Box 2063
Harrisburg, PA 17105-2063

Dear Secretary Hanger:

On May 6, 2010, the Citizens Advisory Council's Air Committee held a conference call to discuss the final-form amendments to 25 Pa. Code Chapters 121 and 123 for the regulation of outdoor wood-fired boilers (OWB). This call followed up on a March 16, 2010 meeting with DEP staff to discuss comments received on the regulations as proposed.

In CAC's April 21 letter to Bureau Director Joyce Epps, we urged DEP to proceed with a final regulation that protects the citizens of the Commonwealth. The final-form rulemaking is responsive to many of the comments received but is now less protective than the proposed rulemaking would have been, and does not address concerns and complaints resulting from existing OWB units.

The issue of "allowed fuels" was discussed in depth, and how to address the reality that other "fuels" will be burned in the units regardless of the prohibition in the regulation. We recommend that manufacturers be required to educate their consumers about the importance of only using allowed fuels, and the risks posed by burning prohibited fuels such as coal and garbage.

Enforcement was also discussed in depth, both the efficacy of using a complaint-driven approach and concerns about the adequacy of staff to address even this limited approach.

The final-form regulation does require a transition to lower-emitting technologies for new installations, which will be a significant step in addressing the emissions, health effects and the nuisance factor created by the growing use of OWBs. As recommended by the Air Committee, Council concurs with presenting the final-form rulemaking to the Environmental Quality Board.

Thank you for your consideration of our comments. Please contact Sue Wilson, Council's Executive Director, at 717-787-4527 if you have any questions.

Sincerely,

Richard Manfredi
Chair, CAC

John Walliser, Esq.
Chair, Air Committee