

**HOUSE . . . . . No. 2167**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Joyce A. Spiliotis, Theodore C. Spiliotis**

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

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

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

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

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

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

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