

**HOUSE . . . . . No. 4943**

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**The Commonwealth of Massachusetts**

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HOUSE OF REPRESENTATIVES, July 28, 2010.

The committee on Ways and Means to whom was referred the Bill safeguarding our natural resources (House, No. 4172), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4943).

For the committee,

CHARLES A. MURPHY

# The Commonwealth of Massachusetts

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In the Year Two Thousand and Ten  
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## 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:*

SECTION 1. The third paragraph of section 80A of chapter 131 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the third and fourth sentences and inserting in place thereof the following 2 sentences:- If no response is provided by the municipal board of health within 10 calendar days or the application is denied, the applicant or his duly authorized agent may transfer the application for the emergency permit to the director. If the director determines that such a threat exists, it shall immediately issue the emergency permit to alleviate the existing threat to human health and safety, for a period not exceeding 10 days.

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

If said threat to human health and safety has not been alleviated within said ten days, the applicant or his duly authorized agent shall apply to the granting authority for an extension permit to continue the use of alleviation techniques, specified in this section, for a period not exceeding 30 days. If the granting authority determines that such a threat to human health or safety exists, as defined in this section, the authority shall immediately issue an extension permit.

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

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

SECTION 4. Said section 80A of said chapter 131, as so appearing, is hereby further amended by striking out the eighth and ninth paragraphs and inserting in place thereof the following paragraph:- Every board of health within the commonwealth that issues an emergency permit pursuant to this section shall report annually to the division the number of permit applications, the number of permits granted, the location for which the emergency permits were authorized, the results of granting the emergency permits and other information that may be required by the division. The division shall provide a report annually to the joint committee on environment, natural resources and agriculture on the aggregation of the boards of health reports, the number of permit applications the division received, the number of permits it granted, the location for which the emergency permits were authorized, the results of granting the emergency permits and recommendations regarding wildlife management pursuant to this section.