

# CITY OF SALEM BOARD OF HEALTH

## Regulation #10

### Control of Atmospheric Pollution

The board of Health of the City of Salem is acting under the authority of Section 31C of Chapter 111 of the General Laws of the Commonwealth of Massachusetts and every other act thereto enabling, hereby prescribes and establishes the following Regulations for the control of Atmospheric Pollution, which shall replace the existing regulation #10 entitled "buffing Dust, etc." in its entirety, and shall remain in force until further ordered, and which may be amended or added to hereafter from time to time.

#### Article 1. Definitions

When used in these regulations or in communications, notices, or orders relative thereto, the following words and phrases shall have the meanings ascribed to them below:

Section 1.1 **AEROSOL** means a system of solid or liquid particles dispersed in a gas.

Section 1.2 **AIR CONTAMINANT** includes but is not limited to dust, fly ash, fume, gas, mist, odor, smoke vapor, pollen microorganism, radioactive material, ionizing radiation, any combination thereof, or any decay or reaction product thereof.

Section 1.3 **AIR CONTAMINATION SOURCE** means any source at, from, or by reason of which any air contaminant is emitted directly or indirectly into the ambient air space.

Section 1.4 **ATMOSPHERIC POLLUTION** means the presence in the ambient air space of one or more air contaminants or combination thereof in such quantities 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.

Section 1.5 **AMBIENT AIR SPACE** means the unconfirmed space occupied by the atmosphere above the geographical area of Salem.

Section 1.6 **CHART** means the Ringelmann's Scale for grading the density of smoke, as published by the United States Bureau of Mines, and as referred to in the Bureau of Mines Information Circular No. 6888 or superseding publication, or any smoke inspection guide complying with the design and test specification of, and used in accordance with, the provisions of Title 42, Chapter 1, Subchapter F, Part 75 of the Federal Register, or the "smokescope" as manufactured by the Mine Safety Appliance Company, Pittsburgh, Pennsylvania, U.S.A.

Section 1.7 **DUST** means finely divided solid matter formed, usually, from larger masses by mechanical attrition or other applied energy.

Section 1.8 **EMISSION** means a discharge or release to the ambient air space of any air contaminant.

Section 1.9 **FLY ASH** means the aerosolized solid component of burned or partially burned fuels. "Soot" and "cinders" are included within the meaning of the term "fly ash", and "fuels" means all materials which can undergo combustion.

Section 1.10 **FUME** means a solid or liquid aerosol resulting from chemical reaction or from the condensation of vapors produced during combustion, distillation, or sublimation.

**Section 1.12 HAND-FIRED FURNACE** means any furnace in which fresh fuel is manually thrown or placed directly on the hot fuel bed, but does not mean stoves or other equipment used for the cooking of food, or fireplaces.

Section 1.13 **INCINERATOR** means any article, machine, equipment, contrivance, structure or part of a structure used primarily to dispose of combustible wastes by burning.

Section 1.14 **IONIZING RADIATION** means any electromagnetic or particulate radiation capable of producing ions, directly or indirectly, in its passage through matter.

Section 1.15 **MIST** means a liquid aerosol formed by the condensation of liquid vapor or formed by the atomization of liquids.

Section 1.16 **ODOR** means that property of gaseous, liquid, or solid materials that elicits a physiologic response by the human sense of smell.

Section 1.17 **OPEN BURNING** means burning under such conditions that the products of combustion are emitted directly into the ambient air space, and are not conducted thereto through a stack, chimney, duct or pipe. Open Burning includes underground and smoldering (underground) fires.

Section 1.18 **PERSON** means an individual, partnership, association, firm, syndicate, company, trust, corporation, department, bureau, agency, political subdivision, or any other entity recognized by law as the subject of rights and duties.

Section 1.19 **POLLEN** means the fertilizing element of vegetation.

Section 1.20 **REDIOACTIVE MATERIAL** means any material (solid, liquid, or gaseous) which spontaneously emits ionizing radiation.

**Section 1.21 RUBBISH** means all solid waste other than garbage, such as paper, rags, metal and cardboard containers, street sweeping and other solid commercial and domestic wastes.

Section 1.22 **SMOKE** means a visible aerosol, usually carbonaceous, resulting from incomplete combustion.

Section 1.23 **VAPOR** means the gaseous state of certain substances that can exist in equilibrium with their solid or liquid states under standard conditions.

## **ARTICLE 2. GENERAL PROHIBITION OF EMISSIONS.**

No person or persons owning, leasing, or controlling the operation of any air contamination sources shall willfully, negligently, or through failure to provide necessary equipment or facilities or to take necessary precautions, permit the emission from said air contamination source or sources of such

quantities of air contaminants which will cause, by themselves or in conjunction with other air contaminants, a condition of atmospheric pollution.

### **ARTICLE 3. OPEN BURNING**

Section 3.1 No person shall cause, suffer, allow or permit open burning, except as provided below.

Section 3.2 Regulation 3.1 shall not apply to open burning for cooking purposes, to the operation of devices using an open flame such as tar kettles, blow torches, welding torches, portable heaters, and other flame-making devices, nor to the setting and maintenance, by contractors and tradesmen, of miscellaneous small fires necessary in such activities as street paving work or installation or repair of sewer, water, telephone, electric, or gas mains and services.

Section 3.3 Trees, stumps, brush, logs, or waste lumber may be burned in the open by any person, provided, such person has obtained from the Chief of the Fire Department a properly executed permit therefore, and provided further that such permit has been approved by the Board of Health.

### **ARTICLE 4. INCINERATORS**

No person shall dispose of rubbish, garbage, or other trash or refuse by burning in any incinerator not approved for such purposes by the Board of Health.

### **ARTICLE 5. FUELS**

Section 5.1 On and after July 1, 1963, the only solid fuels to be used or consumed in any hand-fired furnace, by any person, except as provided below, shall be coke, anthracite coal, or bituminous coal having a volatile matter content of not greater than twenty-three per cent (23.0%) by weight on a dry basis.

a. The use of wood and/or paper during the building of a new fire shall be permitted.

b. Other solid fuels may be used or consumed in hand-fired furnaces provided the prior written approval of the Board of Health is obtained and provided that the use thereof does not result in violation of any other provision of these regulations.

Section 5.2 On and after July 1, 1963, any person selling bituminous coal as defined by the U.S. Bureau of Mines for use or consumption in Salem shall certify in writing to the buyer the volatile matter content of said coal.

Section 5.3 The sampling and analysis of fuels shall be in accordance with the most recent applicable method or methods published by the American society of Testing Materials.

### **ARTICLE 6. EMISSION OF SMOKE**

No person shall cause, suffer, allow, or permit the emission from any air contamination source of smoke the shade, density, or appearance of which is

a. equal to or greater than No. 3 of the Chart, or

b. equal to or greater than No. 2 of the Chart for a period or aggregate periods of time greater than six minutes in any one hour.

## **ARTICLE 7. Severability**

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

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