

HOUSE No. 2167

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Relative to Health Based Risk Assessments of Nuisances..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1 Section 142 of Chapter 111 of the General Laws by inserting at the end,
2 the following new section

3 Notwithstanding the provisions of sections one hundred and forty-two A to one hundred
4 and forty-two E, inclusive, “The Department of Environmental Protection in cooperation with
5 the Department of Public Health shall conduct site specific, health based risk assessments,
6 including but not limited to air pollution modeling, monitoring, of fugitive emissions, particulate
7 matter, temperature inversion, prevailing winds and a door to door public health surveys for
8 inhabitants of buildings located in proximity to earth products mining excavation and processing
9 operations.

10 Section 2. Assessment and door to door surveys shall be conducted a minimum distance
11 of the direct abutters or 300 feet whichever is less, to a range of 3500 feet and shall cover
12 inhabitants required to have pre blast surveys under the regulations of the Department of
13 Environmental Protection for any pollutant determined by the Department of Environmental
14 Protection to be of concern to public health.

(b) The door to door public health surveys shall be conducted every 5 years thereafter.

Section 3. The results of the studies shall be presented to the affected communities at a public hearing of which notice shall be given by publication for one day in each of two successive weeks in a newspaper published in the town, the first publication to be at least fourteen days prior to the date for the hearing and by posting a copy to the municipal website or other such public place therein for fourteen consecutive days prior to the date of the public hearing.

(b) The results of the studies shall be incorporated into cities and towns special permits, ordinances or bylaws for the excavation and associated processing of earth products.

Section 4. In any city or town that accepts the provision of this section, the board of health shall enforce ambient air quality standards.

Section 5. The Definition of Earth Products or Other Minerals shall mean: " Earth Products or Other Minerals" clay, stone, sand, gravel, metalliferous and non-metalliferous ores, oil shale and oil extracted from shale by an in situ process, and any other solid material or substances of commercial value excavated in solid form from natural deposits on or in the earth, exclusive of coal and those minerals which occur naturally in liquid or gaseous form.