

Town of Dartmouth Board of Health

OUTDOOR WOOD FURNACE REGULATIONS

AUTHORITY

These regulations shall be effective on and after _____ and shall remain so until modified or amended by the Dartmouth Board of Health. They are enacted under authority which includes, but is not limited to, Massachusetts General Laws, Chapter 111, Section 31, 31C and 310 CMR (Code of Massachusetts Regulations) 11.00 et seq. Board of Health regulations are an exercise of power under which the various levels of government are responsible for protection of the public health, safety, welfare, and the environment.

PURPOSE

These regulations are enacted to protect the health of the residents of Dartmouth from the harmful impacts of outdoor wood furnace smoke and particulate emissions.

DEFINITIONS

Outdoor Wood Furnace: Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An Outdoor Wood Furnace may also be referred to as an Outdoor Wood Boiler or Outdoor Wood-fired Hydronic Heater.

Chimney: Flue or flues that carries off exhaust from an Outdoor Wood Furnace firebox or burn chamber.

EPA OWHH Phase I Program: EPA OWHH (Outdoor Wood-fired Hydronic Heater Program) Phase I Program administered by the United States Environmental Protection Agency.

EPA OWHH Phase 1 Program Qualified Model: An Outdoor Wood-fired Hydronic Heater that has been EPA OWHH Phase 1 Program qualified. The model has met the EPA OWHH Phase 1 emission level and has the proper qualifying label and hangtag.

EXISTING OUTDOOR WOOD FURNACE: An Outdoor Wood Furnace that was purchased and installed prior to the effective date of this local law.

NATURAL WOOD: Wood, which has not been painted, varnished or coated with a similar material, has not been treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

NEW OUTDOOR WOOD FURNACE: An Outdoor Wood Furnace that is first installed, established or constructed after the effective date of this local law.

REGULATIONS FOR OUTDOOR WOOD FURNACES

A. No person shall, from the effective date of this local law, construct, install, establish, operate or maintain an Outdoor Wood Furnace other than in compliance with the applicable sections of these regulations.

B. No person shall, from the effective date of this local law, operate an Outdoor Wood Furnace unless such operation conforms with the manufacturer's instructions regarding such operation and the requirements of these regulations regarding fuels that may be burned in an Outdoor Wood Furnace and chimney height, as set forth in this regulation.

C. All new Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this regulation. In the event of a conflict, the requirements of this regulation shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

D. The owner of any new Outdoor Wood Furnace shall produce the manufacturer's owner's manual or installation instructions to the Health Agent to review at any time if requested.

E. All new Outdoor Wood Furnaces installed in the Town of Dartmouth shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards and shall have an EPA OWHH Phase I Program approval certification.

F. If an existing Outdoor Wood Furnace is, through the course of a proper investigation by local authorities, creating a verifiable nuisance, as defined by 310 CMR 7:00, the following steps may be taken by the owner:

(1) Modifications made to the unit to eliminate the nuisance such as extending the chimney or relocating the Outdoor Wood Furnace, or both.

(2) Cease and desist operating the unit until reasonable steps are taken to ensure that the Outdoor Wood Furnace is not creating a nuisance.

SUBSTANTIVE REQUIREMENTS

Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained pursuant to the following conditions:

A. Fuel burned in any new or existing Outdoor Wood Furnace shall be only natural untreated wood, wood pellets, corn products, biomass pellets or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas, or propane backup.

B. The following fuels are *strictly prohibited* in new or existing Outdoor Wood Furnaces:

(1) Wood that has been painted, varnished, or coated with similar material and/or has been treated with preservatives and contains resins or glues as in plywood or other composite wood products.

(2) Rubbish or garbage, including but not limited to food wastes, food packaging, or food wraps.

(3) Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

(4) Rubber, including tires or other synthetic rubber-like products.

(5) Newspaper, cardboard, or any paper with ink or dye products.

(6) Any other items not specifically allowed by the manufacturer or this provision.

C. Any new Outdoor Wood Furnace installed in the Town of Dartmouth must be EPA OWHH Phase 1 Program Qualified.

D. Chimney heights for new and existing Outdoor Wood Furnaces shall be as follows:

(1) The chimney of any new Outdoor Wood Furnace shall extend at least 2 feet above the peak of any residence located within 300 feet of such Outdoor Wood Furnace.

(2) If there is an existing Outdoor Wood Furnace already installed and there is new construction of a residence within 300 feet of such Outdoor Wood Furnace, then the owner of such Outdoor Wood Furnace shall conform to the stack height requirements of this regulation within 30 days of the date such construction is complete and upon written notice from the Board of Health.

E. Setbacks for any Outdoor Wood Furnace:

(1) A minimum of 25 feet from all property lines.

(2) The Outdoor Wood Furnace shall be located on the property in compliance with manufacturer's recommendations and/or testing and listing requirements for clearance to combustible materials.

(a) The manufacturer's representative must provide a signed letter of approval, on company letterhead, recommending the proposed site; with an attached plan showing location and distances to property line and abutting residences, and proposed stack height.

F. Outdoor Furnaces that use corn, wood pellets, or other pelletized biomass shall meet the same setback and stack height requirements as EPA OWHH Phase I Program Qualified models.

APPEALS

Any Person aggrieved by the final decision of the Board may seek relief there from within Thirty (30) days in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

FINES AND PENALTIES

Whoever violates any provision of these regulations may be penalized by the non-criminal method of disposition as provided in M.G.L., c. 40, §21D or by criminal complaint in accordance with M.G.L., c. 111, §31C violation of these regulations may result in fines of not less than Two Hundred (\$200) dollars nor more than Five Hundred (\$500) dollars. Each day or part thereof shall be construed as a separate offense.

SEVERABILITY

Each of these regulations shall be construed as separate to the end that, if any regulations, clause or phrase thereof, should be held invalid for any reason, the remainder of the regulations and all other regulations shall continue to be in force.

EFFECTIVE DATE

These regulations shall be effective as of ...

Gail Davidson, Chair
Thomas W. Hardman
Linda Motha