

Summary of Comments for Proposed Rule Making 25 Pa. Code Chapters 121 and 123 for Outdoor Wood-Fired Boilers

- 1) There is a dichotomy between the actual legal foundation for this proposed regulation and the proposed regulation. The APCA limits the Department's authority to regulate household heating sources. Specifically, Section 6.1 of the APCA, 35 P.S. 4006.1, states that no written approval (plan approval or permit) shall be necessary for any such source, equipment or device used solely for the supplying of heat or hot water to one structure intended as a one-family or two-family dwelling. **Yet, the proposed rulemaking sites this same act, specifically section 5(a)(1) of the APCA (35 P.S. 4005(a)(1) for its legal foundation and statutory authority.**
- 2) Further legal precedent can be found in ACT 537 enacted in 1966, which basically provides forty-five years of precedent indicating the need to keep the Department out of people's back yards and allowing local governments to oversee proper planning of issues such as this that cannot be efficiently governed by a blanket six page proposed rule. DEP should regulate industry not individuals.
- 3) The Department's proposed regulation leaves no out for some OWB owners. Some families will have to increase their stack height up to eighty-five feet (which is not structural feasible or within local ordinances). The regulation will force OWB to abandon their OWB at a cost of nearly \$15,000.00 and then spend an additional \$10,000.00 for a new heating unit.
- 4) Stack tests in the NESCAUM report do not meet PA standards. PA DEP requires that stack test meet an isokinetic rate between 90% and 110%. Meaning, stack test Nos. 1, 3, 5, 6, 8, 9, and 10 do not qualify as representative data. Tests runs performed during the idle burn are invalid due to erroneous flow measurement rates. **Only five out of seventeen test runs would provide appropriate data and that's only after a cursory review. Meaning 71% of the stack test data is not valid and the five tests that might be valid yielded the five lowest emission rates!**
- 5) The NESCAUM report doesn't indicate the exact location of the unit in question (if the picture on the front cover is any indication the unit is located on a valley floor (railroad tracks in the background)), the height of the stack (very short height) and the OWB smoked continuously all day. In other words, that is the worst case scenario. The Department can't justly compare these results to my OWB or any other OWB. My OWB has a stack height of thirty-four feet, completely shuts down in idle mode (doesn't smoke when not being called on for heat) and my OWB disperses its effluent nearly from the top of a mountain where mixing with the air is rapid. The NESCAUM report also compiles the ambient PM2.5 particulate data from a valley floor where it's not hard to realize that this can quickly become a problem. It's beyond unjust to compare all OWB's utilizing this report.
- 6) The Department should comment on why actual control devices have not been proposed to be put on the OWBs. A fan in series with a mini cyclone along the stack would allow for a large capture of particulate matter (PM). The cyclone can be cleaned with the daily routine and the PM capture could be used in my garden to capture the benefits from potash, calcium carbonate and phosphate residue located in the PM. We can come up with better ideas than having to raise my stack to a height of eighty-five feet.
- 7) We learn that one amasses documents to support the thesis he/she is attempting to prove or disprove. The Department and the Air Quality Technical Advisory Committee (AQTAC) seem to start with the premise that ALL OWB's are detrimental to our society and proceeded to collect data to prove their point, while overlooking any information which did not support their cause. Many of the studies that I found showed older models that were crudely made and did not burn wood efficiently. Thirty years ago, I could find outdoor furnaces that created plumes of smoke. Times have changed and manufacturers have taken major strides in making their products "cleaner burning". I'm asking that we observe directly or study pictures of all types of chimneys—indoor, outdoor, fireplaces, etc. without seeing what type of stove it is connected to. Today, an unbiased observer would have a great deal of difficulty determining whether a chimney was from an OWB, an inside stove, or a fireplace. **Science is not partisan, but it sure seems so in this case especially when you take comment number four into account.**