



**CITY OF BURLINGTON
BOARD OF HEALTH**

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BOARD OF HEALTH

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In re: Public Health Hazard at 120 East Avenue, Burlington VT (wood-fired boiler)

**BURLINGTON BOARD OF HEALTH
Public Health Order**

Upon investigation of Deputy Health Officer Matthew Perry and the testimony of neighboring residents at the hearing of May 27, 2009, the Burlington Board of Health finds the following:

1. In September of 2008 the Burlington Code Enforcement Office received separate complaints from residents of Case Parkway, East Ave, Bilodeau Court and Bilodeau Parkway regarding the operation of a wood fired boiler burning materials that should not be burned. This complaint was closed with the owner obtaining a permit for installation from the Burlington Department of Public Works, Inspection Services Division. This permit remains open.
2. In April of 2009 a second complaint was submitted from the residents of Case Parkway, East Ave, Bilodeau Court and Bilodeau Parkway. The complaints were a repeat of the September, 2008 complaint.
3. Interviews were conducted as part of Deputy Health Officer Perry's investigation with residents of Case Parkway, Bilodeau Court and Bilodeau Parkway. These separate interviews each reported very dark, thick smoke that was often black and had a strong chemical smell.
4. All interviewed report that many homes in the immediate area have woodstoves and this is not like typical wood smoke.
5. The character and odor of the smoke is such that when produced it will drive residents who are outside into their homes and cause windows to be shut in an effort to keep out the smell.
6. This smoke is reported to have such an effect on a small child with asthma that after even short term exposure is required to take medication to alleviate breathing problems and flu like symptoms that have been associated with the smoke.
7. The complainants have spoken with Mr. Hayden in an effort to stop the burning of the materials that produce such smoke and odor. These problems have persisted
8. In at least four separate incidents the Burlington Fire Dept was called due to the color and smell of the smoke as residents reported fears of a house fire. Each time the smoke was traced back to 120 East Ave.

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9. The Burlington Fire Dept was unable to find anything being burned that is prohibited (i.e.) garbage, treated wood or construction debris.
10. The Burlington Fire Marshals office investigated and recommended that a permit be obtained from the Plumbing and Mechanical inspector for the city. Permit was issued in September 2008. This permit had not been closed as of May 27, 2009.
11. The production of the smoke occurred off and on throughout the winter of 2008 and 2009. The most recent reported smoke was the evening of April 10th, 2009. This smoke is reported as very black and having a very strong chemical smell. Mr. Hayden is reported to have been outside observing the chimney at the time of smoke production.
12. Three residents testified at the May 27, 2009 hearing that the investigations accurately reflected what had happened.
13. Mr. Hayden stated he believes the furnace was previously used by a prior owner for coal, oil, and gas as fuel sources.
14. Neighboring residents offered to pay for hard wood to be used for testing the furnace to address the possibility that the problem is caused by the use of poor-quality wood.

CONCLUSION

In accordance with state and local law, I am by this notice notifying you of the following determination:

A PUBLIC HEALTH RISK EXISTS AT 120 EAST AVE BURLINGTON, VT: Said hazard exists when the wood fired boiler is in operation and producing black smoke and strong chemical odors.

1. The property located at 120 East Avenue is located in a densely populated neighborhood. The smoke when produced presents a health hazard to anyone in the immediate area.
2. Despite the efforts of the local residents to work with Mr. Hayden and Mr. Hayden's own efforts, the production of the smoke and associated smell has occurred off and on throughout the winter of 2008-2009.

ORDER

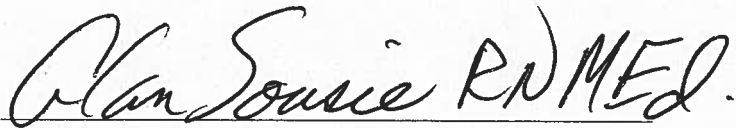
Therefore by the authority granted (as applicable) in 18 V.S.A. § 126, 602a and in BCO 17-1, and 21-17 and elsewhere as referenced, it is hereby ordered.

1. **ORDERED:** That any burning of prohibited items such as garbage, construction debris, treated lumber, any petroleum based product and any other such item that may produce dense or thick black or gray smoke or cinders or associated odors or smells immediately cease.
2. **ORDERED:** That Mr. Hayden contact and arrange an inspection with the Plumbing and Mechanical Inspector in the Department of Public Works to close the 2008 Mechanical Permit obtained for the installation of the wood-fired boiler, and that the wood-fired boiler not be used until the Mechanical Permit has been closed.
3. **ORDERED:** That following the closing of the Mechanical Permit, Mr. Hayden arrange to test the wood-fired boiler with a new wood source at a time that is convenient for neighboring residents and inform the Burlington Code Enforcement Office of the date and time of the test at least three business days prior to the test.

4. ORDERED: That Mr. Hayden immediately cease and discontinue use of the boiler if the test results indicate the problem has not been corrected, arrange to have the boiler thoroughly cleaned and inspected by a professional.
5. ORDERED: That Mr. Hayden retest the boiler with the new wood source after completing thorough cleaning and if the boiler passes professional inspection.
6. ORDERED: That Mr. Hayden immediately cease and discontinue use of the boiler permanently if the test results indicate the problem has not been corrected.
7. ORDERED: That all orders are carried out prior to September 1, 2009.
8. ORDERED: That this order shall remain in force until terminated by the Burlington Board of Health.

STATEMENT OF PROCEDURAL RIGHTS

1. See Attached.



Alan Sousie
Chairman, Burlington Board of Health

