



## CT DEP Fact Sheet

*Produced September 2005*

# PA 05-227 and Outdoor Wood Burning Furnaces

**During the 2005 session of the General Assembly Public Act 05-227, concerning the siting of Outdoor Wood Burning Furnaces (OWFs), was signed into law. The Public Act 05-227 requires that any OWF installed after July 11th, 2005:**

- Must operate only on wood that has not been chemically treated.
  - Any other material burned in the OWF would constitute a violation of the Public Act.
  - Additionally, installation and operation must be conducted in accordance with the manufacturer's written instructions provided they do not conflict with the Act.
- Must be located not less than 200 feet from the nearest residence not being served by the unit.
  - In the event a vacant building lot exists within the statutory 200 foot set back requirement, a person seeking to build a residence would take precedence over an OWF (if installed after July 11th, 2005) and the owner of the OWF would need to stop all non-compliant operation when the new building received a certificate of occupancy.
  - Public Act 05-227 does not grant any authority for an owner/operator of an OWF to restrict an adjacent property owner from exercising a right to build on property within the 200 foot set back zone.
- Must have a chimney that is more than the height of the roof peaks of residences located within 500 feet of the OWF, provided the chimney height is not more than 55 feet. (This is to the actual roof peak, not the mid-line of the slope).
  - Because the provision regarding chimney heights is intended to limit the envelopment of down wind residences by the smoke plume from an OWF, the comparative heights must be referenced to mean sea level (MSL) and not to variations in local topography.
  - A chimney's height would however be limited to no more than 55 feet at its installed location.
  - Should a new residence be built, or an existing residence be modified, within the 500 foot radius, the OWF chimney height would have to be raised to match the height of the new or modified structure, up to the maximum of 55 feet as provided in the statute or all non-compliant OWF operations would have to be ceased.
  - A licensed Land Surveyor or Professional Engineer would be able to provide appropriate mapping, showing both the horizontal and the vertical control measurements to all residences within the 500 foot radius required by law in order to demonstrate compliance with Public Act 05-227.

- Is subject to an infraction, not to exceed \$90/day, for every day of operation not in compliance with Public Act 05-227.

**Although the passage of Public Act 05-227 will provide some assistance in this emerging arena, Connecticut municipalities, have and will continue to, play the pivotal role in local control of land use in and around areas with OWFs, for instance:**

- Some municipalities may choose to ban or further limit installation of OWFs within their jurisdictions. Local municipalities may choose to limit installations near schools, churches, and commercial areas as the Public Act only addresses set back requirements from residences.
- The installation of an OWF may require local zoning and or building permits depending upon the jurisdiction;
- While not required by the Public Act, some municipalities may choose to require a submittal from a licensed surveyor or professional engineer documenting the location of the OWF, distances to residences, and comparative heights of the stack and residential rooflines, as required by the statute, as part of the local zoning or building permit process.
  - This could ensure the local municipality limits its potential liability by not issuing a permit granting authorization to a resident to install an OWF unit in a non-compliant manner.
  - As with any tall narrow structure, adequate foundation and guying support should be installed as needed to meet applicable codes and ensure public safety.
- Municipalities affected by operation of an OWF have, along with DEP, been charged with enforcement of the provisions of Public Act 05-227.

### **For More Information**

The CT DEP operates an **Air Pollution Complaint Line at 860-424-3436**. This line is open to all citizens with concerns regarding smoke and other air pollution. It is operated from 8:00 am - 4:30 pm, Monday through Friday; voice mail is available for complaints made during evening and weekend hours or you can e-mail a complaint to [dep.aircomplaints@po.state.ct.us](mailto:dep.aircomplaints@po.state.ct.us).