

DUNSTABLE BOARD OF HEALTH OUTDOOR WOOD BURNING BOILER REGULATIONS

Section 1 Findings & Purpose

WHEREAS, conclusive evidence exists that wood burning devices emit particulate matter, carbon monoxide, and other pollutants known to be detrimental to the health of the public; exposure to these pollutants can cause short-term health harms such as eye, nose, throat, and lung irritation, coughing as well as shortness of breath; and long term exposure to these pollutants can cause asthma, heart and lung disease, as well as cancer, and

WHEREAS, "outdoor wood burning boilers" have been proven to emit a far greater amount of pollutants such as fine particulate matter and a variety of toxic chemicals than conventional indoor wood burning devices, and

WHEREAS, emissions from "outdoor wood burning boilers" are not currently regulated by State or Federal standards, and

WHEREAS, the Dunstable Board of Health recognizes the need to protect the public from detrimental effects from pollutants produced by "outdoor wood burning boilers", the Dunstable Board of Health hereby enacts the following in order to minimize the human health hazards resulting from the smoke and noxious fumes emitted by "outdoor wood burning boilers", to encourage proper techniques in the use and location of these boilers, and to protect and promote the public comfort and convenience.

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Section 2 Authority

The Board of Health of the Town of Dunstable adopts these regulations pursuant to Section 31 and 31C of Chapter 111 of the Massachusetts General Laws.

Section 3 Definitions

A. Outdoor Wood Burning Boiler (a.k.a., outdoor wood-fired hydronic heater or outdoor wood furnace) means a fuel burning device designed: (1) to burn primarily wood by hand-firing; (2) not to be located inside structures ordinarily occupied by humans; and, (3) to heat spaces or water by the distribution through pipes of a fluid heated in the device, typically water. The facility consists of a combustion chamber enclosed within or covered by a fluid-filled jacket and cover from which combustion products are vented through a smoke vent or stack, and having a system of pipes by which the heated water is circulated or delivered to the building or structure and ancillary components such as pumps, electrical systems and control mechanisms and, where necessary, heat exchangers.

- B. Wood fuel: all manner of wood materials from trees or products derived from them, including but not limited to, cordwood, logs, lumber, sawdust, scrap lumber, scrap wood from manufacturing processes, scrap wood from pallets or discarded furniture, wood pellets, slabs, and chips; and having a moisture content that does not exceed 20 percent seasoned moisture content and which also must not have been chemically treated with any preservative, painted, or oiled.
- C. Seasoned wood: wood that has been cut a year and dried at least 6 months.
- D. Dry, or Dried, wood: Wood fuel, whether or not kiln dried that has a moisture content not to exceed 20% seasoned moisture content by weight .
- E. Improper Operations:
 - a. Operating an Outdoor Wood Burning Boiler in a manner contrary to the manufacturer's operating instructions,
 - b. Burning any material that can cause a public nuisance and/or health hazard and
 - c. Operating the Outdoor Wood Burning Boiler in a manner that causes a condition of air pollution with air pollution being as defined in 310 CMR 7.00, adopted pursuant to the Massachusetts General Laws.
 - d. Operating an Outdoor Wood Burning Boiler in a manner not in compliance with the provisions of Section 4, herein below.

Section 4 Requirements/Permits

- A. A permit is required from the Board of Health to install and operate an outdoor wood burning boiler. The permit process shall include submission of a written application form and payment of the permit fee established by the Board. In addition, permit applicants must demonstrate to the satisfaction of the Board of Health that they understand the requirements for proper installation and operation of an outdoor wood burning boiler. The application must be accompanied by a plan indicating proposed boiler location in relation to other buildings and showing separation distances from boiler to all buildings and outbuildings, both on site and all neighboring houses wherever such structures are within 400 feet of the boiler, together with distances to all roads adjacent to site, and distances from boiler to combustible natural features such as meadows, woods, brush, and flammable structures. The Board of Health shall act on a permit application within 60 days of its receipt of a completed application.
- B. The installation must be completed within 6 months from the date of permit issuance.
- C. No boiler shall be installed or operated within 50 feet of a house it is serving or within 400 feet of any other house. The Board of Health may grant a variance from these separation distance requirements when it determines that enforcement of the requirements would involve substantial hardship to the applicant and that the variance would not negate the purposes of these regulations.

- D. The height of the chimney of the outdoor wood burning boiler shall exceed the height of the roof peaks of buildings located within 900 feet of the outdoor wood burning boiler, which buildings are not served by the outdoor wood burning boiler, provided further that in no event shall the height of the chimney be less than sixteen feet, nor shall the chimney height exceed thirty-five feet from the ground level.
- E. The chimney of an outdoor wood burning boiler must be equipped with a properly functioning spark arrestor system.
- F. Manufacturer's recommendations for the installation and use of the unit must be followed. A copy of the manufacturer's recommendations/owners' manual must be submitted to the Board of Health as part of the application.
- G. Only dry, seasoned, untreated wood fuel meeting the specifications of Section 3B may be burned in the boiler unit.
- H. Outdoor wood burning boilers installed before the effective date of these regulations must apply for a permit within 60 days of the effective date. Permits for boilers that predate the adoption of these regulations shall be exempt from the conditions set forth in sections "4 a" through "4 e", inclusive, above
- I. At such time as either the federal Environmental Protection Agency or the Massachusetts Department of Environmental Protection adopts regulations/standards regarding emissions from Outdoor Wood Burning Boilers, the Dunstable Board of Health may require that all previously permitted units shall from that date forward meet the EPA/DEP standards provided that those standards are more restrictive than any local standards then in effect.
- J. The period for permitted operation of the outdoor wood burning boiler is only between the dates of October 1st in one year through May 15th of the following year.

Section 5 Penalties

Any violation of these regulations shall be punished by a penalty of \$300.00 for the first offense

Each day of violation shall constitute a separate offense. In addition, the Board of Health may revoke a permit for failure to comply with the terms of the permit or the provisions of these regulations following a public hearing and notice to the permit holder. These provisions may be enforced through the Dunstable Non-Criminal Disposition Bylaw.

Section 6 Fees

A non-refundable one hundred and fifty dollars (\$150.00) filing fee must accompany new installation permit applications. The fee must be fully paid in order for the application to be deemed complete.

A non-refundable twenty-five dollars (\$25.00) filing fee must accompany permit applications for wood burning boilers installed before the effective date of these regulation

-Section 7 Enforcement

The Dunstable Board of Health or its designated agent shall have the right to take appropriate enforcement or other action, in accordance with Chapter 111 of the General Laws, or any other applicable law, with respect to any such boiler that it determines constitutes a nuisance.

Section 8 Waiver Conditions

Any person may apply for a waiver to the Dunstable Board of Health from one or more of the provisions of this regulation. Every waiver request shall be made in writing and shall be subject to a public hearing before the Board of Health. The requesting party, at their sole expense, must notify all property owners whose land is within 400 feet of the applicant's property boundary if requesting a waiver from Section 4C and within 900 feet of their property boundary if requesting a waiver from Section 4D. All notifications of such property owners shall be by certified mail sent at least ten (10) days prior to the public hearing. Waivers may be granted by the Board of Health provided it finds that significant hardship exists, and the waiver can be granted, subject to conditions if warranted, without substantial detriment to the purposes of these regulations

Section 9 Severability

If any part, paragraph, provision or section of this regulation is determined by any Court to be invalid, against public policy, or unconstitutional, said finding shall not affect the legality of any remaining part(s), paragraphs(s), provision(s) or section(s) of this regulation which shall continue in full force and effect.

Section 10 Effective Date

This regulation shall take effect upon its adoption.

Dunstable Board of Health

Date:

Member:

Member:

Member:

**TOWN OF DUNSTABLE BOARD OF HEALTH
OUTDOOR WOOD BURNING BOILER INSTALLATION AND
OPERATION PERMIT
APPLICATION**

FEE: \$150.00

Name: _____ Telephone #: _____

Address: _____ Assessor Parcel#: _____

Proposed height of smoke stack (in feet) as measured from the ground elevation at its base: _____

[Please attach a plan, with appropriate title block, on which is shown the proposed boiler location in relation to other buildings and separation distances from boiler to all buildings and out buildings on site and all neighboring houses with 400 feet, together with distances to all roads adjacent to site and distances from boiler to meadows, woods, brush and flammable structures as called for in these regulations.]

I have received a copy of the Board of Health regulations regarding outdoor wood burning boilers.

Signature: _____ Date: _____

TOWN OF DUNSTABLE BOARD OF HEALTH

OUTDOOR WOOD BURNING BOILER

CONSTRUCTION PERMIT APPROVAL

An inspection must be done and a signature obtained from the Board of Health or its agent before the unit is put into operation and used.

OUTDOOR WOOD BURNING BOILER CHECK LIST:

Owner's Name: _____ Date: _____

Address: _____ Assessor Parcel # _____

Telephone Number: _____ Fee Paid: _____

This Permit Expires on: _____

A. On Plan provided all required distances are shown including:

Boiler to residence (minimum must be 50 feet); _____

Boiler to neighboring houses;

Boiler to out buildings;

Boiler to other structures;

Boiler to meadows;

Boiler to woods;

Boiler to brush;

Boiler to roads;

B. Height of the ridgeline of the highest residence within 900 feet of the boiler:

C. Smokestack height:

Board of Health Agent Signature:

Date _____

