



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

January 29, 2013

The Honorable David Borden, Chairman
House Science, Technology and Energy Committee
Legislative Office Building, Room 304
Concord, NH 03301

Re: HB 307 relative to the removal of certain wood stoves upon the sale of a home and notification of such removal to the department of environmental services

Dear Chairman Borden and Members of the Committee:

The Department of Environmental Services (DES) is pleased to offer testimony regarding HB 307, which would establish requirements for removing and destroying certain wood stoves that are not certified by the United States Environmental Protection Agency as meeting New Source Performance Standards that were promulgated in 1986.

DES agrees that it is sound environmental policy to retire non-EPA certified stoves as such devices emit almost two and half times the amount of fine particulate matter as an EPA certified stove. In fact, DES developed and promoted a wood stove change-out program in the Keene area. The very limited funds available for this program were obtained through the settlement of a multi-state enforcement case against American Electric Power. In addition, DES and the EPA believe that it is important to promote Supplemental Environmental Projects to support additional wood stove change-out programs, as appropriate, and as funds become available. However, DES has a number of concerns regarding the bill as currently drafted, most notably from the perspective of the lack of staff and funding that are available to develop and implement a new program that would satisfy the requirements of the bill.

Specifically, Paragraph II requires DES to adopt rules defining "densely populated areas" and Paragraph III requires DES to develop and provide forms to the party responsible for removing and destroying the wood stove. In addition, Paragraph III also requires the party responsible for the removal and destruction of the wood stove to file the completed form with DES.

It would be necessary to use dedicated program staff funded by other means to conduct the research, analysis, and public outreach required to develop and implement the rules and the other requirements set forth in HB 307. Without a general fund appropriation or other funding mechanism to implement this bill, DES does not have the resources available to develop and implement such a program.

Thank you for the opportunity to provide testimony. Should you have any questions, or need additional information, please feel free to contact Craig A. Wright, Acting Director, Air Resources Division (271-1088, craig.wright@des.nh.gov) or Pamela G. Monroe, Compliance bureau Administrator, Air Resources Division (271-0882, Pamela.monroe@des.nh.gov).

Sincerely,



Thomas S. Burack
Commissioner

cc: HB 307 Sponsors

HB 307 - AS INTRODUCED

2013 SESSION

13-0675

08/03

HOUSE BILL **307**

AN ACT relative to the removal of certain wood stoves **upon the sale of a home and notification of such removal to the department of environmental services.**

SPONSORS: Rep. P. Schmidt, Straf 19; Rep. Cali-Pitts, Rock 30; Rep. Chase, Ches 8

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill requires the removal of certain wood stoves upon the sale of a home and notification of such removal to the department of environmental services.

Explanation: Matter added to current law appears in *bold italics*.
 Matter removed from current law appears [~~in brackets and struckthrough.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to the removal of certain wood stoves upon the sale of a home and notification of such removal to the department of environmental services.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Notification Required; Wood Stove Removal. Amend RSA 477-h by inserting
2 after section 4-h the following new section:

3 477:4-i Notification Required; Wood Stove Removal.

4 I. In this section, "wood stove" means a wood burning appliance designed for space heating
5 purposes which does not operate as a central heating system or as a sole source of heat. Wood stove
6 shall not include:

7 (a) A wood stove built before 1940 that has an ornate construction and a current market
8 value substantially higher than a common woodstove manufactured during the same period.

9 (b) An indoor, wood-fired furnace that is thermostatically controlled, has a dedicated cold
10 air inlet and dedicated hot air outlet, and is connected to heating ductwork for the entire residential
11 structure.

12 (c) A site-built or site-assembled, solid fueled heating device constructed of structural
13 masonry mass used to store heat from intermittent fires burned rapidly in the structure's firebox and
14 slow release the heat to the site. Such solid-fueled heating device must meet the design and
15 construction specifications set forth in ASTM E 1602-03, "Guide for Construction of Solid Fuel
16 Burning Masonry Heaters."

17 II. All wood stoves which are not certified for sale as new after July 1, 1986 by the
18 Government Protection Agency shall be removed and destroyed upon the sale of a home if the home
19 is in an area that has been designated as densely populated by the commissioner of the department
20 of environmental services in rules adopted under RSA 541-A and posted at the registry of deeds. The
21 removal and destruction of a wood stove shall be the responsibility of the seller of the home unless
22 the buyer and seller agree in writing that the responsibility shall be the buyer's responsibility. If the
23 seller retains responsibility, the seller shall remove and destroy the wood stove prior to the closing
24 date of the sale of the property. If the buyer accepts responsibility, the buyer shall remove and
25 destroy the wood stove within 30 days after the closing date of the sale if the home.

26 III. The party responsible for the removal and destruction of a wood stove under paragraph
27 II shall provide to the commissioner of the department of environmental services on forms provided
28 by the department of environmental services written confirmation of the removal and destruction of
29 the wood stove. Failure to comply with this section shall not invalidate an instrument of conveyance
30 executed in the sale.

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1 2 Effective Date. This act shall take effect 60 days after its passage.

