

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Joyce A. Spiliotis

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to Health Based Risk Assessments of Nuisances .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Joyce A. Spiliotis	12th Essex
Theodore C. Speliotis	13th Essex
Denise Provost	27th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and 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 Ms. Spiliotis and Mr. Spiliotis of Peabody hereby amends section 142 of Chapter
2 111 of the General Laws by inserting at the end, the following new section

3 Section 1. Notwithstanding the provisions of sections one hundred and forty-two A to one
4 hundred and forty-two E, inclusive, "The Department of Environmental Protection in
5 cooperation with the Department of Public Health shall conduct site specific, health based risk
6 assessments, including but not limited to air pollution modeling, monitoring, of fugitive
7 emissions, temperature inversion, prevailing winds, particulate matter and door to door public
8 health surveys for inhabitants of buildings located in proximity to earth products mining
9 excavation and processing operations.

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

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

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

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

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

25 Definition

26 Earth products or other minerals: " Earth Products and Other Minerals" means clay, stone, sand,
27 gravel, metalliferous and non-metalliferous ores, oil shale and oil extracted from shale by an in
28 situ process, and any other solid material or substances of commercial value excavated in solid
29 form from natural deposits on or in the earth, exclusive of coal and those minerals which occur
30 naturally in liquid or gaseous form.

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