



Town of West Springfield

Regulations on Outdoor Wood-Burning Furnaces

Section I. Findings and Purpose

Whereas, conclusive evidence exists that wood-burning devices emit particulate matter, carbon monoxide, and other pollutants known to be detrimental to the health of the public; exposure to these pollutants can cause adverse short-term health effects 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.

Whereas, outdoor wood-burning furnaces have been proven to emit a far greater amount of pollutants such as fine particulate matter and a variety of toxic chemicals than conventional indoor wood-burning devices, and

Whereas, emissions from outdoor wood-burning furnaces are not currently regulated by State or Federal standards, and

Whereas, the West Springfield Board of Health recognizes the need to protect the public from the detrimental effects of pollutants produced by outdoor wood-burning furnaces, hereby enacts the following:

Section II. Authority

The Board of Health of the Town of West Springfield, pursuant to Section 31 and 31C of Chapter 111 of the Massachusetts General Law, hereby adopts these regulations in order to minimize the human health hazards and environmental damage from the smoke and fumes emitted by outdoor wood-burning furnaces and from the improper disposal of ash and other partially burned wood products, to encourage the proper techniques in the use and location of the furnaces and to promote public comfort and convenience.

These regulations shall be effective upon passage.

Section III. Enforcement

The West Springfield Board of Health and their designated agents are authorized to enforce this regulation.

Section IV. Definitions

Outdoor wood-burning furnace: a free-standing accessory structure, as defined in zoning ordinance, housing a wood-burning furnace, with a smoke stack, used to provide heat or hot water to a building, other accessory structure, swimming pool or hot tub via liquid or other means. This definition does not include a fire pit, wood-fired barbecue, chimneria, or maple sugar rendering apparatus.

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 waste and pallets.

Seasoned wood fuel: untreated wood that has been cut one (1) year and dried for at least six (6) months.

Untreated wood: untreated wood includes only wood or wood products that have not been treated with compounds such as, but not limited to, paint, pigment-stain, adhesive, varnish, lacquer, or resin, or that have not been pressure treated with compounds such as, but not limited to, chromate copper acetate, pentachlorophenol, creosote, or other pesticides or fungicides.

Section V. Requirements

- A. A permit is required from the Board of Health to operate an existing outdoor wood-burning furnace after December 1, 2006. The use of an existing outdoor wood burning furnace shall conform to the following conditions:
1. The use of an existing outdoor wood-burning furnace not permitted within sixty (60) days of the effective date of these regulations is prohibited.
 2. Manufacturer's specifications for use, maintenance and installation of the unit must be followed, provided the instructions do not conflict with the conditions in this regulation.
 3. The installed unit must meet all siting requirements of **310 CMR 15:000 The State Environmental Code, Title 5 Septic System Regulations** and any relevant backflow prevention regulations. The furnace installation must also meet the requirements of all other town departments including the building department, which oversees plumbing, electrical and placement of structures, and the safety issues under the purview of the fire department.
 4. Only untreated seasoned wood fuel may be burned in the unit. No trash, furniture, leaf litter, stained, painted or chemically treated wood or construction materials may be burned.
 5. The unit must be a minimum of three hundred (300) feet from any building not served by the furnace.
 6. The height of the chimney shall exceed the height of the roof peaks of buildings located within three hundred (300) feet of the furnace and are not served by the

furnace provided further that in no event shall the height of the chimney be less than sixteen (16) feet or more than thirty-five (35) feet from ground level.

7. The chimney of an outdoor wood-burning furnace must be equipped with a properly functioning spark arrestor.
8. The furnace may only be operated between the dates of September 1 and May 31.
9. The by products of burning wood in the unit such as ash or wood remnants must be disposed of in a manner that does not create a nuisance or adversely impact ground water supplies or wetland resources and in compliance with all applicable laws.
10. The operation of the outdoor wood-burning furnace must not create a public nuisance, or a threat to human health or the environment.

B. The installation of an outdoor wood-burning furnace after the effective date of these regulations is prohibited.

Section VI. Severability

If any part, paragraph provision or section of this regulation is determined by any Court to be invalid, against public policy, or unconstitutional, said finding shall not affect the legality of any remaining provision(s) or section(s) of this regulation which shall continue in full force and effect.

Section VII. Penalties and Non-Criminal Method of Disposition

Any violation of these regulations shall be punished by a penalty of \$100.00 for the first offense. Each day of the violation shall constitute a separate offense. Violation shall be enforced by the Director of the Health Department or his/her designee through the non-criminal disposition ticketing procedure. In addition, the Board of Health may revoke a permit for failure to comply with the terms of the permit or the provisions of these regulations, following notice to the permit holder of a hearing to be held on said revocation.

Section VIII. Variances

The Board of Health may vary any provision of these regulations with respect to any particular case, when in its opinion based upon evidence in the record (1) the subject enforcement would be unduly burdensome, and (2) the applicant has proved that the same degree of protection can be achieved without strict application of the particular provision. Every variance request shall be made in writing and shall be subject to a hearing before the Board of Health. The applicant, at his/her sole expense, must notify all abutting property owners within three hundred (300) feet of his/her property by certified mail at least ten (10) days prior to the hearing using a list obtained from the Board of Assessors.