

HOUSE No. 4943

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act safeguarding our natural resources..

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. The third paragraph of section 80A of chapter 131 of the General Laws, as
2 appearing in the 2008 Official Edition, is hereby amended by striking out the third and fourth
3 sentences and inserting in place thereof the following 2 sentences:- If no response is provided by
4 the municipal board of health within 10 calendar days or the application is denied, the applicant
5 or his duly authorized agent may transfer the application for the emergency permit to the
6 director. If the director determines that such a threat exists, it shall immediately issue the
7 emergency permit to alleviate the existing threat to human health and safety, for a period not
8 exceeding 10 days.

9 SECTION 2. Said section 80A of said chapter 131, as so appearing, is hereby amended
10 by striking out, in lines 71 and 72, the words “in conjunction with the municipal board of
11 health,”.

12 If said threat to human health and safety has not been alleviated within said ten days, the
13 applicant or his duly authorized agent shall apply to the granting authority for an extension
14 permit to continue the use of alleviation techniques, specified in this section, for a period not

15 exceeding 30 days. If the granting authority determines that such a threat to human health or
16 safety exists, as defined in this section, the authority shall immediately issue an extension permit.

17 SECTION 2. Said section 80A of said chapter 131, as so appearing, is hereby further
18 amended by striking out the word “director”, in lines 72, 74 and 75, 76, 78 and 79, in each
19 instance, and inserting in place thereof the following words:- granting authority.

20 SECTION 3. Said section 80A of said chapter 131, as so appearing, is hereby further
21 amended by striking out the words “Compliance with the provisions of any or all of the previous
22 four paragraphs shall not preclude the applicant or his duly authorized agent from applying to the
23 municipal board of health for an additional emergency permit”, in lines 88 to 91, inclusive, and
24 inserting in place thereof the following words:- Compliance with the provisions of this section
25 shall not preclude the applicant or his duly authorized agent from applying to the municipal
26 board of health or division for an additional emergency permit.

27 SECTION 4. Said section 80A of said chapter 131, as so appearing, is hereby further
28 amended by striking out the eighth and ninth paragraphs and inserting in place thereof the
29 following paragraph:-

30 Every board of health within the commonwealth that issues an emergency permit
31 pursuant to this section shall report annually to the division the number of permit applications,
32 the number of permits granted, the location for which the emergency permits were authorized,
33 the results of granting the emergency permits and other information that may be required by the
34 division. The division shall provide a report annually to the joint committee on environment,
35 natural resources and agriculture on the aggregation of the boards of health reports, the number
36 of permit applications the division received, the number of permits it granted, the location for

37 which the emergency permits were authorized, the results of granting the emergency permits and
38 recommendations regarding wildlife management pursuant to this section.