



**Town of Dartmouth
Board of Health
400 Slocum Road
Dartmouth, MA 02747**

AIR QUALITY REGULATIONS

Under the authority granted in MGL Chapter 111, Section 31 and 31C, the Dartmouth Board of Health adopts the following regulations also contained as part of the Massachusetts Air Pollution Control Regulations: 310 CMR 7.00. This action is intended to protect the health of its residents and the community from the adverse health impacts associated with the following air contaminants. The preponderance of information documenting the adverse impacts to human health from air contaminants including dust, noise and odors compel this action. Any regulations previously adopted addressing these issues are hereby repealed.

AIR CONTAMINANT means any substance or man-made physical phenomenon in the ambient air space and includes, but is not limited to, dust, fly ash, gas, fume, mist, odor, smoke, vapor, pollen, microorganism, radioactive material, radiation, heat, sound, any combination thereof, or any decay or reaction product thereof.

AIR CONTAMINATION SOURCE means any place at or from which any air contaminant is emitted to the ambient air space.

AIR POLLUTION means the presence in the ambient air space of one or more air contaminants or combinations thereof in such concentrations and of such duration as to:

- (a) cause a nuisance;
- (b) be injurious, or be on the basis of current information, potentially injurious to human or animal life, to vegetation, or to property; or
- (c) unreasonably interfere with the comfortable enjoyment of life and property or the conduct of business.

DUST means finely divided solid matter.

NOISE means sound of sufficient intensity and/or duration as to cause or contribute to a condition of air pollution.

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

OPACITY means that characteristic of matter which renders it capable of interfering with the transmission of rays of light and causes a degree of obscuration of an observer's view.

SOUND means the phenomenon of alternative increases and decreases in the pressure of the atmosphere, caused by radiations having a frequency range of from 20 to 20,000 cycles per second, that elicits a physiologic response by the human sense of hearing.

WASTE

- (a) Waste means any solid, liquid, semi-solid, or contained gaseous material, resulting from industrial, commercial, mining, or agricultural operations or from municipal activities, or any refuse, or sludge, which:
 1. is sometimes discarded or is being accumulated, stored, or physically, chemically, or biologically treated prior to being discarded; or
 2. has served its original intended purpose or is no longer suitable for its original intended purpose; or

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3. is a manufacturing or mining by-product and sometimes is discarded; or
4. has served its original intended purpose and will be "used" as defined in [310 CMR 30.000](#).

(b) A material is discarded if it is:

1. abandoned or intended to be abandoned;
2. disposed of;
3. incinerated; or
4. physically, chemically, or biologically treated in lieu of or prior to being disposed of or abandoned.

(c) A manufacturing or mining by-product is a material that is not one of the primary products of a particular manufacturing or mining operation, is a secondary and incidental product of the particular operation and would not be solely and separately manufactured or mined by the particular manufacturing or mining operation. The term does not include an intermediate manufacturing or mining product which results from one of the steps in a manufacturing or mining process and is typically processed through the next step of the process with a short time.

(d) Materials which have been approved by the Department for reuse or burning as a fuel at the site of generation pursuant to the provisions of [310 CMR 30.355](#) and [30.356](#) are not wastes.

7.09: U Dust, Odor, Construction, and Demolition

(1) No person having control of any dust or odor generating operations such as, but not limited to asphalt batching plants, asphalt roofing materials manufacturing plants, asphalt blowing plants, foundries, chemical products manufacturing plants, incinerators, fuel utilization facilities, petroleum products manufacturing plants, aggregate manufacturing plants, food preparation or processing facilities, wood products plants, dry cleaning establishments, paint and varnish manufacturing plants, paper manufacturing plants, leather manufacturing plants, concrete batching plants, metal coating and treating plants, land clearing operations, construction work, dump operations, agricultural operations and street sweeping shall permit emissions therefrom which cause or contribute to a condition of air pollution.

(2) No person responsible for any construction or demolition of an industrial, commercial, or institutional building or residential building with 20 or more dwelling units, shall cause, suffer, allow, or permit emissions there from which cause or contribute to a condition of air pollution. Said person shall notify the Department in writing ten working days prior to the initiation of said construction or demolition operation. The ten working day advance notice period will be waived in the event of emergency demolition necessary to prevent a public health or safety hazard.

(3) No person responsible for an area where construction or demolition has taken place shall cause, suffer, allow, or permit particulate emissions there from to cause or contribute to a condition of air pollution by failure to seed, pave, cover, wet, or otherwise treat said area to prevent excessive emissions of particulate matter.

(4) No person shall cause, suffer, allow, or permit the handling, transportation, or storage of any material in a manner that results or may result in emissions there from which cause or contribute to a condition of air pollution.

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(5) No persons responsible for any construction or demolition of a structure that contains friable asbestos material shall fail to comply with 310 CMR 7.09(2) and [310 CMR 7.02](#). (National Emission Standards for Hazardous Pollutants)

(6) No person shall cause, suffer, allow, or permit the operation of mechanized street sweeping equipment that is not equipped with a suitable dust collection or dust suppression system which is maintained in good operating condition and is operated continuously while the street sweeping equipment is in use to prevent conditions of air pollution.

(7) 310 CMR 7.09(1) through 7.09(4) and 7.09(6) are subject to the enforcement provisions specified in [310 CMR 7.52](#).

7.10: U Noise

(1) No person owning, leasing, or controlling a source of sound shall willfully, negligently, or through failure to provide necessary equipment, service, or maintenance or to take necessary precautions cause, suffer, allow, or permit unnecessary emissions from said source of sound that may cause noise.

(2) 310 CMR 7.10(1) shall pertain to, but shall not be limited to, prolonged unattended sounding of burglar alarms, construction and demolition equipment which characteristically emit sound but which may be fitted and accommodated with equipment such as enclosures to suppress sound or may be operated in a manner so as to suppress sound, suppressible and preventable industrial and commercial sources of sound, and other man-made sounds that cause noise.

(3) 310 CMR 7.10(1) shall not apply to sounds emitted during and associated with:

- (a) parades, public gatherings, or sporting events, for which permits have been issued provided that said parades, public gatherings, or sporting events in one city or town do not cause noise in another city or town;
- (b) emergency police, fire, and ambulance vehicles;
- (c) police, fire, and civil and national defense activities;
- (d) domestic equipment such as lawn mowers and power saws between the hours of 7:00 A.M. and 9:00 P.M.

(4) 310 CMR 7.10(1) is subject to the enforcement provisions specified in [310 CMR 7.52](#).

7.52: U Enforcement Provisions.

Any police officer, fire department, board of health official, or building inspector or his designee acting within his jurisdictional area is hereby authorized by the Department to enforce any of the above regulations.

Severability

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

Fine for Violations

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Pursuant to Chapter 111, Section 142A Pollution or Contamination of Atmosphere; Prevention; Regulations; Violation; Enforcement - Whoever violates any such regulation or order issued thereunder: (a) shall be punished for each violation by a fine of not more than twenty-five thousand dollars, or by imprisonment for not more than one year, or both such fine and imprisonment; or (b) shall be subject to a civil penalty of not more than twenty-five thousand dollars for each violation. Each day or part thereof that such violation occurs or continues shall be a separate violation. The civil penalty may be assessed in an action brought on behalf of the commonwealth in the superior court. The commonwealth may also bring an action for injunctive relief in the superior court for any such violation, and the superior court shall have jurisdiction to enjoin such violation and to grant such further relief as it may deem appropriate.

Effective Date

These rules and regulations shall be effective as of December 21, 2005.

**Gail Davidson, Chair
Thomas W. Hardman
Linda Motha**