

OUTDOOR WOOD BOILERS REGULATION

TOWN OF NORTH ANDOVER

1. **TITLE.** These Rules and Regulations shall be known as the North Andover Outdoor Wood Boilers Regulation. The 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 public health, and comfort and convenience from uncontrolled emissions of smoke and noxious fumes.
2. **STATEMENT OF PURPOSE.** The purpose of this regulation is to ensure that outdoor wood boilers (i) are operated in a manner that limits particulate discharges, (ii) do not create a nuisance to neighbors, and (iii) protects members of the community from potentially harmful emissions.
3. **INTENT AND FINDINGS.**
 - A. Outdoor wood boilers (also known as outdoor wood-fired hydroponic heaters or OWHH) are alternative sources for heat and hot water production. However, when operated improperly, their emissions potentially could threaten public health, welfare, and safety.
 - B. Outdoor wood boilers are becoming more common, but government at the federal and state levels has not yet addressed their emissions issues, although the U. S. Environmental Protection Agency is currently considering regulations for outdoor wood boilers.
 - C. The intent is to protect the health, safety, and welfare of the citizens of North Andover by regulating outdoor wood boilers.
4. **PERMIT REQUIRED.** The property owner or his designated representative shall obtain a permit from the Board of Health, prior to the commencement of construction of an outdoor wood boiler. No person shall install, use, or maintain an outdoor wood boiler within the Town of North Andover without first having obtained a Health Department permit. Each applicant to construct an outdoor wood boiler shall complete an application provided by the Health Department and submit a fee as found on the current Board of Health fee schedule. The applicant must also obtain a building permit in accordance with the Building Department's Regulations.
5. **SPECIFIC REQUIREMENTS.**
 - A. Permitted Fuel. Only seasoned firewood and untreated lumber are permitted to be burned in an outdoor wood boiler. Burning of any and all other materials in an outdoor wood boiler is expressly prohibited.
 - B. Lot size. The minimum lot size shall be two acres.
 - C. Distance Requirement. Outdoor wood boiler shall not be installed less than 100 feet from any lot line.

- D. Models accepted under this regulation must carry the US EPA OWHH Phase I qualified model status. This program is intended to promote the manufacture and sale of cleaner wood-fired furnaces.
- E. Outdoor wood burning boilers shall be installed, operated and maintained per the manufacture's instructions.
- F. Stack Height. The stack height of an outdoor wood boiler shall be at least 24 inches above the peak of the roof of any residence within 300 feet of the boiler. The stack shall be no less than twelve (12) feet high.
- G. Replacements. If an outdoor wood boiler is replaced or upgraded, a permit shall be required pursuant to Section 4 above, and shall comply with all Sections of this ordinance.

6. ENFORCEMENT.

- A. If the Board of Health deems necessary to protect the public health, safety, and welfare of the residents of the Town of North Andover, having conducted an inspection or examination that reveals that an outdoor wood boiler is installed or operated in a manner that is not compliant with these regulations the Board of Health or their agent may issue an order to cease and desist operation of the outdoor wood boiler until it has been restored to compliance.
- B. If an inspection or examination determines that an outdoor wood boiler is operated in a manner that constitutes a nuisance or cause of filth or sickness in accordance with Massachusetts General Laws, Chapter 111, the Board of Health or their agent may issue an order to cease and desist operation of the outdoor wood boiler. Grounds for cease and desist shall include, but not be limited to, offensive odors caused by the burning of non-permitted materials in the outdoor wood boiler, or by the improper operation of the outdoor wood boiler and resulting high opacity of the flue gas as observed by adjacent neighbors and/or employees of the Police, Fire and Health Departments.
- C. Once the conditions that caused the cease and desist are remedied, and the Board has determined that appropriate action has been taken to ensure that such conditions shall not recur, the Board may lift the cease and desist order. However, if the order was due to high opacity, if required by the Board of Health, an emission test shall be conducted, wherein particulate matter shall be no greater than 10 grams per kilogram of wood consumed, as rated by a certified testing laboratory. The emissions test is to be paid for by the outdoor wood boiler home owner/operator. Recurrence of a condition, which has previously resulted in an order to cease and desist, shall be considered a violation of this regulation.

PENALTIES. Whoever violates any order, rule or regulation promulgated or adopted under the provisions of this section 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. For the purpose of this paragraph each day or part thereof of violation of such an order, rule or regulation whether such

violation be continuous or intermittent, shall be construed as a separate and succeeding offense.

7. **DEFINITIONS.** The following words, terms, and phrases, when used in this regulation, shall have the meanings ascribed to them hereunder:

FIREWOOD means trunks and branches of trees and bushes, but does not include leaves, needles, or vines.

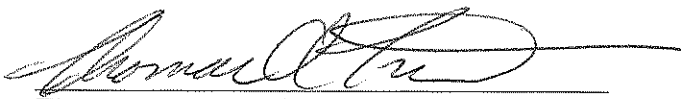
OUTDOOR WOOD BOILER means any equipment, device, or apparatus, or any part thereof, that is installed, affixed, or situated outdoors for the purpose of combustion of such fuel to produce heat or energy.

SEASONED FIREWOOD means wood of any species that has been sufficiently air dried or that meets commonly known seasoned wood standards.

UNTREATED LUMBER means dry wood that has been milled and dried, but has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint, or other substance.

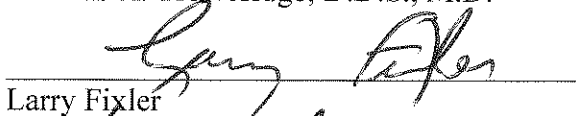
8. **SEVERABILITY.** Should any section, sub-section, paragraph, or other provision of this regulation be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the regulation as a whole, or of any part thereof, other than the part held to be invalid.

This Regulation was originally promulgated on March 27, 2008. A revision was adopted on September 18, 2008. The regulation will become effective upon final DEP approval.



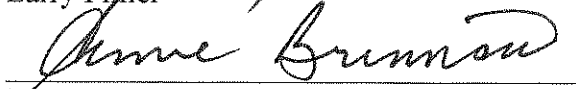
Thomas A. Trowbridge, D.D.S., M.D.

9/18/08



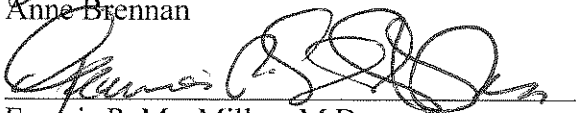
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