



*Board of Health
979 Somerset Avenue
Dighton M.A. 0215*

*Tel.: (508) 669-5182
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*Wednesday December 16, 2015
6:00 P.M.
Special Meeting Minutes*

Call to Order:

Chairman Patrick Menges called the meeting to order at 6:02 P.M.

Present:

Chairman Patrick Menges, Dean Cronin and Nancy Goulart

Pledge of Allegiance: The Pledge of Allegiance to the Flag was recited by all.

Out Door Wood Burning Boiler Regulations Hearing:

Chairman Patrick Menges read the Legal notice posted in the Taunton Daily Gazette and asked if all participants had a copy of the regulation. See Attached.

Residents who wish to speak in favor of the regulation proposal:

None

Residents who wish to speak against regulation proposal:

None

Public Input:

Henry Bennett: stated that something is missing in this proposed regulation. It doesn't cover systems operating right now. This regulation needs to be tightened up or strengthened to protect the Town.

There was a discussion regarding existing systems and why they were not grandfathered. The Board explained that even if they were grandfathered they would not allow an activity that they have discovered to be harmful to the public health to continue. This is a health regulation.

TOWN CLERK
DIGHTON, MA

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RECEIVED



**TOWN OF DIGHTON
Board of Health
979 Somerset Avenue
Dighton MA. 02715
(508) 669-5182**

Notice of Public Hearing

You are hereby notified that the Town of Dighton Board of Health will be holding a Public hearing on Wednesday, December 16, 2015 at 6:00 PM to review the Outdoor Wood Burning Boiler Regulation. The hearing will be held at the Town Hall, 979 Somerset Avenue, Dighton MA. 02715

Board of Health

**Patrick Menges, Chairman
Dean Cronin
Nancy Goulart**

TOWN OF DIGHTON
BOARD OF HEALTH REGULATION
OUTDOOR WOOD BURNING BOILERS (OWBB)

A. PURPOSE AND AUTHORITY:

Whereas outdoor wood burning boilers have been found to emit significant high quantities of particulate matter and noxious fumes, and; Whereas poor and unapproved operating practice exacerbate the effects of the smoke, and; Whereas complaints related to adverse effects related to health, comfort of life and general nuisance have been recorded in the Town of Dighton and throughout the State of Massachusetts.

The Town of Dighton, MA, by and through its Board of Health, under the authority of Massachusetts General Law chapter 111 sections 31, 31C & 122 and 310 CMR 11.02 hereby adopts these regulations in order to protect the public health, comfort, and convenience from uncontrolled emissions of smoke and noxious fumes.

B. DEFINITIONS

BURNING or HEATING SEASON: means the period beginning October 1 and ending May 15, inclusively.

CLEAN WOOD: means wood that has no paint, stains, or other types of coatings, and wood that has not been treated with preservatives, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol.

EMISSION: means any discharge or release of an air contaminant to the ambient air space.

EMISSION POINT: means any place including but not limited to a stack or vent at or from which any air contaminant is emitted to the ambient air space.

INCINERATOR: means an appliance used to burn trash, rubbish and other wastes.

ODOR: means that property of gaseous, liquid, or solid materials that elicits a physiologic response by the human sense of smell.

OPACITY: means the degree to which emissions other than water reduce the transmission of light and obscure the view of an object in the background.

OUTDOOR WOOD BURNING BOILER (OWBB): means a fuel burning device: (1) designed to burn wood or other approved solid fuels; (2) that the manufacturer specifies for outdoor installation or installation in structures not normally occupied by humans; and (3) that heats building space and/or water via the distribution, typically through pipes, of a fluid heated

in the device, typically water or a water/antifreeze mixture. May also be referred to as Outdoor Hydronic Heater.

*Note: Outdoor wood boiler does not include fire pits, chimneys, wood fired barbeques, or equipment for melting, reclaiming or refining of metals or maple syrup.

SEASONED WOOD: means wood, used for fuel that has been air dried so that it contains 15 to 20 percent maximum moisture content (wet basis).

C. APPLICABILITY

This regulation shall apply to each Outdoor Wood-Fired Boiler installed on or after the effective date of this regulation as well as any OWBB installed and/or in use prior to the effective date of this regulation. An OWBB installed and/or in use prior to the effective date of this regulation is not exempt and shall fully comply with this regulation.

New Outdoor Wood Boilers are strictly prohibited in the Open Recreation and Conservation Zoning District.

All outdoor wood burning boilers for sale or use in the Town of Dighton shall be certified in accordance with the regulations of the Massachusetts Department of Environmental Protection.

The installation or operation of a Commercial sized OWBB as defined in 310 CMR 7.26(51) and commercial entities are hereby prohibited from using any OWBB.

Where a conflict between this Regulation and the Mass State Regulation 310 CMR 7.26(50)-(54) arise, the stricter Regulation shall apply.

D. REQUIREMENTS:

1. On and after the effective date of this regulation no person shall:
 - a. Site, install, allow the installation of, or operate an OWBB unless it is installed at least 150 feet from any building owned by another party and the permanent stack of the OWBB extends at least 2 feet higher than the peak of any roof structure located within 150 feet of the OWBB. The permanent stack shall be a minimum of 18 feet in height.
 - b. Site, install, allow the installation of, or operate an OWBB unless it has been permitted by the Board of Health.
2. The manufacturer's specifications for the installation and use of the OWBB shall be complied with except where they are in conflict with this regulation; and in such event, the more restrictive specification or requirement shall apply.
3. The OWBB shall be installed by licensed contractors once the appropriate approvals or permits have been obtained.

4. An OWBB installed and/or in use prior to the promulgation of this regulation shall fully comply with this regulation within one year of the effective date of this regulation.

E. PERMITS AND WRITTEN PLANS

1. An OWBB Special Permit shall be obtained from the Board of Health prior to the installation of an OWBB. The permitting process shall include the submission of an application, a detailed site plan prepared and stamped by a Massachusetts Professional Registered Engineer, the manufacturer's owner manual, a copy of the certification that the particular OWBB unit chosen meets the appropriate emission standards and the permit fee of \$ 100.00.
2. The detailed site plan shall be of suitable scale (one inch = 40 feet or fewer) and shall include depiction of:
 - a. Street number and the tax map number and lot number of property on which OWBB will be operated;
 - b. Legal boundaries of the applicant's property and all streets adjacent to it;
 - c. Proposed location and dimensions of the OWBB;
 - d. Distances from the OWBB to the applicant's property lines;
 - e. Location of all building(s) existing within 500 feet of the proposed location of the OWBB and the distances to said building(s);
 - f. Identification of all building(s) to be served by the OWBB and the associated exterior plumbing to the OWBB;
 - g. Location of water lines, private wells and subsurface sewage disposal systems within 500 feet of the proposed location of the OWBB;
 - h. Current zoning of the adjacent properties;
 - i. Elevation of the highest peak of all roof structures located within 150 feet of the OWBB;
 - j. Proposed elevation of the top of the OWBB's permanent stack.
 - k. Distances to all roads adjacent to the site and distances from the boiler to woods, brush and flammable structures.

F. INSTALLATION AND USE:

1. An outdoor wood burning boiler shall be located a minimum of 150 feet from any structure, designed or built for occupancy, not being served by the outdoor wood burning

boiler

2. An outdoor wood burning boiler shall be located no less than 75 feet from any property line.
3. A clear radius of 25 feet must be maintained between any outdoor wood burning boiler and any trees or vegetation.
4. Tops of chimneys or other points of emission from outdoor wood burning boilers must be two (2) feet higher than the peak of any structure on the property being served or any structure within 150 feet of the boiler.
5. Only properly seasoned wood or clean dried wood shall be used to fuel the outdoor wood burning boilers.
6. Burning of treated woods, trash, garbage, biological waste, or any waste or otherwise use of an outdoor wood burning boiler as an incinerator is strictly prohibited.
7. Outdoor wood burning boilers shall only be operated from October 1 through May 15.
8. Outdoor wood burning boilers shall not be operated in any manner contrary to manufacturers operating procedures.

G. VISIBLE EMISSION STANDARD:

1. No person shall cause, suffer, allow or permit the emission of air contaminants from any residential-size outdoor hydronic heater or commercial-size outdoor hydronic heater to exceed an average of 20 percent opacity for two minutes in any one-hour period.
2. No person shall cause, suffer, allow or permit the emission of air contaminants from any residential-size outdoor hydronic heater to exceed at any time 40 percent opacity for the first 6 minutes during the startup period of a new fire. For the remainder of the startup period no person shall cause or allow the emission of air contaminants from any outdoor hydronic heater to exceed a 20 percent opacity standard in any consecutive two minute average period. 310 CMR 7.26(52) (f) 2 only applies to the initial firing of the unit where no coal bed exists and does not apply to refueling.
3. Opacity under this subsection shall be determined pursuant to EPA Method 9 Visual Determination of the Opacity of Emissions from Stationary Sources (40 CFR Part 60, Appendix A).

H. 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 a notice of violation, cease and desist order, or other administrative enforcement order, and may take any other legal action to compel compliance with this regulation order to cease operation of the outdoor wood burning boiler until it has been restored to compliance.
2. A party aggrieved by an order shall have the right to request a hearing before the Board of Health. Said request must be in writing and received by Health office within seven (7) days of receipt of the order. At said hearing, the aggrieved party shall have the right to be represented by an attorney and present witnesses and documentary evidence as to why the order should be modified or withdrawn.
3. The Board of Health may take additional action deemed appropriate and lawful to enforce the terms of this regulation, including but not limited to criminal prosecution, civil action for injunctive relief or money damages, or both.

I. PENALTIES:

Whoever violates any order, rule or regulation promulgated or adopted under the provisions of Massachusetts General Laws, Chapter 111, sections 31C shall be punished, for the first offense, by a fine of not less than one thousand nor more than five thousand dollars and for a subsequent offense, by a fine of not less than five thousand nor more than ten thousand dollars. Each day or part thereof violation of such an order, rule or bylaw whether such violation be continuous or intermittent, shall be construed as a separate and succeeding offense.

J. SEVERABILITY:

If any provision contained in these regulation is deemed invalid for any reason, it shall be severed and shall not affect the validity of the remaining provisions.

Effective Date: Upon Department of Environmental Protection Approval

BOARD OF HEALTH

Dean V. Cronin

Patrick W. Menges

Nancy Goulart