

2802

The Independent Regulatory Review Commission  
333 Market Street, 14th Floor  
Harrisburg, PA 17101

RECEIVED  
IRRC

Dear Independent Regulatory Review Commissioner - Arthur Cocodrilli,

2010 AUG -6 A 10:20

My name is Kenneth Stauffer and I own and operate Palace Creek Enterprises located in Mount Pleasant Mills, PA.

I am submitting comments today to request that the IRRC consider revisions to the following proposed PA DEP Regulations regarding "outdoor wood-fired boilers" or OWBs. I may attend the public hearing on August 19, 2010 but would like my written comments to be added to the public record regarding this matter.

As an in-state tax paying business owner, I am very pleased that the proposed DEP regulations have been revised and support them with the following revisions. I am requesting that two revisions be considered by the IRRC regarding setbacks which will make siting and installing an OWB easier for dealers, consumers and even local governments. These same revisions have previously been suggested by manufacturers' and would be consistent with our neighboring State laws/regulations:

- Setbacks for both Non-Phase 2 and Phase 2 appliances should not be based upon property lines exclusively and should include a second option for locating an OWB based upon neighboring residences.
- Property lines can be costly to identify and even if they are identified – property lines can be challenged.
- With modern day range finders and government GIS mapping systems, locating an OWB based upon the distance from the nearest neighboring residence not served by the OWB may be easier for dealers, consumers and local governments.
- I offer the following revised additions to the setback requirements for non-phase 2 OWBs (suggested revisions are in bold and underlined):
  - **"(A) THE NON-PHASE 2 OUTDOOR WOOD-FIRED BOILER MUST BE INSTALLED A MINIMUM OF 150 FEET FROM THE NEAREST PROPERTY LINE" or 170 feet from the nearest neighboring residences not served by the outdoor wood-fired boiler.**
    - I would also be willing to accept an alternative setback of 200 feet from the nearest neighboring residence if the IRRC would be more inclined, for non-Phase 2 OWBs.
    - Think of a consumer who has one or two acres of land who cannot meet the property line setback requirement, who lives in a rural area with no close neighbors and is surrounded by forested land.
- I offer the following revised additions to the setback requirements for Phase 2 OWBs (suggested revisions are in bold and underlined):
  - **"(d) Setback requirements for NEW Phase 2 outdoor wood-fired boilers. A person may not install a NEW Phase 2 outdoor wood-fired boiler in this Commonwealth unless the boiler is installed a minimum of (150) 50 feet from the nearest property line" or 70 feet from the nearest neighboring residence not served by the outdoor wood-fired boiler.**

Thank you for your consideration. Please share my comments with IRRC members and the Environmental Resources and Energy Committees members in the House and Senate.

Respectfully submitted,

Kenneth Stauffer  
Palace Creek Enterprises  
Mt. Pleasant Mills  
888-539-4606

Cc: IRRC - Chairman Cocodrilli - Fax: 717-783-2664  
Senate Environmental Resources & Energy Committee - Chair - Mary Jo White - Fax: 717-787-6088  
House Environmental Resources & Energy Committee - Chair - Hon. Camille Bud George - Fax: 814-765-0609  
PA Environmental Quality Board - Regulatory Coordinator - Michele Tate - Fax: 717-783-8926