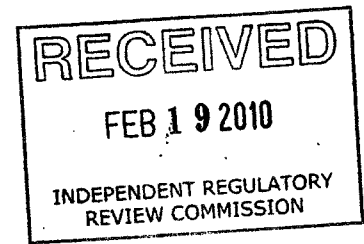


2802



AGRICULTURAL ADVISORY BOARD

To The Department of Environmental Protection

December 16, 2009

Honorable John Hanger, Chairperson
Environmental Quality Board
Secretary of Department of Environmental Protection
Rachel Carson State Office Building
16th Floor
400 Market St
Harrisburg, Pa 17101-2301

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FEB 17 2010

ENVIRONMENTAL QUALITY BOARD

Attached are comments that the Department of Environmental Protection's (DEP) Agricultural Advisory Board (AAB) has pertaining to the departments proposed rulemaking for Chapter 123, Standards for Contaminants, Particulate Matter Emissions.

The AAB is authorized and organized pursuant to Act 11 of 1993, the Department of Environmental Resources Agricultural Advisory Board Act, as amended by Act 220 of 2002, Chapter 7, Agricultural Advisory Board.

The purpose of the AAB is to provide advice and expertise to the DEP Secretary regarding the nature of agriculture in the Commonwealth. The board will also have the opportunity to review and provide comment on policies, rules, and regulations of the Pennsylvania Department of Environmental Protection, which have an impact or a potential impact on agriculture or the agricultural community. The board may provide comments on any existing departmental policy or regulation, as well as any regulatory proposal which would affect agriculture.

Thank you for your consideration. We look forward to working with you as the proposed rulemaking moves forward.

Sincerely,


Michael Firestine
Chairman

Department of Environmental Protection Agricultural Advisory Board

Attachment

Agricultural Advisory Board (AAB) Comments on Proposed Chapter 123 Rulemaking

The following comments on the proposed Chapter 123 (Standards for Contaminants, Particulate Matter Emissions) rulemaking were recorded at the AAB meeting on December 16, 2009.

Comment 1:

Since the regulations are strictly an air emission regulation, the department should set the emission standard for the manufacturing of outdoor wood-fired boilers and acceptable fuels and then compel municipalities to adopt their own standard related to the setback requirements of OWB placement and stack heights. Since the Air Quality Act allows municipalities to adopt more stringent standards, this approach will allow the municipality to adopt local ordinances specific to their communities concerns and landscapes as well as handle all nuisance complaints and enforcement with both existing and new units.

Comment 2:

Have technologies been researched that would allow an "after burn" of exhaust, so stack height requirements can be relaxed? These technologies would act similar to a catalytic converter for automobiles and be an alternative to stack height requirements. With the use of such a technology, outdoor wood fired boilers could also burn prohibited fuels, since the technology will omit a clean exhaust. If a technology is not available, the comments below are offered.

Comment 3:

Since it is unclear, at this moment, weather large smoke stacks will or will not effect the efficiency of outdoor wood fired boilers, smoke stack heights should be eliminated. If smoke stack heights are not eliminated, the comments below are offered.

Comment 4:

Section 123.14 (c) – Setback requirements for Phase 2 outdoor wood-fired boilers – The language should be changed from 150 feet from nearest property line to 150 feet from nearest neighboring residence.

Comment 5:

Section 123.14 (d) (2) – Stack height requirements for phase 2 outdoor wood-fired boilers – The language should be changed from 2 feet above the highest peek of the highest residence located within 150 feet to 2 feet above the highest peek of the highest neighboring residence located within 150 feet.

Comment 6:

Section 123.14 (e) (1) (ii) – Stack height requirements for existing outdoor wood-fired boilers – The language should be changed from 2 feet above the highest peek of the highest residence located within 500 feet to 2 feet above the highest peek of the highest neighboring residence located within 500 feet.

Comment 7:

Section 123.14 (f) – Allowed Fuels – All wood products from residential or agricultural operations not containing creosote, etc, should be added to the fuels that are allowed to be burnt in outdoor wood-fired boilers. These wood products need to be disposed off and if they are not allowed to be burnt in outdoor wood-fired boilers, they will be burnt in open pits that have no particulate matter emission controls.

Comment 8:

Section 123.14 (g) – Prohibited fuels – This section could be expanded in regards to Comment 5, that wood containing creosote, tires, rubber, plastics, non-paper household products etc. are prohibited to be burnt in outdoor wood-fired boilers.

