



CT DEP Fact Sheet

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Conn. Gen. Stat. 22a-174k and Outdoor Wood Burning Furnaces

During the 2005 session of the General Assembly Public Act 05-227, now codified as Connecticut General Statute 22a-174k, concerning the siting of Outdoor Wood Burning Furnaces (OWFs) was signed into law.

The Conn. Gen. Stat. 22a-174k requires that any OWF constructed, installed, established, or modified after July 8th, 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 statute.
 - Additionally, installation and operation must be conducted in accordance with the manufacturer's written instructions provided they do not conflict with the statute.
 - Must be located not less than 200 feet from the nearest residence not being served by the unit. (If the unit will be closer than 200 feet to the nearest residence not being served by the unit, then the OWF must not be installed).
- 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).
 - A chimney's height is limited to no more than 55 feet, from ground level, at its installed location. (If this is not more than the height of the roof peaks of residences located within 500 feet of the OWF, then the OWF must not be installed).
 - 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 Conn. Gen. Stat. 22a-174k.
- Is subject to an infraction, not to exceed \$90/day, for every day of operation not in compliance with Conn. Gen. Stat. 22a-174k. Violation of this statute is listed under miscellaneous in the Judicial Infraction Schedule.

Connecticut municipalities continue to have local control of land use in and around areas with OWFs, for instance:

- Some municipalities institute summer bans, complete bans, or limit installation of OWFs within their jurisdictions. Local municipalities may choose to limit installations near schools, churches, and commercial areas as the statute only addresses set back requirements from residences.
- The installation of an OWF requires a building permit.

- While not required by the statute, 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.
 - Property owners, local officials, and state officials do not have jurisdiction to allow variances or exception for any of these regulatory requirements.
 - 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, along with DEP, have authority to enforce the provisions of Conn. Gen. Stat. 22a-174k.

Other Obligations

In addition to the provisions of Conn. Gen. Stat. 22a-174k and local ordinances, Sections 22a-174-18 and 22a-174-23 of the Regulations of Connecticut State Agencies for the abatement of air pollution also apply to the owner or operator of an OWF.

- The provisions of subsection (b) of 22a-174-18 provide that an owner or operator of any fuel burning source shall not exceed 20% opacity during any six-minute block average and 40% opacity during any one-minute block average.

- The provisions of subsection (c) of 22a-174-18 provide that no person shall cause or allow the emission of visible particulate matter beyond the legal boundary of the property on which such emission occurs that either; remains near ground level beyond such property boundary, or diminishes the health, safety or enjoyment of people using a building or structure located beyond the property boundary. Additionally, no person shall emit particulate matter into the ambient air in such a manner as to cause a nuisance.

- The provisions of subsection (a) of 22a-174-23 provide that no person shall cause or permit the emission of any substance or combination of substances which creates or contributes to an odor, in the ambient air, that constitutes a nuisance. Additionally, an odor constitutes a nuisance if present with such intensity, characteristics, frequency and duration that; it is, or can reasonably be expected to be, injurious to public health or welfare, or it unreasonably interferes with the enjoyment of life or the use of property.

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@ct.gov