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Interim Director

865-5382

**KATHLEEN BUTLER**

Assistant Director

865-7510

**JEANNE FRANCIS**

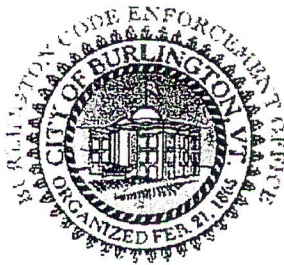
Zoning Specialist

865-7544

**GLORIA ALLEN**

Code Enforcement Administrator

863-0442



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Assistant Zoning Specialist

**TIMOTHY AHONEN**

652-4222

August 28, 2004

Barbara A. Beals

43 Adams Court

Burlington, VT 05401

**EMERGENCY PUBLIC HEALTH ORDER**

I, Kathleen Butler, Deputy Health Officer, Burlington, Vermont, do hereby find that:

1. On July 23, 2004, a complaint was received that Barbara Beals at 43 Adams Court, was apparently preparing to apply a substance containing gasoline, and possibly pesticides and other substances, to railroad ties placed at the exterior around the property at 43 Adams Court.
2. On July 23, 2004, Code Enforcement Officer and Deputy Health Officer John Ryan visited 43 Adams Court and attempted to contact Ms. Beals to discuss this matter and deliver an Advisory Notification that gasoline, pesticides and other hazardous substances are subject to regulations regarding proper use, notification and posting. Ms. Beals was not at home, but Mr. Ryan did deliver the advisory notification, which included information on various agencies to contact for more information (see attached).
3. On July 24, 2004, and subsequently, both Mr. Ryan and I received confirmation that Ms. Beals had received this notification via email communications. Ms. Beals was provided additional information regarding the pesticide ordinance and the use of regulated substances.
4. On August 27, 2004, I received a complaint at my home at approximately 7 p.m. that Ms. Beals was applying a substance containing gasoline to the railroad ties at the exterior of her property. I also spoke with Battalion Chief Scott Moody of the Burlington Fire Department, who visited the property at 43 Adams Court, and confirmed to me that Ms. Beals was applying a mixture containing gasoline and tar. Mr. Moody confiscated approximately a quart of this mixture.
5. Gasoline is a volatile and hazardous organic compound, subject to State and Federal regulations. Gasoline may not be used in any manner other than as a motor engine fuel. Gasoline is a fire hazard, and has both acute and chronic health effects upon inhalation. Gasoline disposal is regulated, and its storage and disposal is regulated as a hazardous substance.

6. Applying a mixture containing gasoline to railroad ties placed at the exterior on the ground at 43 Adams Court is a use not consistent with the labeling instructions for gasoline, and is not an allowed use.
7. The fumes emitted from such a use present an immediate health hazard to neighbors and those who may be in the vicinity.
8. Use of gasoline in this manner is a fire hazard.
9. Use of gasoline in this manner releases hazardous substances to air, ground and water through run-off.

ORDERED, that Ms. Beals shall immediately cease and desist from the use of gasoline, or any volatile, hazardous, or regulated substance in a manner inconsistent with labeling instructions, or inconsistent with Federal, State and Local regulations.

ORDERED, that prior to the use of any substances to treat the railroad ties at the exterior of the property, and prior to the use of any substances at the exterior, Ms. Beals shall check the labeling instructions and regulations regarding the use, and confirm that the product is being used in a manner consistent with labeling instructions prior to use.

Ms. Beals may appear before the Burlington Board of Health on Wednesday, September 1, 2004, at 5:30 P.M. in the First Floor Conference Room at City Hall, Burlington, Vermont, to show cause why this health order should not continue in effect. Said hearing shall be requested by the close of business on Monday, August 30, 2004 to Kathleen Butler at (802) 865-7510.

**THIS HEALTH ORDER SHALL REMAIN IN FORCE AND EFFECT FROM THE DATE OF ITS ISSUANCE AND THROUGHOUT ANY HEARING UNTIL TERMINATED BY THE BURLINGTON BOARD OF HEALTH.**

August 28, 2004

Kathleen Butler  
Deputy Health Officer