

OUTDOOR WOOD BURNING BOILER REGULATIONS

SECTION 1. FINDINGS AND PURPOSE

Whereas, conclusive evidence exists that wood-burning boilers 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 shown, because of their design to emit high quantities of particulate matter and other noxious fumes; and

Whereas, poor management and poor fuel exacerbate the effects of the smoke created by the firing of these units; and

Whereas, emissions from outdoor wood burning boilers are not currently regulated by State or Federal Standards;

The Town of Millbury Board of Health pursuant to section 31 and 31C of chapter 111 of the Massachusetts General laws, hereby adopt the following regulations to protect the public health of the community. These regulations shall take effect **November 14, 2007**.

SECTION 2. DEFINITIONS

Outdoor Wood Burning Boiler: A wood fired boiler, surrounded by a water jacket, in a freestanding structure with a smoke stack used to heat water that is carried by piping to provide heat and/or hot water to a building.

Wood Fuel: All wood intended to be used as fuel, including but not limited to trees, cordwood, logs, lumber, sawdust and wood from manufacturing processes (butt offs, shavings turnings, sander dust) wood pellets, slabs, bark, chips and waste pellets. This definition does not include materials chemically treated with any preservative, paint or oil, moisture content not to exceed 17%. Wood that has been cut a year and dried at least six (6) months, with a moisture content not to exceed 17%.

SECTION 3.

REQUIREMENTS

- A. A permit is required from the Board of Health to operate an existing outdoor wood burning boiler after November 14, 2007 (effective date of this regulation). Outdoor wood burning Boilers installed before the effective date of these regulations must apply for a permit to the Board of Health within sixty (60) days of the effective date. The permit process shall include submission of a written application form and payment of the fee established by the Board of Health.

- B. The use of an existing outdoor wood burning boiler shall conform to the following conditions:
 - 1. Boiler shall be located a minimum of 50 feet from the house serviced by the outdoor wood burning boiler.
 - 2. Boiler stack shall be located a minimum of 200 feet including the setbacks from any abutters property line not serviced by the wood burning boiler.
 - 3. The chimney height of the outdoor wood burning boiler shall exceed the height of 3 feet the roof peaks of all buildings within 200 feet of the boiler, and the chimney shall be equipped with a properly functioning spark arrester system
 - 4. Only untreated wood fuel with a moisture content of less that 17% may be burned in the boiler
 - 5. Manufacturers recommendation for the installation and use of the unit must be followed.

SECTION 4

PROHIBITIONS

It shall be illegal in the Town of Millbury for any person to:

- 1. Install any outdoor wood burning boiler after the effective date of these regulations.
- 2. Cause, suffer, allow, or permit the operation of any existing outdoor wood burning boiler between April 15 and October 15, both inclusive.
- 3. Cause, suffer, allow, or permit the operation of an existing out wood burning boiler in any manner contrary to the manufacturers operation procedures.
- 4. Cause, suffer, allow, or permit the operation of an existing outdoor wood burning boiler in any manner that causes public nuisance or a public health risk.
- 5. Cause, suffer, allow, or permit the burning of treated woods, trash, garbage, biological waste, or any other waste or otherwise use an outdoor wood burning boiler as a incinerator.

SECTION 5. SEVERABILITY

If any provision of these regulations is declared invalid or unenforceable, the other provisions shall not be effected, but shall continue in full force and effect.

SECTION 6. ENFORCEMENT

1. If an inspection or examination reveals that an outdoor wood burning boiler is installed or operated in a manner that is not compliant with these regulations the Board of Health or their agent shall issue an order to cease operation of the outdoor wood burning boiler until it has been restored to compliance.
2. If an inspection or examination determines that an outdoor wood burning boiler is operated in an manner that constitutes a nuisance or cause of filth or sickness in accordance with Massachusetts General Laws C.111, the Board of Health or their agent shall issue an order to cease operation of the outdoor wood burning boiler.

SECTION 6. VARIANCE

The Board of Health may vary any provisions of these regulations with respect to any particular cause, when in its opinion:

1. The enforcement thereof would do manifest injustice, and
2. The applicant has proved that the same degree of protection can be achieved without strict application of the particular provision.

All variances shall be considered at a hearing by the Board of Health.

SECTION 7. PENALTIES

Any violation of these regulations shall be punished as described in Massachusetts General Laws Chapter 111, section 31C. Any person who fails to comply with any order issued pursuant to these regulations may:

1. Be ordered to cease operation of the outdoor wood burning boiler, or
2. Be fined up to \$300.00, at the discretion of the Board of Health or Health Agent. Each day of violation shall constitute a separate offense, or
3. Be penalized by complaint brought in Worcester County Housing Court, District Court, or any other court of competent jurisdiction.