

## AMHERST BOARD OF HEALTH

### REGULATIONS GOVERNING EMISSIONS FROM SOLID FUEL BURNING DEVICES

Effective October 1, 1986

Amended June 19, 2013

#### Section 1: Purpose

WHEREAS, the Board of Health finds that smoke emissions from wood burning stoves and similar solid fuel devices is a nuisance which threatens the health of people within the Town of Amherst, and

WHEREAS, the Board of Health finds that such emissions may be reduced by regulations limiting the permissible opacity of the smoke emitted from such devices.

THEREFORE, the Board of Health of the Town of Amherst, pursuant to Sections 31 and 122 of Chapter 111 of the Massachusetts General Laws, adopts the following regulations governing the opacity of smoke emissions from wood burning stoves and similar solid fuel devices, effective October 1, 1986.

#### Section 2. Definitions

- a) **Opacity** shall mean the degree to which emissions other than water reduce the transmission of light and obscure the view of an object in the background
- b) **Owner or Operator** shall mean any person who owns, leases, operates, controls, or supervises a solid fuel burning device.
- c) **Solid fuel burning device** shall mean any wood stove, wood furnace, fireplace, fireplace insert, outdoor wood-fired boiler (hydronic heater), coal stove, coal furnace, or similar device which uses solid fuel for cooking, heating, or other purposes.

#### Section 3. Regulation

Smoke emissions from any solid fuel burning device shall not exceed an average of 20% opacity for two (2) minutes in any one hour period except for the six (6) minute period during the start up of a new fire when emissions shall not exceed 40% opacity.

#### Section 4. Enforcement

Upon receiving a complaint that emissions from a solid fuel burning device are not in compliance with the regulations in Section 3, the Board of Health or its

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designees shall investigate and, as needed, notify the owner or operator of the need to come into compliance with this regulation. If the solid fuel burning device continues to be operated in a fashion that produces emissions not in compliance with these regulations then the Board of Health or its designees may reach a determination that the owner or operator of the device are in violation of the Regulation in Section 3.

#### Section 5. Penalties

In conformity with Section 31 of Chapter 111 of the Massachusetts General Laws, whoever violates these Regulations, as reported by the Board of Health or its designees, shall be punished by a fine of not more than one 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.

#### Section 6. Appeal

Any owner or operator subject to a finding of violation of these Regulations may appeal such finding by requesting a hearing before the Board of Health. Such appeal must be in writing and filed with the Health Department office within seven (7) days of the receipt of a notice of violation, excluding Saturdays, Sundays, and legal holidays.

#### Section 7. Severability

If any provision of these Regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

Amendments approved by the Board of Health on May 17, 2012.

Amendments approved by the Board of Health on May 16, 2013.

Amendments approved by the Board of Health on June 19, 2013.

Board of Health

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