

**BOARD OF HEALTH
Town of Belmont**

**RULES AND REGULATIONS FOR CONDUCTING
EXTERIOR ABRASIVE BLASTING AND ELECTRIC SANDING OF
RESIDENTIAL OR COMMERCIAL BUILDINGS.**

These regulations were adopted by the Board of Health on March 26, 1987 and amended on November 14, 1990 and October 19, 2011 in accordance with Section 31C of Chapter III of the General Laws of the Commonwealth of Massachusetts.

Section 1 General Statement

- 1) No person shall engage in abrasive blasting of any kind without a license and a "location-specific" permit from the Town of Belmont.
- 2) No person shall engage in electric sanding of any kind without approval from the Town of Belmont.

Section 2 Definitions

- 1) Abrasive Blasting - shall include both dry, wet and mist abrasive blasting.
- 2) Abrasive Material - substance which is used to abrade or clean a surface.
- 3) Air Contaminant - any substance in the ambient air space including, but not limited to dust, fume, mist, odor, smoke, vapor, heat, any combination thereof, or any reaction product thereof.
- 4) Ambient Air Space - all of the air space outside of the shrouded or contained work area spreading in all directions indefinitely.
- 5) Atmospheric pollution - the presence in the ambient air space of one or more air contaminants or combination thereof in such concentration and of such duration as:
 - a) to be noticeable by sight or smell
 - b) to be injurious or tend to be injurious to human or animal life, vegetation, or to property, or
 - c) to unreasonably interfere with the comfortable enjoyment of life and property or the conduct of business.

- 6) By-products - used abrasive material, paint chips, dust or any other material resulting from the operation.
- 7) Contractor - a person who contracts to perform abrasive blasting work at a certain price or rate.
- 8) Dangerous Level of Lead - level which materially endangers the health of children or adults, by producing a substantial and serious danger of lead poisoning. When present in paint, a dangerous level shall be deemed pursuant to M.G.L. Chapter 111 Sections 194 and 196, to be the following:
 - a) more than 0.5 percent lead by dry weight as measured by an atomic absorption spectrophotometry test of sample or by testing with 6 to 8 percent sodium solution.
 - b) more than 1.2 milligrams of lead per square centimeter of surface as measured on site by a mobile x-ray fluorescence analyzer or comparable equipment.
- 9) Department - The Health Department, Town of Belmont
- 10) Dry Abrasive Blasting - propulsion of a stream of abrasive material by means of air, steam, or other gas under pressure, for the purpose of abrading or cleaning a surface.
- 11) Dust - finely divided solid matter.
- 12) External Electric Sanding (for the purpose of paint removal) – is not considered abrasive blasting and the use of powered sanding equipment to remove paint is exempt from the abrasive blasting portion of this regulation except for the requirement for contractors or other individuals to obtain a license from the Department as appropriate. Disturbance (electric sanding) of more than 20 square feet of painted material also falls under the Massachusetts Department of Labor Lead Standard (454 CMR.22.00).
- 13) Emission - discharge or release to the ambient air space of any air contaminant.
- 14) Fume - any aerosol resulting from chemical reaction, distillation, or sublimation.
- 15) Mist - any liquid aerosol formed by the condensation of vapor or by the atomization of liquids.
- 16) Mist Abrasive Blasting - application, for the purpose of abrading or cleaning a surface, or a water mist together

with an abrasive material which has been propelled by means of compressed air, steam or other gas.

- 17) Odor - that property of gaseous, liquid or solid materials that elicits a physiologic response by the human sense of smell.
- 18) Operator - a person who performs abrasive blasting.
- 19) Particulate Matter - any material that exists in a finely divided form as a liquid or solid in the ambient air.
- 20) Person - an individual, partnership, association, firm, syndicate, company, trust corporation, city department, bureau, agency, or any other entity recognized by law as the subject of rights and duties.
- 21) Smoke - visible aerosol, which may contain fly-ash, resulting from combustion of materials.
- 22) Vapor - the gaseous state of certain substances that can exist in equilibrium with their solid or liquid states under standard conditions.
- 23) Wet Abrasive Blasting - application, for the purpose of abrading or cleaning a surface, of a stream of water under pressure together with an abrasive material which has been propelled by means of compressed air, steam or gas.

Section 3 Licenses

- 1) A license shall be obtained on an annual basis by all contractors conducting mist or wet abrasive blasting or electric sanding within the Town of Belmont.
- 2) All licenses shall expire each year on March 31st.
- 3) A license may be obtained by filing an application with the Department on forms provided by said Department.
- 4) Fee for annual license shall be in accordance with Town of Belmont Fee Schedule.
- 5) All license holders must comply with the regulations adopted herein.

Section 4 Permits

- 1) A permit, specific in location and time, shall be obtained from the Department by the owner or his representative of the property to be abrasively blasted, before work commences.
- 2) A permit will be granted only for abrasive blasting operations done by contractors licensed by the Town of Belmont.
- 3) Application for permit shall be made on forms(s) provided by the Department.
- 4) The fee shall be determined by the Department based on the estimated number of days to complete the project, at a rate of \$40.00 per day.
- 5) Permits must be obtained a minimum of two weeks prior to the commencement of the abrasive blasting, so as to allow the Contractor/Property Owner enough time to give one week's notice to all abutters. Absolutely no exceptions will be made.
- 6) Authorized agents of the Department shall conduct on-site inspections to ensure compliance with all applicable regulations, particularly during set-up and clean-up operations.
- 7) A permit is not necessary to conduct electric sanding, however a contractor or homeowner must get approval from the Belmont Health Department prior to beginning work.

Section 5 Lead Testing

- 1) Paint chips, the size of a quarter, one from each different contiguous surface (i.e. each side of a house) of areas to be abrasively blasted must be sent to a State Certified Laboratory to determine the presence of lead, and results submitted to the Health Department before obtaining permit.

Section 6 Conditions and Terms

- 1) Electric Sanding
 - a) Is allowed within the Town of Belmont provided HEPA filtered equipment is inspected and approved by the Belmont Health Department. prior to initiating any electric sanding or at the time of licensing of the contractor.
 - b) The painting contractor or other individual notifies the Belmont Health Department prior to beginning any sanding.
 - c) The contractor Is licensed both in the Town of Belmont and as a Lead Safe Renovation Contractor/Supervisor by the Department of Labor Standards
 - d). Carries out work in accordance with work practices specified in 454 CMR 22.00.

2) Dry Abrasive Blasting

Dry abrasive blasting except if said Equipment is equipped with a HEPA filter vacuum, on exterior surfaces of any structure within the Town of Belmont is prohibited.

3) Mist Abrasive Blasting

- a) Mist abrasive blasting is allowed on all surfaces if the licensee is in compliance with Sections 6 and 7.
- b) Mist abrasive blasting activities shall be so enclosed or curtained off to prevent the escape onto public property, rights-of-way, or the property of others, any air contaminant, particulate matter, or by-products of the operation.
- c) Interior as well as the exterior of all windows, within the shrouded area, are to be taped.
- d) All ground area within work area shall be covered with an impervious ground cloth to prevent any escape of particulate matter.
- e) Abrasive blasting may not commence, and must cease once started, if wind velocity or gusting wind is judged to be greater than or equal to ten (10) miles per hour. Velocity will be determined by the Department and permission granted to commence work on a daily basis.
- f) All enclosures are to be inspected prior to the start of each work day by the contractor or operator. Enclosures which show excessive wear at any time, i.e. large holes or tears are to be adequately repaired or discarded. All enclosures which are joined together shall be adequately fastened to prevent any escape of particulate matter.
- g) The following precautions shall be taken at all times during the blasting operation:
 - 1) Protection of gardens, vegetation or specially planted areas on-site and adjacent properties.
 - 2) Protection of permanent play equipment, sandboxes, pools, and any other items that may be readily

removed from possible exposure to particulate matter on-site or adjacent properties.

- 3) Adequate protection of all areas where the blasting operation is in close proximity to playgrounds, parks, or any other area where use by the general public may pose a potential health problem.
 - h) The operator shall be responsible for securing the work site, and site, and cease operation immediately if it is found that any member of the general public is exposed to the abrasive material, air contaminants, or any by-product of the operation.
 - i) Operators shall confine work time to normal daylight working hours, to permit proper and adequate clean-up. Any exception to this regulation must receive special approval from the Health Department.
- 4) Wet Abrasive Masonry Blasting
 - a) Wet abrasive blasting on exterior masonry surfaces is permitted if conditions as outlined in Sections 6 and 7 are met.
 - b) Plan for containment of abrasive material, water and particulate matter must be submitted to Department when applying for permit.
 - c) Ground cloths will be required to cover all unpaved areas within the work area.
- 5) The reuse of abrasive material is prohibited.
- 6) Abrasive material shall not contain any free silica.
- 7) Employees or persons engaged in the performance of any aspect of the sanding or blasting operation shall be protected against the inhalation of particulate matter through the use of all protective devices including, but not limited to, dust respirators approved by ASHA, or the American National Standards Institute (ANSI), goggles and protective clothing or as directed by the Department of Labor Standards or other competent authority.

Section 7 Clean-up Procedures

- 1) A properly HEPA filtered industrial vacuum will be used to remove all particulate matter from all surfaces, including the ground, shrubs, windows, doorways and ledges inside the shrouded work area and ten feet beyond work area when the shrouding is removed. Additional clean-up may be done, but no other method can replace the above procedures.

- 2) The work site is to be completely cleaned at the end of each work day. Shrouding may be left in place as long as vacuuming of the inside has taken place.
- 3) It shall be the responsibility of the contractor to prevent ground contamination as a direct result of any abrasive material, chemical or solvent used during the blasting operation or failure to recover all material and by-products.
- 4) The cleaning shall include additional adjacent areas as deemed necessary by the Department.
- 5) Disposal of all particulate matter shall be in accordance with DEP regulations and at a site approved by DEP. Lead contaminated paint (waste material) removed from homes by either homeowners or contractors is exempt from the Massachusetts Hazardous Waste Regulations and should be disposed of in accordance with 310 CMR 19.000, Regulations for the Disposal of Solid Wastes by Sanitary Landfills, at an approved DEP Sanitary Landfill. Such waste material, however, removed from any other structure, which is in a quantity greater 20 kilograms and fails the E.P. Toxicity Test (conducted by a Certified Laboratory) is subject to the Massachusetts Hazardous Waste Regulations, 310 CMR 30.000, and should be disposed of accordingly.

Section 8 Evidence of Violation

- 1) Any of the following conditions shall be prima facie evidence of violations and will result in the immediate cessation of the abrasive blasting or electric sanding operation. Work can resume when inspector is satisfied that the violation(s) has/have been corrected.
 - a. Operating without an abrasive blasting license or permit.
 - b. Failure to notify the Belmont Health Department of intent to conduct electric sanding.
 - c. Failure to follow Department of Labor Standards "safe work practices".
 - d. Failure to enclose or curtain off that area of the building undergoing abrasive blasting.
 - e. Visible emission of particulate matter or air contaminants outside of the area enclosed in accordance with Section 6, Part 2 or 3.
 - f. Failure to ensure adequate precautions against ground contamination as required by Section 6, Part 2(d) and Section 6, Part 3(c).
 - g. Failure to clean property in accordance with Section 7.
- 2) If work is stopped twice on the same day due to violations, the permit will automatically be revoked.

3) If a contractor has two successive permits revoked or three in one year within the Town, the contractor's license will be revoked for the remainder of the term of the license.

4) Contractors operating without a license and property owners failing to obtain a permit or any individual electric sanding without approval will receive a citation and fine under the Non- criminal Disposition By-law of the Town. The fine will be fifty (\$50) dollars. For continued non-compliance or failure to pay fines, a criminal complaint will be filed in the District Court. For the first offense, a fine of not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars will be imposed. For subsequent offenses, a fine of not less than two hundred (\$200) dollars, nor more than five hundred (\$500) dollars will be imposed. Each day or part thereof of violations, whether such violation be continuous or intermittent, shall be construed as a separate and succeeding offense. (M.G.L. Chapter III, Section 31C)

David B. Alper, D.P.M., Chairman

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