

Legislative History for Connecticut Act

PA 14-92

SB66

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H – 1201

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2014**

**VOL.57
PART 21
6912 – 7260**

Good evening, Mr. Speaker. I'm sorry for the confusion. We're about to set up our third consent calendar for the evening, Mr. Speaker.

SPEAKER SHARKEY:

Please proceed, sir.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I would ask that -- I would like to move the following items to the Consent Calendar, all of which are in concurrence with the Senate.

Senate Bill 293, House Calendar Number 539 as amended by Senate "A"; Calendar Number 321; Calendar 486 as amended by Senate "A"; Calendar 542 as amended by Senate "A"; Calendar 540 as amended by Senate "A"; Calendar 507 as amended by Senate "A"; Calendar 411 as amended by Senate "A"; Calendar 472 as amended by Senate "A"; Calendar 314; Calendar 132 as amended by Senate "A"; Calendar 116 as amended by Senate "A"; Calendar 541 as amended by Senate "A" and Senate "B".

SPEAKER SHARKEY:

Representative Aresimowicz, I believe that a couple of the bills that you called were actually Senate calendar numbers, not House calendar numbers. So I believe the Clerk knows what you're intending, he

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may -- with your indulgence, I was going to ask him
to, perhaps, offer the correction.

REP. ARESIMOWICZ (30th):

Mr. Speaker, maybe for clarification, I'll go
through the bill numbers very quickly.

It being Senate Bill 29 --

REP. CAFERO (142nd):

Mr. Speaker -- excuse me, Mr. Speaker. Is this
the appropriate time for one to object to all the
items on the Consent Calendar?

SPEAKER SHARKEY:

It would be.

REP. CAFERO (142nd):

I will object to all the items on the Consent
Calendar. I would respectfully request that we talk.

SPEAKER SHARKEY:

Thank you, sir.

With that objection, we will suspend action on
the Consent Calendar so that the Minority and Majority
Leader may talk.

[Pause.]

REP. ARESIMOWICZ (30th):

Thank you very much, Mr. Speaker.

Mr. Speaker, I -- just to clarify, I'm going to run through the bill number and the calendar number.

It would be Senate Bill 293, which is Calendar 545; Senate Bill 429, which is Calendar 539; Senate Bill 115, which is Calendar 321; Senate Bill 203, which is Calendar 486; Senate Bill 71, which is Calendar 542; Senate Bill 447, which is Calendar 540; Senate Bill 61, which is Calendar 507; Senate Bill 75, which is Calendar 411; Senate Bill 321, which is Calendar 472; Senate Bill 66, which is Calendar 314; Senate Bill 178, which is Calendar 495; Senate Bill 430, which is Calendar Number 489; and Senate Bill 425, which is Calendar 51 -- 541.

And I move adoption of the Consent Calendar.

SPEAKER SHARKEY:

Mr. Clerk, does that match your listing of the calendar numbers?

THE CLERK:

430, Mr. Majority Leader, Senate Bill 430 is calendar what?

REP. ARESIMOWICZ (30th):

489.

THE CLERK:

Yes. It does, Mr. Speaker.

SPEAKER SHARKEY:

And, Mr. Majority Leader, could you also indicate -- I'm sorry to have to delay this for a second, but according to my notes, all of those -- well, most of those are adopted -- or amended by Senate "A"? If you could just --

REP. ARESIMOWICZ (30th):

Correct, Mr. Speaker.

SPEAKER SHARKEY:

specify --

REP. ARESIMOWICZ (30th):

Except the first and the last, sir. The last one being Senate "A" and "B," sir.

SPEAKER SHARKEY:

Thank you. As long as we're clear about the amendments that have been adopted in the Senate.

REP. ARESIMOWICZ (30th):

Correct, Mr. Speaker. And I move passage of the bills on today's Consent Calendar Number 3.

SPEAKER SHARKEY:

The question before the Chamber is adoption of the Consent Calendar Number 3?

Staff and guests please come to the well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House is voting on Consent Calendar Number 3.

The House is voting by roll. Will members please return to the chamber immediately.

SPEAKER SHARKEY:

Have all the members voted? Have all the members voted?

Take your time, Representative Boukus.

Would members please check the board to make sure your vote is properly cast. If all the members have voted, the machine will be locked and the Clerk will take a tally.

Will the Clerk please announce the tally.

THE CLERK:

Consent number -- Consent Calendar Number 3

Total Number Voting	147
Necessary for Passage	74
Those voting Yea	147
Those voting Nay	0
Those absent and not voting	4

SPEAKER SHARKEY:

The Consent Calendar is passed.

Will the Clerk please call Calendar 506?

THE CLERK:

Calendar 506, on page 25, favorable report of the joint standing committee on Appropriations. Senate

Bill 55, AN ACT CONCERNING COMPLAINTS THAT ALLEGED MISCONDUCT BY LAW ENFORCEMENT AGENCY PERSONNEL.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. I move for the acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER SHARKEY:

Question's on acceptance of the joint committee's favorable report and passage of the bill.

Will you remark, sir?

REP. FOX (146th):

Thank you, Mr. Speaker.

The Clerk has an amendment, LCO Number 4583. I'd ask that it be called, and I be allowed to summarize.

SPEAKER SHARKEY:

Will the Clerk please call LCO 4583, which has been previously designated Senate Amendment "A."

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2014**

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Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Madam President, some additional items to mark Go at this time.

First, Madam President, Calendar Page 6, Calendar 56, Senate Bill Number 66 is marked Go.

Also Calendar Page 6, Calendar 58, Senate Bill 69 is marked Go.

Calendar Page 6, Calendar 62, Senate Bill 18 is marked Go.

Calendar Page 6, Calendar 63, Senate Bill 19 marked Go.

And Calendar Page 7, Calendar 64, Senate Bill 20 marked Go.

And next is Calendar Page 7, Calendar 71, Senate Bill 241 marked Go.

So we will mark some additional items after that time, Madam President.

THE CHAIR:

Senator Looney, okay. Mr. Clerk.

THE CLERK:

On Page 6, Calendar 56, Senate Bill Number 66 AN ACT CONCERNING OUTDOOR WOOD BURNING FURNACES. Favorable Report of the Committee on Environment.

THE CHAIR:

Good afternoon, Senator Meyer.

SENATOR MEYER:

Good afternoon. Nice to see you, Madam President.

THE CHAIR:

Same here, Senator.

SENATOR MEYER:

I do move acceptance of the Joint Committee's Favorable Report and passage of this bill.

THE CHAIR:

Motion is on acceptance and passage. Will you remark, sir?

SENATOR MEYER:

Just briefly, I would like to. Colleagues, you remember we've had some bills over the years relating to outdoor wood burning furnaces. This is probably the most minor of any that we've had.

Currently law provides, current law here in Connecticut provides that until the federal EPA passes an air quality standard, that there will be a distance from a home to a wood burning furnace, outdoor wood burning furnace of 100 feet and that there will be also certain footage requirements with respect to the height of a chimney, all trying to help homeowners out for protection against the smoke that comes from these furnaces.

Because of the way the law states that until the EPA acts, these distances will remain, the EPA is acting. They have announced an air quality standard and we would really like, and I'm speaking about DEEP and many homeowners, would like to keep the distance requirements that we've had, the 100 feet distance and the chimney height.

So what this bill does is, it continues those distances even though the federal EPA is acting with air quality standards. That's all it does, and I urge its passage.

THE CHAIR:

Will you remark? Will you remark? Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President. Madam President, I also rise in support of the bill before us. I was Ranking Member in 2005 in the Environment Committee and remember very well the debate we had on the distance, I think in the bill it's 200 feet, distance and stack requirements we put into place, and we did so thinking that we could rely on EPA to come forward with reasonable standards and they just haven't done it.

In years past, we've tried to take up this bill and make many different changes to it. I think we would call this, I think the good Chairman of the Environment Committee would agree if we called this OWF light compared to other years.

The only concern I have about the language before us is, we certainly don't want to find ourselves in a position where we're encouraging somebody to continue to operate one, an outdoor wood burning furnace that may be a dirtier model and less efficient model simply because they may presently meet a distance requirement, but in the future if they swapped it out, they would not.

We would certainly, I would think as good policy for the State of Connecticut, want to be sure that if somebody's operating one today and they have an opportunity to upgrade it to a cleaner burning model they should certainly be allowed to do that.

I think the language isn't really clear on that but for today's purposes, I certainly rise in support of the bill before us. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. Madam President, to Senator Meyer, through you, Madam President.

THE CHAIR:

Senator Meyer, prepare yourself. Senator Fasano, please proceed.

SENATOR FASANO:

Thank you, Madam President. Madam President, the remarks by Senator Chapin is the remark that I was going to get up and ask Senator Meyer, that in the event that I had a wood burning stove that was old and I wanted to modify it or maybe it was on its way out, on its last leg, would this prohibit me from purchasing a newer model or a more efficient model in place of the old model and then because I didn't meet the regulations and it's after 2005, would I be prohibited from making that upgrade? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President, it's a good question and there's nothing in this bill that would prohibit you from getting what we call a Phase Two instead of the old Phase One.

Indeed, legislation last year, Senator Fasano, you may remember, related to a mandate with respect to Phase Two and that met resistance and that's why it's not in this bill.

But we encourage Phase Two and there's certainly no mandate that would prevent a consumer from buying the more modern outdoor wood burning furnace.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Madam President, I thank Senator Meyer for his answer to my question. Thank you.

THE CHAIR:

Thank you. Will you remark? Senator Welch.

SENATOR WELCH:

Thank you, Madam President. I, too, have a question for the proponent of the bill if I may, through you, Madam President.

THE CHAIR:

Please proceed, sir.

SENATOR WELCH:

Thank you. On Lines 35, 36 and 37 it looks like we're about to restrict outdoor wood burning fuels to anything other than I think the term is clean wood, but here we're saying you cannot use chemically treated wood, and I know a number of furnaces use wood pellets.

And I guess for a point of clarification, should this pass today, would people still be able to use wood pellets in their furnaces? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President, to Senator Welch, you would definitely be able to use wood pellets as long as they've not been chemically treated, and the fact is, a lot of the complaints we've had in the rural parts of Connecticut have been from people putting chemically treated wood into these furnaces or putting garbage or tires and the smoke of the chemically treated wood or garbage or tires emits is so noxious that it actually is, in my personal experience, has sent people to the hospital.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President. And I guess if I could maybe get a little bit more clarification. When I understood the word chemically treated, I thought of exactly that, Senator Meyer and that was painted wood, tires, trash, et cetera, and that for all intents and purposes, I understand that wood pellets that you would buy in the marketplace today that are sealed and delivered for shipment, they are not chemically treated and I just wanted to make sure, based on your answer that that is in fact what we're talking about, that the over-the-counter pellets as it would, would not be excluded because of Lines 35, 36 and 37. Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes, in answer to Senator Welch, through you, Madam President, the wooden pellets that we're familiar with are not chemically treated and will definitely be used as a fuel in these wood-burning furnaces.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Great. Thank you. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? If not, Senator Meyer.

SENATOR MEYER:

Madam President, if there's no objection, can this go on our Consent Calendar?

THE CHAIR:

Seeing no objection, so ordered, sir. Mr. Clerk.

THE CLERK:

On Page 6, Calendar 58, Senate Bill Number 69 AN ACT CONCERNING THE FARMLAND RESTORATION AND VACANT PUBLIC LANDS PROGRAM OF THE DEPARTMENT OF AGRICULTURE.
Favorable Report of the Committee on Environment.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Thank you, Madam President. I do move acceptance of the Joint Committee's Favorable Report and passage of this bill.

THE CHAIR:

Motion is on acceptance and passage. Will you remark, sir?

SENATOR MEYER:

I will, briefly. Colleagues, we have a, we've long had a program in Connecticut called Farmland Restoration and the Department of Agriculture came to the Environment Committee this year and asked us to expand --

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes, thank you. If Senator Meyer would yield. This item, Madam President, if we might mark this item passed retaining its place on the Calendar. I believe it needs an amendment.

THE CHAIR:

Page 2, Calendar 147, House Joint Resolution Number 56.

Also on Page 2, Calendar 148, House Joint Resolution Number 57.

On Page 3, Calendar 149, House Joint Resolution Number 59.

(HJ 58)

On Page 3 again, Calendar 151, House Joint Resolution Number 60.

Calendar 152, House Joint Resolution Number 61.

And on Page 4, Calendar 153, Senate Resolution Number 17.

Calendar 238, Senate Joint Resolution Number 32.

Also on Page 4, Calendar 239, Senate Joint Resolution Number 33.

Calendar 240, Senate Resolution Number 19.

And Calendar 241, Senate Resolution Number 20.

On Page 6, Calendar 56, Senate Bill Number 66.

And Calendar 62, Senate Bill Number 18.

THE CHAIR:

Mr. Clerk, will you call for a Roll Call Vote on the First Consent Calendar of the day. The machine will be open.

THE CLERK:

An immediate Roll Call has been ordered in the Senate voting today's Consent Calendar.

Immediate Roll Call has been ordered in the Senate.

THE CHAIR:

If all members have voted, all members have voted, the machine will be closed. Mr. Clerk, would you please call the tally.

THE CLERK:

On today's Consent Calendar.

Total number voting	36
Necessary for adoption	19
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

The Consent Calendar passes. Mr. Clerk. Hold on, Mr. Clerk. One moment, Mr. Clerk.

Senator Looney. Senator Looney, please.

SENATOR LOONEY:

Madam President, I believe the Clerk is in possession of Senate Agenda Number 1.

THE CHAIR:

Mr. Clerk.

THE CLERK:

The Clerk is in possession of Senate Agenda Number 1. It's dated Wednesday, April 9, 2014. It's been copied and is on Senators' desks.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Madam President, I move all items on Senate Agenda Number 1 dated Wednesday, April 9, 2014, to be acted upon as indicated and that the Agenda be incorporated by reference in the Senate Journal and the Senate Transcript.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 1
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"Farm-fresh market." So we're in favor of that, of that bill.

We'd also like to speak in favor of -- of 5087, AN ACT CONCERNING THE STEALING OF SHELLFISH, expanding the shellfish that are covered under the law from "oysters" to "all shellfish."

Next, I'd just like to touch base on Senate Bill 69, AN ACT CONCERNING THE FARMLAND RESTORATION AND VACANT PUBLIC LANDS PROGRAMS FOR THE DEPARTMENT OF AG. We support this bill as well, as it allows for farmers to be reimbursed for the cost of the farmland restoration plan. It also makes provisions for those plans to be reimbursed on leased land of state municipal properties with a lease of at least five years, as well as inclusion of a nuisance wildlife fencing and other incidental land-clearing activities that we think will improve the workability of that law as well. So we're in favor of that.

Senate Bill 70, AN ACT CONCERNING THE PRESERVATION OF LANDS UNDER THE CONTROL OF DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION AND THE DEPARTMENT OF AGRICULTURE. We're in favor in concept of this as it -- it goes towards protecting state-owned farmland. We do have some concerns as to the -- the definitions of "high conservation value" and the potential conflict between as defined in the bill today, how those definitions would -- would present potential conflicts between agricultural use and other conservation uses.

What we'd like to see instead is that in the case of land that's held and controlled by the Department of Agriculture to utilize criteria similar or the same as using the farmland preservation criteria to rank it for its agricultural attributes and to -- to handle

that and -- and use that as the -- the basis for high conservation value for agricultural lands.

Finally, it wouldn't be this time of year if we didn't have a discussion about outdoor wood furnaces. I keep saying I don't think we get this time back, but, anyway, here we are again.

SBla

Just in general terms, I mean I know we're here discussing the language in the bill which -- which deals with setbacks and stack heights and the fact that EPA is, in fact, in the process of -- of drafting regulations in a hearing in Boston. However, you know, our main concern with this really comes down to figuring out a way to adopt cleaner-burning technology through -- if that means the -- the EPA standards program, so be it -- and also allow for those who have invested in units to continue to use them through a useful life period for -- for units that's reasonable, with the understanding that if there are problem units, that there may be ways to have the state help in terms of conversion over to newer, cleaner-burning technology. We look forward to having this discussion as it unfolds, but I just wanted to be clear; we really do favor the idea of cleaner-burning technology.

And I'd be happy to discuss any -- any points with regard to that or any of the -- the bills.

SENATOR MEYER: Thank you, Henry.

Any questions from the committee members?

Representative Miner.

REP. MINER: Thank you, Mr. Chairman.

Good afternoon, Henry.

My name is Karl Wagener; I'm Director of the State Council on Environmental Quality. CEQ was pleased to see that three of the bills on its list of recommendations were raised and are being heard today.

Raised Bill 66, which is the outdoor wood-burning furnace bill you were just talking about, as I'm sure you will hear, this is urgent because the federal EPA is rolling out its emissions standards, and when that happens, Connecticut's entirely separate siting requirements will essentially sunset, unless this bill passes. And please don't let that happen.

The clean burning technology that Henry Talmage was talking about pertains to the emissions standards; the siting requirements would go away when those come through, and that shouldn't happen.

Raised Bill 72 concerns running bamboo. CEQ never looked at running bamboo until recently, and when it did, it concluded that last year's legislation is inadequate, and actually the running bamboo should be added to the list of species in statute that should be, for which the sale and planting should be prohibited. Our council members have personally observed running bamboo spreading into wetland areas, and we would like to see that prohibition added to this bill.

Now I want to use most of my minute for Raised Bill 70, AN ACT CONCERNING THE PRESERVATION OF LANDS IN THE CUSTODY OF DEEP AND THE DEPARTMENT OF AGRICULTURE, and I just want to explain why this bill is so important. Recently you received a copy of a special CEQ report, "Preserved but Maybe Not." If you misplaced it, it's easily found on the CEQ web site. And

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mhr/gbr ENVIRONMENT COMMITTEE

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11:30 A.M.

GABRIELE, KALLENBORN: Yeah.

REP. BOWLES: -- okay? Thank you.

Thank you, Madam Chair.

REP. GENTILE: You're welcome. Thank you.

Don Roy.

Okay; we'll move on to David McDonald, followed by Michelle Caul.

DAVID BOOMER: Thank you. Thank you, Representative Gentile.

I'm David Boomer, with the Kowalski Group; we represent Central Boiler, and I'm submitting to you the statement of David McDonald from that company.

Very briefly -- because again, you have our written statement -- on Raised Bill 66 now, AN ACT CONCERNING OUTDOOR WOOD FURNACES, for a number of years now, Central Boiler, we've been meeting with you and discussing this issue. We continue to believe that there's a balance, that there's a way we can make the structure work here in Connecticut where people who desire to have an outdoor wood furnace can -- can have one, that where we can address the smoke issues and abate that and allow hopefully a system to -- to move forward.

But in the -- the meantime, we -- we do support the bill you have, because as many of you know and we've discussed with you, the original statute here in Connecticut conditioned a number of siting rules on, up until some point where federal standards would take effect and when those standards took effect, your siting rules would go away.

And we're now at the point where the federal rules are coming; it's the New Source Performance Standards. So we've, we look forward to working with you on this issue in the days ahead, this session, but we think this is a good initial approach. And then we'll continue to work with you on a longer-term solution that hopefully can have a majority support.

Thank you.

REP. GENTILE: Thank you, David.

Representative Moukawsher.

REP. MOUKAWSHER: Yeah. You know, I read this bill and I -- I compared it to the language we had previously, which did say, you know, until the EPA comes out with some standards, then -- but it seems like this bill is saying that, I mean, it's removed that. And -- and if you did not have a -- a wood-burning furnace installed before 2005, it seems to be saying to me that you can't get one after now, maybe.

Am I reading this wrong or I'm surprised you're -- I mean, I -- I must be reading it wrong because you're supporting it.

DAVID BOOMER: The new --

REP. MOUKAWSHER: So --

DAVID BOOMER: -- language is on or after July 8, 2005, no person shall amend, construct, install, establish, modify, use a wood furnace unless it was installed, established, modified, operated, or in use prior to July 2005, or the -- so I think that on the existing language and on -- on 18 would handle that.

You -- you raise a good point. Can I review this? Clearly, I don't think it's the intent to say anything prior to July 5 has to stop; I don't think that's the intent, but --

REP. MOUKAWSHER: Yeah. It may not be the intent but that's the way I read it.

And then it, you know, when it says unless it complies with the following, and -- and there isn't anything in there, you know, to the effect if it complies with the new EPA standards you could use it. So it seems to me, the way I read it, we're taking a language out that was in there and this new language that you couldn't use one unless it was installed prior to 2005, which means nobody could buy a new one and people who have them, those that were after 2005. --

DAVID BOOMER: Well --

REP. MOUKAWSHER: -- couldn't use them either. Maybe I'm reading it wrong; I -- I --

DAVID BOOMER: -- shy of --

REP. MOUKAWSHER: -- could be.

DAVID BOOMER: On line 16, where it says "unless" and then the outdoor wood furnace was constructed, installed, established, modified, operated or in use prior to July 2005. So I think that, I think we'd be okay for these older units.

REP. MOUKAWSHER: Okay; but -- but it's all, so you couldn't buy a new one then. That's what I'm getting at is it -- it looks like it's preventing any further --

DAVID BOOMER: I don't think so. Representative, I don't think so. I think on or after July 8, 2005, no person shall, and then construct, install, establish, unless it was in use prior to October -- July 8th, July 8, 2005.

And then recall that's when these new, the new law took effect, which has the siting rules, so then the or/and. Then the No. 2 says, and/or it complies with the following, and then that's the 200-foot limit and so forth.

REP. MOUKAWSHER: Okay.

DAVID BOOMER: Let -- we will, we will look at it again.

REP. MOUKAWSHER: All right; yeah, you may. Yeah, that's, I think that's probably right. So I was just concerned, because it looked me like something was being closed there.

DAVID BOOMER: Yeah.

REP. MOUKAWSHER: All right; thank you.

REP. GENTILE: Thank you.

Thank you, David.

DAVID BOOMER: Right.

REP. GENTILE: Michelle Caul.

Okay; Lou Burch.

LOUIS W. BURCH: Thank you, Representative Gentile, and the rest of the distinguished members of this committee.

My name is Louis Burch; I'm the program coordinator for Citizens Campaign for the

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SB68

Environment. We're a member-supported, grassroots organization with over 80,000 members in Connecticut and New York.

I have submitted written testimony, which is made available to you on-line. I would also like to provide verbal comments for two bills today; first, a short statement in support of Senate Bill No. 66.

Obviously, the EPA is revising new regulations regarding the siting of outdoor wood burning furnaces. There is a sunset clause in our current state legislation, and the new EPA regulations do not go as far as current state law with respect to minimum setbacks and stack heights. CCE is supportive of cleaner-burning technologies, however, until those are mandated by the state, minimum setbacks in stack height are necessary, and we are strongly supportive of those minimums to protect public health and the quality of life here in Connecticut.

With respect to Senate Bill No. 68, it is well documented that exposure to pesticides increases children's risk of developing a range of neurological, respiratory, and endocrine disorders, as well as a variety of cancers, which is why Connecticut made a science-based decision to establish itself as a leader, a nation-wide leader in 2005, by prohibiting pesticides on grades kindergarten through six. In 2007, that was expanded to include grades seven and eight, and in 2009, again expanded to include day care centers.

This gradual expansion of policy to us represented a growing body of knowledge among science communities and the Connecticut General Assembly. Senate Bill 68 is intended to strengthen the state policy by allowing groundskeepers to use microbial and biochemical

(Did not testify)

**Testimony of
Environment and Human Health, Inc.**

by
Nancy Alderman, President

Bill No. S.B. 66

SB 66, AN ACT CONCERNING OUTDOOR WOOD-BURNING FURNACES

Good Afternoon Senator Ed Meyer, Representative Linda Gentile, and Members of the Environment Committee:

Environment and Human Health is in strong support of SB 66.

This is an important Bill. It simply says that when the US EPA sets their new residential wood smoke standards, the Connecticut outdoor wood furnace (OWF) state regulations from 2005 will stay in place.

The EPA's newly proposed residential wood smoke air standards will make wood smoke emissions a bit better – but they will in-no-way eliminate the wood smoke emissions.

Connecticut's setback regulations of 200 feet have been critically important to the public since they were promulgated in 2005.

The wood-smoke emissions from outdoor wood furnaces travel for about ½ a mile – and therefore the setback regulations of 200 feet have never been enough to be really health protective –but they are certainly better than not having setbacks at all.

Environment and Human Health's outdoor wood furnace study measured the levels of wood smoke inside homes that were as far away from an outdoor wood furnace as 850 feet– and these homes had 6 times the levels of wood smoke as the houses not near an outdoor wood furnace and 4 times above the levels of the EPA air standards.

A house 240 feet from OWF had 8 times the EPA wood smoke standards.

So, even though the wood smoke emissions will be a bit better when EPA finally passes its new wood smoke regulations – there will still be wood smoke from these wood-burning appliances. Therefore these setbacks need to stay in place if we are to protect the public's health.

Thank you for your time and consideration,

Nancy Alderman, President

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February 19, 2014

Testimony before the Environment Committee

Michelle Caul, Manager of Health Education

An Act Concerning Outdoor Wood-Burning Furnaces

Good Morning Senator Meyer, Representative Gentile and other Members of the Environment Committee.

Thank you for the opportunity to address you today. My name is Michelle Caul and I serve as the Manager of Health Education at the American Lung Association (ALA) in Connecticut. The American Lung Association is a not-for-profit public health organization dedicated to fighting lung disease through research, education and public policy.

ALA in Connecticut supports the Raised Senate Bill No. 66, An Act Concerning Outdoor Wood-Burning Furnaces which maintains certain requirements concerning the installation and use of outdoor wood-burning furnaces and requires owners of such units to burn only wood that is not chemically treated.

The new federal rules do not cover several provisions which are included under the current law in Connecticut such as setbacks, stack heights and more.

We urge you to pass this bill and follow up with additional public health protections such as taking strong action to protect people whose health is being threatened by their neighbors' wood burning. The American Lung Association in Connecticut is committed to finding solutions to these environmental problems.

Thank you,

Michelle Caul

Michelle Caul

Manager, Health Education

American Lung Association in Connecticut

Testimony of
Environment and Human Health, Inc.

by
Nancy Alderman, President

Bill No. S.B. 66

SB 66, AN ACT CONCERNING OUTDOOR WOOD-BURNING FURNACES

Good Afternoon Senator Ed Meyer, Representative Linda Gentile, and Members of the Environment Committee:

Environment and Human Health is in strong support of SB 66.

This is an important Bill. It simply says that when the US EPA sets their new residential wood smoke standards, the Connecticut outdoor wood furnace (OWF) state regulations from 2005 will stay in place.

The EPA's newly proposed residential wood smoke air standards will make wood smoke emissions a bit better – but they will in-no-way eliminate the wood smoke emissions. Connecticut's setback regulations of 200 feet have been critically important to the public since they were promulgated in 2005.

The wood-smoke emissions from outdoor wood furnaces travel for about ½ a mile – and therefore the setback regulations of 200 feet have never been enough to be really health protective –but they are certainly better than not having setbacks at all.

Environment and Human Health's outdoor wood furnace study measured the levels of wood smoke inside homes that were as far away from an outdoor wood furnace as 850 feet– and these homes had 6 times the levels of wood smoke as the houses not near an outdoor wood furnace and 4 times above the levels of the EPA air standards.

A house 240 feet from OWF had 8 times the EPA wood smoke standards.

So, even though the wood smoke emissions will be a bit better when EPA finally passes its new wood smoke regulations – there will still be wood smoke from these wood-burning appliances. Therefore these setbacks need to stay in place if we are to protect the public's health.

Thank you for your time and consideration,

Nancy Alderman, President

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Statement of Central Boiler Regarding Senate Bill 66
Environment Committee
February 18, 2014

Sen. Meyer, Rep. Gentile, Sen. Chapin, Rep. Shaban and members of the committee:

Central Boiler is pleased to offer comments about SB 66, *An Act Concerning Outdoor Wood Furnaces*. As the committee knows, our company manufactures OWFs and other products for consumers in Connecticut and throughout the nation.

Over the past seven years, Central Boiler and dealers have made repeated proposals for change that we believe would make the system work better in Connecticut. We've met with the co-chairs of the Environment Committee and many legislators in an attempt to be part of the solution. We offered, for instance, a proposal four years ago (and every year since) to put a limit on particulate matter emissions from any new OWF sited in the state. We've also been advocating better enforcement of the smoke nuisance provisions of the Public Health Code by municipalities and the state as a way to reduce complaints on problem OWFs. We've also endorsed better consumer information and protections. Although legislation has not passed on OWFs in a number of years, we will continue to advocate for changes that we believe will work to everyone's advantage.

Central Boiler supports the provisions in SB66 that establish proper fuel use requirements and to keep installation requirements in place even after the NSPS is promulgated in 2015. However, as previously represented, Central Boiler feels that installation requirements should reflect the level of control that NSPS OWFs expects to achieve over 'conventional' OWFs.

Vermont was the first state to regulate outdoor wood furnaces (OWFs) beginning in 1997, followed by the State of Connecticut in 2005 through *Public Act 05-227*.

Many northeast States including Connecticut's neighbors (New York, Massachusetts, and Rhode Island) updated regulations based upon work done in EPA's Hydronic Heater Voluntary Partnership Programs (Phase 1 and/or just Phase 2). The EPA, manufacturers, state air agencies including the CT DEEP, test laboratories and other stakeholders all participated in this process. The EPA Phase 2 Program particulate matter emissions limit is 0.32 lbs/MMBtu heat output. Efficiency is built into the output based emission limit and the EPA states that "*Phase 2 units have an orange and white tag and are about 90 percent cleaner than unqualified units.*"

NESCAUM, of which the CT DEEP is a member state agency, issued a Model Rule in 2007 to address the OWF regulatory matter at the state and local level. The NESCAUM Model Rule, with the EPA providing funding, established the same particulate matter emission limit (0.32 lbs/MMBtu heat output) as EPA's Phase 2 Program. It also establishes test methods that are actually applicable to OWFs and states, "*The model regulation is intended to assist government agencies in enacting their own regulations... The purpose of the model rule is to promote cleaner outdoor units through common standards across the states that will protect air quality and public health while reducing the compliance burden on manufacturers...*"

All Central Boiler dealers in Connecticut offer Connecticut consumers the ability to purchase EPA Phase 2 Qualified Hydronic Heaters and well over 100 consumers have already purchased these appliances without being directed or required to by the State.

Central Boiler's supports establishing test methods that are actually applicable to OWFs along with emission limits that are applicable to OWFs (0.32 lbs/MMBtu heat output). But Central Boiler does not support bans on OWFs installed in compliance with Connecticut state law. Furthermore, we will aggressively advocate against proposals that seek to essentially ban OWFs through a guise of emission limits and test methods that are unreasonable and impractical or not even applicable to Hydronic Heaters.

Thank you again for the opportunity to discuss the issue of Outdoor Wood Furnaces. We at Central Boiler believe we have offered reasonable ideas for resolving this controversy and we are prepared to do so once again in the 2014 session.

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February 19, 2014

Submitted by: Henry N. Talmage, Executive Director, Connecticut Farm Bureau Association

The following testimony is submitted on behalf of the Connecticut Farm Bureau, a statewide nonprofit membership organization of over 5,000 families dedicated to farming and the future of Connecticut agriculture.

Senator Meyer, Representative Gentile and Members of the Environment Committee:

SB 00066. AN ACT CONCERNING OUTDOOR WOOD-BURNING FURNACES. The Connecticut Farm Bureau has been involved in the on-going debate over outdoor wood-burning furnaces for several years. It has always been our intention to find ways to adopt cleaner-burning technology advancements while preserving the right of CT residents to utilize wood as a plentiful and affordable renewable energy source. The EPA is in the process of developing federal regulations to address new residential installations of units: The process will likely move away from the voluntary standards of Phase II certification and replace it with mandatory standards that establish emission thresholds that manufactures must comply with. We understand that the certification process will focus on units less than 350,000 BTUs. CT Farm Bureau believes it is important to also allow larger units (above 350,000 BTUs) that meet the same standards so that farms can utilize clean-burning wood technology to heat greenhouses and other agricultural uses in order to lower energy costs. In addition the Connecticut Farm Bureau wants to make sure that residents who have invested thousands of dollars to install OWFs be allowed to continue to utilize them throughout a reasonable useful life of the unit. If there are demonstrated problems with earlier installations that warrant replacement before the end of the reasonable useful life, the state should provide funds to help owners upgrade their units to the new standards. SB 00066 appears to maintain the current setbacks and stack height requirements in the current CT law and bans the use of treated wood in the units. Whereas this bill as written seems acceptable, we are concerned about efforts to amend the bill to place further restrictions on OWFs.

SB 00069. AN ACT CONCERNING THE FARMLAND RESTORATION AND VACANT PUBLIC LANDS PROGRAMS OF THE DEPARTMENT OF AGRICULTURE. The Connecticut Farm Bureau supports SB00069 as it allows the Commissioner of Agriculture to reimburse farmers for the cost of farmland restoration plans including those that lease farmland (for at least 5 years) from the state or local municipalities. In addition, it expands the use of restoration funds to include nuisance wildlife fencing and additional incidental land clearing activities. We believe these are important enhancements to Farmland Restoration Program and urge their adoption.

SB 00070. AN ACT CONCERNING THE PRESERVATION OF LANDS UNDER THE CONTROL OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION AND THE DEPARTMENT OF AGRICULTURE. The Connecticut Farm Bureau generally supports SB00070 as it makes it harder to convert land that is owned by the State of CT to non-agricultural uses. We are however concerned by the language that defines "high conservation value" and the potential conflict of using land that has been so designated between agricultural uses and other natural resource priorities. We would prefer to

Connecticut Farm Bureau Association - *The Voice of Connecticut Agriculture*