



**Town of Swampscott**  
OFFICE OF THE  
**Board of Health**  
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**Town of Swampscott Board of Health**  
**EXTERIOR POWER SANDING AND ABRASIVE BLASTING REGULATION**

Section 1 — General

- A. The Board of Health, Town of Swampscott, Massachusetts, acting under the authority of Section 31, Chapter 111 of the Massachusetts General Laws and amendments and additions thereto, and by any other power thereto enabling, has adopted the following rules and regulations in the interest of and for the preservation of the public health.

Public Awareness of Health

- B. The Board of Health in the Town of Swampscott recognizes that the methods commonly employed in the removal of exterior paint and abrasive blasting often result in the creation of uncontrolled particulate matter and other by-products, which, in addition to creating a nuisance, may result in the inhalation or ingestion of dust and contamination of soil, water and air. In addition, the inhalation or ingestion of leaded paint dust may result in permanent damage to the central nervous system, reproductive system, kidneys, liver, and other vital systems in both children and adults.

The Board of Health recognizes that restrictions on exterior paint removal and abrasive blasting will enable paint removers and abrasive blasting operators to better control particulate matter and other by-products and thereby minimize the nuisance and health effects associated with these activities.

- C. A permit is required for removal of paint by abrasive blasting / power sanding from any exterior surface within the Town of Swampscott. Exterior surfaces shall include, but not be limited to, cars, boats, building structures, fences. Such permits shall be granted in writing to the owner of the structure by the Board of Health only upon the following general terms and conditions, and subject to such other special terms and conditions as the Board of Health shall find necessary to protect the public health and welfare.

Section 2 — Definitions

For the purpose of this regulation, the following definitions shall apply:

- 2.0 Abrasive Blasting – shall include dry, wet, and mist abrasive blasting, which are defined as follows:

Dry abrasive blasting – propulsion of a stream of abrasive material by means of air, steam, or other gas under pressure, for the purpose of paint removal or abrading or cleaning a surface.

Mist abrasive blasting – application, for the purpose of paint removal or abrading or cleaning a surface, of a water mist together with an abrasive material which has been propelled by means of compressed air, steam, or other gas.

Wet abrasive blasting – application, for the purpose of paint removal or 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.

- 2.1 Abrasive Material – substance which is used to abrade or clean a surface.
- 2.2 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.
- 2.3 Air Contamination Source – any source at, from, or by reason of which any air contaminant is emitted directly into the ambient air space.
- 2.4 Ambient Air Space – all of the air space outside of the shrouded or contained work air spreading in all directions indefinitely.
- 2.5 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, or
  - 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.
- 2.6 By-products – used abrasive material, paint chips, wood chips, dust, water or any other material resulting from the paint removal or abrasive blasting operation.
- 2.7 Dust – finely divided solid matter.
- 2.8 Emission – discharge or release to the ambient air space of any air contaminant.
- 2.9 HEPA Filter Vacuum Cleaner – vacuum cleaner equipped with a high efficiency particulate air (HEPA) filter capable of filtering out particles of 0.3 microns or greater diameter from a body of air at 99.97% efficiency or greater.
- 2.10 Mist – any liquid aerosol formed by the condensation of vapor or by the atomization of liquids.
- 2.11 Operator – a person who performs exterior paint removal or abrasive blasting.
- 2.12 Paint Removal – any surface treatment with the potential for removing or dislodging any surface coating, in its entirety or in part. Methods of paint removal may include, but are not limited to, wet, dry, or mist abrasive blasting, sanding, scraping, power washing, and others.
- 2.13 Particulate matter – any material that exists in a finely divided form as a liquid or solid in the ambient air.
- 2.14 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.
- 2.15 Power Sanding – (a.k.a. electric, mechanical) will be considered the use of power tools to remove paint.
- 2.16 Toxicity Characteristic Leaching Procedure (TCLP) – is a testing methodology used to determine if a waste is characteristically hazardous.

2.17 Vapor – the gaseous state of certain substances that can exist in equilibrium with their solid or liquid states under standard conditions.

### Section 3 — Application for Permit:

Application for permit shall be in writing, on a form provided or specified by the Board of Health. Such application shall indicate test results for lead content done by a certified laboratory or other lead paint test approved by the Swampscott Board of Health.

Contractors certified under EPA's "*Renovation, Repair and Painting Rule*" may use EPA recognized lead paint test kits-acceptable for wood and ferrous metals, to indicate results.

### Section 3 — Lead Content:

- A. In no case shall it be permitted to abrasively blast the interior or exterior of a structure if the test results for lead indicate the presence of lead based paint.
- B. In no case shall it be permitted to power sand the interior or exterior of a structure if the test results for lead indicate the presence of lead base paint.

### Section 4 — Abrasive Blasting and Power (mechanical) Sanding:

Exterior abrasive blasting / power (mechanical) sanding in the absence of lead are allowed only under the following conditions:

- A. Such blasting or sanding operations shall be sufficiently enclosed (shrouded) to contain particulate matter from entering the ambient air space, to prevent visible emissions beyond the vertically extended property line, to prevent public exposure to particulates, and to prevent deposition of particulate matter upon public and other private property. Special care shall be taken to cover vegetation, gardens and planted areas within the enclosure.
- B. Such blasting or sanding operations occur when the wind velocity is below twenty miles per hour.
- C. Enclosure(s) shall not be removed until all external surfaces, including the ground in the vicinity, are thoroughly cleaned of all loose material attributable to the abrasive blasting operations.
- D. Permit for Abrasive Blasting / Power Sanding has been issued by the Swampscott Board of Health and is displayed on site.

### Section 5 — Permit Fee:

The permit fee shall be thirty-five dollars (\$35.00).

### Section 6 — Posting of Permit:

The permit shall be displayed in a conspicuous location during the abrasive blasting / power sanding operations.

## Section 7 — Clean-up Procedures:

7.1 For abrasive blasting / power sanding operations, a HEPA vacuum shall be used to remove all particulate matter from all surfaces, including the ground, shrubs, windows, doorways, ledges, and inside of shrouding within the shrouded work area and ten feet beyond work area when shrouding is removed. Shrouding may be left in place for the duration of the operation as long as vacuuming of the area inside the shrouding takes place at the end of each working day. Additional clean-up may be done but no other method can replace the above procedures.

7.2 There shall be a complete clean-up of all removed paint, dust particles and/or abrasive materials within two (2) hours of operation shut down every day. The cleaning shall include additional adjacent areas as deemed necessary by the Department.

7.3 It shall be the responsibility of the operator to prevent ground contamination as a direct result of any abrasive material, chemical, or solvent used during the exterior paint removal or abrasive blasting operation or failure to recover all material and by-products. Operator shall assume all clean-up costs and liability resulting from failure to comply with this and other applicable regulations or failure to adequately contain and dispose of by-products of the operation.

7.5 Wastewater generated from mist or wet abrasive blasting operations must also undergo TCLP testing to determine if it is hazardous, hazardous wastes must be disposed of in accordance with 310 CMR 30.00. Non-hazardous wastewater is subject to the requirements of 314 CMR 1.00 through 15.00 and may require a permit to discharge to a sewerage treatment plant, in accordance with 314 CMR 7.00.

## Section 7 — Evidence of Violation:

Any of the following conditions shall be prima facie evidence of violation of this regulation:

- A. Failure to obtain express written permission from the Swampscott Board of Health to engage in an abrasive blasting or power sanding operation or after denial of such permission.
- B. Visible emission of particulate matter outside of enclosed area
- C. Failure to ensure adequate precautions against ground surface contamination
- D. Failure to clean property.
- E. Failure of any operator to comply with any provision of 454CMR22:01 et seq. (DOS - Deleading and lead-safe renovation regulation)

<http://www.mass.gov/lwd/labor-standards/lead-program/rrp.html>

Authorized agents of the Board of Health shall conduct on-site inspections to ensure compliance with all applicable regulations.

## Section 8 — Variance:

8.0 The Board of Health or its authorized Agent may vary the application of any provision of these regulations with respect to any particular case, when, in its opinion, the enforcement thereof would do manifest injustice; provided that the decision of the Board of Health is not in conflict with the spirit of these standards.

8.1 Request for a variance from any part of this regulation must be submitted in writing to the Board of Health at the time of application for a permit. Such request must be accompanied by the reasons why the variance should be considered and the manner in which the spirit of these regulations is to be upheld, resulting in a comparable degree of public protection.

8.2 Any variance granted by the Board of Health must be in writing with a copy available to the public at all reasonable hours in the office of the Board of Health.

8.3 An applicant for a variance shall remain subject to prosecution and in violation under the terms of this regulation unless or until a variance is granted.

8.4 The Board of Health or its authorized Agent shall evaluate all applications for variance from the requirements of this regulation and may grant said variances subject to such terms, conditions, and requirements as it may deem reasonable to achieve maximum compliance with the provisions of these regulations.

#### Section 9 — Separability:

Each part of these regulations is construed as separate to the end that if any section, item, sentence, clause, or phrase is held invalid for any reason, the remainder of these regulations shall continue in full force and effect.

#### Section 10 — Penalty:

The permittee is responsible for compliance with all conditions and terms stated herein. Whoever violates this regulation shall be punished, for the first offense, by a fine of fifty dollars (\$50.00), for the second offense, by a fine of one hundred dollars (\$100.00) and for any subsequent offense, by a fine of two hundred dollars (\$200.00). For the purpose of this paragraph each day or part thereof of violation of this regulation, whether such violation be continuous or intermittent, shall be construed as a separate and succeeding offense.

Revisions approved by the Swampscott Board of Health on: 03/20/2013

Martha Dansdill, Chair

Lawrence Block, MD

Deborah Shelkan Remis, MD, MPH

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Adopted by Board of Health: 06/30/1994

Revised: 10/25/1995

03/20/2013

## **Summary**

### **Town of Swampscott Board of Health EXTERIOR POWER SANDING AND ABRASIVE BLASTING REGULATION**

The Board of Health in the Town of Swampscott, Massachusetts, acting under the authority of Section 31, Chapter 111 of the Massachusetts General Laws and amendments and additions thereto, and by any other power thereto enabling, has adopted the following rules and regulations in the interest of and for the preservation of the public health. The effective date shall be upon publication of the regulation.

The Town of Swampscott Board of Health Exterior Power Sanding and Abrasive Blasting Regulation was designed to protect the health of Swampscott residents by regulating paint removal on exterior surfaces. A complete copy of the regulation is available upon request at the Board of Health located at 22 Monument Avenue, Swampscott, MA. The major provisions of the regulation, which applies to the painting contractor as well as the homeowner, are summarized below:

- 1.) No permit shall be required for the removal of exterior paint from a structure by a property owner or contractor if only dry scraping or hand sanding paint.
- 2.) A permit must be issued by the Board of Health prior to the abrasive blasting / power sanding paint removal process.
- 3.) The Health Department is responsible for notifying immediate abutters one week prior to the commencement of abrasive blasting / power sanding.
- 4.) Lead testing is required only when abrasive blasting / power sanding utilization is sought. If such test reveals dangerous levels of lead, an application for permit will be denied.
- 5.) When no lead testing is required, work must be performed in accordance with 454 CMR 22.11 "Safety Procedures for Renovation and/or Rehabilitation" and any other applicable state and local regulations.
- 6.) Violation of these regulations may be punished by a fine of fifty dollars (\$50.00), for the first offense, one hundred dollars (\$100.00), for a second offense, two hundred dollars (\$200.00) for each subsequent offense. Each day shall be construed as a separate offense.
- 7.) Any variance granted by the Board of Health must be in writing with a copy available to the public at all reasonable hours in the office of the Board of Health.
- 8.) An applicant for a variance shall remain subject to prosecution and in violation under the terms of this regulation unless or until a variance is granted.
- 9.) The Board of Health or its authorized Agent shall evaluate all applications for variance from the requirements of this regulation and may grant said variance subject to such terms, conditions, and requirements as it may deem reasonable to achieve maximum compliance with the provisions of these regulations.
- 10.) Each part of these regulations is construed as separate to the end that if any section, item, sentence, clause, or phrase is held invalid for any reason, the remainder of these regulations shall continue in full force and effect.