

Massachusetts

Noise Related Statutes, Regulations, Policies

TITLE II EXECUTIVE AND ADMINISTRATIVE OFFICERS OF THE
COMMONWEALTH
CHAPTER 12 DEPARTMENT OF THE ATTORNEY GENERAL, AND THE DISTRICT
ATTORNEYS
SECTION 11D DIVISION OF ENVIRONMENTAL PROTECTION

Section 11D. There shall be in the department of the attorney general a division of environmental protection. The attorney general shall designate an assistant attorney general as director of said division. Said director may appoint and remove, subject to the approval of the attorney general, such expert, clerical or other assistants as the work of the division may require.

The attorney general shall have the authority to prevent or remedy damage to the environment caused by any person, body corporate or politic or any agency, department, board, commission, division or authority of the commonwealth or any political subdivision thereof at the request of an appropriate agency or on his own initiative, by commencing or intervening in a proceeding before an appropriate agency, department, board, commission, division or authority, whether state or federal, and before any political subdivision of the commonwealth, or by commencing or intervening in any suit or action, civil or criminal, to enforce any statute, ordinance, by-law or regulation or to secure any common law right or remedy including, but not limited to, the abatement of public nuisances, provided, however, it shall be a defense to any action taken pursuant to this section that any such person is subject to, and in compliance in good faith with, a judicially enforceable administrative pollution abatement schedule or implementation plan the purpose of which is alleviation of damage to the environment.

Each agency, board, commission, division and authority of the commonwealth shall give written notice to the attorney general of all adjudicatory proceedings or public hearings in which damage to the environment is or may be at issue; provided, however, that failure to give such notice shall not invalidate such proceeding or public hearing.

As used in this section, “damage to the environment” shall mean any destruction, damage or impairment, actual or probable, to any of the natural resources in the commonwealth and shall include, but shall not be limited to, air pollution, water pollution, improper sewage disposal, pesticide pollution, **excessive noise**, improper operation of dumping grounds, or the impairment or eutrophication of rivers, streams, flood plains, lakes, ponds or other surface or subsurface water resources, destruction of seashores, dunes, marine resources, underwater archaeological resources, wetlands, open spaces, natural areas, parks or historic districts or sites. Damage to the environment shall not include any insignificant destruction, damage or impairment to such natural resources.

The attorney general shall receive and maintain appropriate records of complaints from interested persons relating to damage to the environment, and upon the receipt thereof shall refer the same to an appropriate agency or subdivision of the commonwealth for such further corrective action as may be necessary to prevent or remedy damage to the environment.

The attorney general may investigate the administration of environmental statutes, ordinances or regulations by an agency, department, board, commission, division or authority of the commonwealth or of any political subdivision thereof and may make such recommendations as are appropriate to the governor and to the general court.

Nothing in this section shall be interpreted to derogate from any existing common law or statutory right or remedy against damage to the environment.

In any action at law or suit in equity brought by the attorney general in any court of the commonwealth involving alleged damage to the environment, whether or not a temporary restraining order or preliminary injunction is sought or granted, after a representation by the attorney general by affidavit that delay in the trial on the merits would prevent the attainment of a full and complete remedy to the alleged damage to the environment, the court, upon finding that the facts alleged in said affidavit are true, shall place said action or suit on the advanced section of the trial list in said court with such order of priority over other cases on said advanced section as the court shall deem appropriate.

CHAPTER 21A EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS SECTION 2 DUTIES AND FUNCTIONS; INTER-AGENCY INFORMATION, SERVICES AND PLANS; FILING APPLICATIONS

Section 2. The office and its appropriate departments and divisions shall carry out the state environmental policy and in so doing they shall:

(10) provide for the prevention and abatement of water, land, air, **noise**, and other pollution or environmental degradation;

In order to assist the office in the discharge of its duties, the secretary may request from any agency or political subdivision of the commonwealth any information relevant to the discharge of such duties.

An information copy of each application submitted by any state agency, including all state institutions of higher learning or any political subdivision to any public or private agency for a grant or loan with respect to any environmental protection or enhancement program, including the acquisition of land and facilities for these purposes shall be filed with the office not later than the twentieth day after submission.

As the primary agency of the commonwealth for environmental planning, the office shall utilize the services and plans of regional planning agencies, conservation districts, conservation commissions and historical commissions in fulfilling its environmental planning responsibilities.

CHAPTER 21A EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS SECTION 8 ORGANIZATION OF DEPARTMENTS; POWERS, DUTIES AND FUNCTIONS

Section 8. The department of environmental protection shall include the bureau of environmental sanitation and all the powers and duties assigned to said bureau which relate to environmental health, air pollution control, **noise** regulation, community sanitation, water supply and water quality, noisome trades and sanitary landfills, and including those set forth in sections two B, two C, five E, five F, five G, seventeen, twenty-three, twenty-four, thirty-one C, thirty-one D, one hundred and forty-two A to one hundred and forty-two E, inclusive, one hundred and forty-three, one hundred and forty-seven, one hundred and fifty A, one hundred and fifty-two, one hundred and fifty-nine, one hundred and sixty to one hundred and sixty-six, inclusive, and one hundred

and seventy-five of chapter one hundred and eleven, the division of water pollution control, and the powers and duties contained in section forty of chapter one hundred and thirty-one. The department of environmental protection shall maintain, in one location, copies of all city and town sanitary codes, and all rules, regulations and standards that pertain to public health, and any amendments and additions thereto, which have been adopted by boards of health pursuant to section thirty-one of chapter one hundred and eleven. The department shall make said information available for public inspection and reference, and shall charge a fee for reproducing and mailing said information which shall be in an amount sufficient to cover the expense of providing such services.

In regulating or approving any pollution prevention, control or abatement plan, strategy, or technology, through any permit, license, regulation, guideline, plan approval or other departmental action affecting or prohibiting the emission, discharge, disposal, release, or threat of release of any hazardous substance to the environment, or in establishing standards for such emission, discharge, disposal, release, or threat of release, pursuant to any statute administered by said department, the department may consider the potential effects of such plans, strategies and technologies on public health and safety and the environment that may arise through any environmental medium or route of exposure that is regulated by the department pursuant to any statute; and said department shall act to minimize and prevent damage or threat of damage to the environment. In no event shall the department authorize implementation of any plan, strategy or technology less protective of the environment than required by any applicable federal statute, regulation, permit, license, or plan approval.

TITLE III LAWS RELATING TO STATE OFFICERS

CHAPTER 30 GENERAL PROVISIONS RELATIVE TO STATE DEPARTMENTS, COMMISSIONS, OFFICERS AND EMPLOYEES

SECTION 61 DETERMINATION OF IMPACT BY AGENCIES; DAMAGES TO ENVIRONMENT; PREVENTION OR MINIMIZATION; FORESEEABLE CLIMATE CHANGE IMPACTS; DEFINITION APPLICABLE TO THIS SECTION AND SEC. 62

Section 61. All agencies, departments, boards, commissions and authorities of the commonwealth shall review, evaluate, and determine the impact on the natural environment of all works, projects or activities conducted by them and shall use all practicable means and measures to minimize damage to the environment. Unless a clear contrary intent is manifested, all statutes shall be interpreted and administered so as to minimize and prevent damage to the environment. Any determination made by an agency of the commonwealth shall include a finding describing the environmental impact, if any, of the project and a finding that all feasible measures have been taken to avoid or minimize said impact.

In considering and issuing permits, licenses and other administrative approvals and decisions, the respective agency, department, board, commission or authority shall also consider reasonably foreseeable climate change impacts, including additional greenhouse gas emissions, and effects, such as predicted sea level rise.

As used in this section and section sixty-two, "damage to the environment" shall mean any destruction, damage or impairment, actual or probable, to any of the natural resources of the commonwealth and shall include but not be limited to air pollution, water pollution, improper sewage disposal, pesticide pollution, excessive **noise**, improper operation of dumping grounds, reduction of groundwater levels, impairment of water quality, increases in flooding or storm

water flows, impairment and eutrophication of rivers, streams, flood plains, lakes, ponds, or other surface or subsurface water resources; destruction of seashores, dunes, marine resources, underwater archaeological resources, wetlands, open spaces, natural areas, parks, or historic districts or sites. Damage to the environment shall not be construed to include any insignificant damage to or impairment of such resources.

TITLE VII CITIES, TOWNS AND DISTRICTS
CHAPTER 40 POWERS AND DUTIES OF CITIES AND TOWNS
SECTION 21 BY-LAWS OF TOWNS; PURPOSE

Section 21. Towns may, for the purposes hereinafter named, make such ordinances and by-laws, not repugnant to law, as they may judge most conducive to their welfare, which shall be binding upon all inhabitants thereof and all persons within their limits. They may, except as herein provided, affix penalties for breaches thereof not exceeding three hundred dollars for each offense, which shall enure to the town or to such uses as it may direct. Notwithstanding the provisions of any special law to the contrary, fines shall be recovered by indictment or on complaint before a district court, or by noncriminal disposition in accordance with section (22) For controlling and abating **noise** from whatever source, including, without limiting the generality of the foregoing, the right to restrict or limit the use of automobile horns and the operation of motor vehicles in such a manner as to cause **excessive noise**.

TITLE XIV PUBLIC WAYS AND WORKS
CHAPTER 90 MOTOR VEHICLES AND AIRCRAFT
SECTION 7 BRAKES, BRAKING SYSTEMS, MUFFLERS, HORNS, LIGHTS, AUDIBLE WARNING SYSTEMS, AND OTHER EQUIPMENT; COMPLIANCE WITH SAFETY STANDARDS; STICKERS AND EMBLEMS

Section 7.Every motor vehicle so operated shall be provided with a muffler or other suitable device to prevent unnecessary **noise** and with a suitable **bell, horn** or other means of signalling, with suitable lamps, and with a lock, key or other device to prevent such vehicle from being set in motion by unauthorized persons, or otherwise contrary to the will of the owner or person in charge thereof. Every commercial motor vehicle, or trailer weighing, with its load, more than twelve thousand pounds, and used to deliver gasoline or other flammable material, shall be equipped with an **audible** warning system when the vehicle's transmission is in reverse. For the purpose of this paragraph, the term commercial motor vehicle or trailer shall mean a bulk tank carrier delivering gasoline or other flammable material.

TITLE XIV PUBLIC WAYS AND WORKS
CHAPTER 90 MOTOR VEHICLES AND AIRCRAFT
SECTION 7T MOTORCYCLE SOUND LEVELS; TESTING REGULATIONS

Section 7T. The registrar shall adopt regulations establishing test procedures and instrumentation to be utilized for measuring sound levels of in-use vehicles. Such regulation shall include site criteria and moving and stationary vehicle measurement procedures and shall take into consideration accepted scientific and professional methods for the measurement of vehicular **sound levels**. The measurement procedures shall include adjustment factors to be applied to the

noise limit for measurement distances of other than fifty feet from the center of the lane of travel and shall allow the extent feasible **sound level** measurement and enforcement action to be accomplished in reasonably confined areas such as residential areas of urban cities and off highway locations. Test procedures established by the registrar shall be in substantial conformance with applicable standards and practices established or recommended by the United States Environmental Protection Agency.

TITLE XIV PUBLIC WAYS AND WORKS
CHAPTER 90 MOTOR VEHICLES AND AIRCRAFT
SECTION 16 OFFENSIVE OR ILLEGAL OPERATION OF MOTOR VEHICLES

Section 16. No person shall operate a motor vehicle, nor shall any owner of such vehicle permit it to be operated, in or over any way, public or private, whether laid out under authority of law or otherwise, which motor vehicles are prohibited from using, provided notice of such prohibition is conspicuously posted at the entrance to such way. No person shall operate a motor vehicle, nor shall any owner of such vehicle permit it to be operated upon any way, except fire department and fire patrol apparatus, unless such motor vehicle is equipped with a **muffler** to prevent excessive or unnecessary **noise**, which muffler is in good working order and in constant operation, and complies with such minimum standards for construction and performance as the registrar may prescribe. No person shall use a muffler cut-out or by-pass. No person shall operate a motor vehicle on any way which motor vehicle is equipped (1) with a muffler from which the baffle plates, screens or other original internal parts have been removed and not replaced; or (2) with an exhaust system which has been modified in a manner which will amplify or increase the noise emitted by the exhaust. No person operating a motor vehicle shall sound a bell, horn or other device, nor in any manner operate such motor vehicle so as to make a harsh, objectionable or unreasonable **noise**, nor permit to escape from such vehicle smoke or pollutants in such amounts or at such levels as may violate motor vehicle air pollution control regulations adopted under the provisions of chapter one hundred and eleven. No **siren** shall be mounted upon any motor vehicle except fire apparatus, ambulances, vehicles used in official line of duty by any member of the police or fire fighting forces of the commonwealth or any agency or political subdivision thereof, and vehicles owned by call fire fighters or by persons with police powers and operated in official line of duty, unless authorized by the registrar.

TITLE XIV PUBLIC WAYS AND WORKS
CHAPTER 90 MOTOR VEHICLES AND AIRCRAFT
SECTION 17B DRAG RACING; PENALTIES

Section 17B. No person shall operate a motor vehicle, nor shall any owner of such vehicle permit it to be operated, in a manner where the owner or operator accelerates at a high rate of speed in competition with another operator, whether or not there is an agreement to race, causing increased **noise** from skidding tires and amplified **noise** from racing engines. Whoever violates this section shall be punished by imprisonment in the house of correction for not more than 2 1/2 years or by a fine of not more than \$1,000. The registrar shall suspend such violator's license for a period of not less than 30 days for a first offense and for not less than 180 days for any subsequent violation.

TITLE XIV PUBLIC WAYS AND WORKS
CHAPTER 90B MOTORBOATS, OTHER VESSELS AND RECREATIONAL VEHICLES
SECTION 20 DEFINITIONS APPLICABLE TO SECS. 21 TO 35

Section 20. In sections twenty-one to thirty-five, inclusive, the following words shall, unless the context requires otherwise, have the following meanings:--

"All-terrain vehicle", a motorized recreational vehicle designed or modified for travel on 4 low pressure tires and having a seat designed to be straddled by the operator and handlebars for steering control.

"Directly supervised", the supervising adult shall be sufficiently close to the operator at all times that the operator's vehicle is in operation, such that a reasonable person acting as supervisor under the totality of the circumstances including, but not limited to, vehicle and ambient **noise**, the landscape, topography and geography of the location, and the operator's wearing of protective headgear, would reasonably believe that he is maintaining visual contact and verbal communication with the operator.

"Operate", to ride in or on and control the operation of a snow vehicle or a recreation vehicle.

"Owner", a person, other than a lien holder, having the property or title to a snow vehicle or to a recreation vehicle entitled to the use or possession thereof.

"Recreation utility vehicle" or "utility vehicle", a motorized flotation tire vehicle with not less than 4 and not more than 6 low pressure tires that is limited in engine displacement to less than 1,500 cubic centimeters and in total dry weight to not more than 1,800 pounds and that has a seat that is of bench design, not intended to be straddled by the operator, and a steering wheel for control.

"Recreation vehicle", any motor vehicle designed or modified for use over unimproved terrain if used for recreation or pleasure off a public way as defined in chapter ninety, and all legally registered motor vehicles when used off a way, as defined under chapter ninety; provided, however, that for the purpose of vehicles used for agriculture, forestry, lumbering or construction shall be excluded from this definition when used for such purpose, provided, further, that in any complaint brought under this chapter the burden shall be upon the defendant to prove of such use. Any motor vehicle legally registered under chapter ninety will not be subject to registration under this chapter but registration numbers shall be displayed as required by said chapter ninety.

"Snow vehicle", a motor vehicle designed to travel over ice or snow, having a curb weight of not more than 453 kilograms or 1,000 pounds, driven by track or tracks in contact with the snow or ice and steered by a ski or skis in contact with the snow or ice.

TITLE XIV PUBLIC WAYS AND WORKS
CHAPTER 90B MOTORBOATS, OTHER VESSELS AND RECREATIONAL VEHICLES
SECTION 24 LIGHTS; REFLECTORS; EXCESSIVE NOISE; OBNOXIOUS FUMES

Section 24. Each snow vehicle and each recreation vehicle shall be equipped with one or more headlights, a red rear light, a red rear reflector, and adequate **muffler**, and such safety equipment as may be required by the director. Each such vehicle shall be capable of decelerating in a reasonable manner. Any sled or trailer attached to any such vehicle shall also be equipped with a red rear reflector. All such equipment shall conform to such specifications as the registrar of motor vehicles shall prescribe; provided, however, that the requirements for lighting, as set forth in this paragraph, shall not apply to category Y - all terrain vehicles, so-called; and provided,

further, that said registrar in such specifications shall define said category Y - all terrain vehicles in a manner which shall be consistent with the American National Standards Institute Standard ANSI/SVIA I - 1990.

No snow vehicle or recreation vehicle shall be operated which emits noxious fumes or makes unusual or excessive **noise**. No snow vehicle or recreation vehicle manufactured on or after January 1, 1998, shall be sold, offered for sale or operated that produces a **sound pressure level** of more than 96 decibels when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J1287 JUL98 or with such other test procedures for measurement of sound pressure levels as the registrar may adopt. No snow vehicle or recreation vehicle manufactured prior to January 1, 1998, shall be offered for sale or operated that produces a **sound pressure level** of more than 101 decibels when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J1287 JUL98 or with such other test procedures for measurement of sound pressure levels as the registrar may adopt.

No snow vehicle manufactured after July the first, nineteen hundred and seventy-two shall be sold, offered for sale, or operated that produces a **sound pressure level** of more than eighty-two decibels. No snow vehicle manufactured after July the first, nineteen hundred and seventy-five, shall be sold, offered for sale or operated that produces a **sound pressure level** of more than seventy-eight decibels. Sound pressure levels in decibels shall be measured on the "A" scale of a sound level meter approved by the director. Measurements shall be made of overall vehicle **noise** at maximum speed at fifty feet in accordance with test procedure SAE J192 of the Society of Automotive Engineers, or with such other test procedure for measurement of sound pressure levels as the registrar of motor vehicles may adopt. After January the first, nineteen hundred and seventy-three, no new snow vehicle shall be sold in the commonwealth unless such vehicle is certified by the manufacturer, in accordance with rules and regulations adopted by the director, as being able to conform with the sound level limitation set forth in this section.

TITLE XVI PUBLIC HEALTH

CHAPTER 111 PUBLIC HEALTH

SECTION 31A PERMIT FOR REMOVAL OR TRANSPORTATION OF GARBAGE; APPLICATION; EXEMPTIONS

Section 31A. No person shall remove or transport garbage, offal or other offensive substances through the streets of any city or town without first obtaining a permit from the board of health of such city or town; provided, however, that no rules or regulations shall restrict the hours of the day when garbage, offal or other offensive substances may be collected in areas zoned for business, commercial or industrial use. An application for such permit shall be in such form and contain such information, on oath, as such board shall require. All such permits shall expire at the end of the calendar year in which they are issued, but may be renewed annually on application as herein provided. No permit shall be transferred except with the approval of the said board.

Notwithstanding the foregoing provisions, any person may, without such a permit, transport garbage, offal or other offensive substances through the streets of a city or town in which said substances were not collected; provided, that he registers with the board of health of such city or town; and, provided further, that he transports said substances in accordance with such reasonable rules and regulations as may be established by such board of health. Motor vehicles

owned by the commonwealth or any of its political subdivisions and motor vehicles engaged under contract with the commonwealth in the transportation of garbage or refuse shall be exempt from the provisions of this section; provided, however, that a city or town may recommend to the department of highways, in writing, an alternative route of travel for such motor vehicles whereby the **noise** or nuisance incident to such travel shall be minimized or abated and said department shall consider such alterations or changes in the travel routes of such motor vehicles as will result in the minimization of such **noise** or nuisance.

TITLE XVI PUBLIC HEALTH

CHAPTER 111 PUBLIC HEALTH

SECTION 125A REVIEW OF ORDER ADJUDGING THE OPERATION OF A FARM TO BE A NUISANCE

Section 125A. If, in the opinion of the board of health, a farm or the operation thereof constitutes a nuisance, any action taken by said board to abate or cause to be abated said nuisance under sections one hundred and twenty-two, one hundred and twenty-three and one hundred and twenty-five shall, notwithstanding any provisions thereof to the contrary, be subject to the provisions of this section; provided, however, that the odor from the normal maintenance of livestock or the spreading of manure upon agricultural and horticultural or farming lands, or **noise** from livestock or farm equipment used in normal, generally acceptable farming procedures or from plowing or cultivation operations upon agricultural and horticultural or farming lands shall not be deemed to constitute a nuisance.

TITLE XVI PUBLIC HEALTH

CHAPTER 111 PUBLIC HEALTH

SECTION 150A1/2 STANDARDS AND CRITERIA FOR SITING OF FACILITIES; RULES AND REGULATIONS

Section 150A1/2. The department of environmental protection, in cooperation with the department of public health, shall promulgate rules and regulations for the siting of facilities pursuant to the provisions of section one hundred and fifty A. Said rules and regulations shall establish site suitability standards and criteria and shall include, but not be limited to, the following considerations:

- (6) the nature and extent of residential areas in proximity to the site;
- (10) the potential for creation of a nuisance from **noise**, windblown litter, or the proliferation of rodents, flies or other vermin;

TITLE XX PUBLIC SAFETY AND GOOD ORDER

CHAPTER 140 LICENSES

SECTION 181 THEATRICAL EXHIBITIONS, ETC.; LICENSES; FEES; APPLICATIONS; SUSPENSION OR REVOCATION; WORKERS' COMPENSATION COVERAGE

Section 181. The mayor or selectmen may, except as provided in section one hundred and five of chapter one hundred and forty-nine, grant and set the fee for, upon such terms and conditions as are described hereinafter, a license for theatrical exhibitions, public shows, public amusements and exhibitions of every description, to be held upon weekdays only, to which admission is

obtained upon payment of money or upon the delivery of any valuable thing, or in which, after free admission, amusement is furnished upon a deposit of money in a coin controlled apparatus, but in no event shall any such fee be greater than one hundred dollars. Notwithstanding the limitations of this paragraph, a license granted to a movie theater, including any drive-in theater, for the exhibition of motion pictures shall permit such exhibition seven days per week. The fee for such license shall not exceed the total amounts paid by a licensee for licenses issued in 1997 under this section and section 4 of chapter 136 then in effect; provided, however, that the fee for such license shall not be greater than \$500.

The application for such a license shall be in writing and shall fully and specifically describe the conditions of the proposed exhibition, show, or amusement and the premises upon which the proposed exhibition, show, or amusement is to take place, to the extent that such conditions or premises would affect the public safety, health or order. Upon written request of the mayor or selectmen, the applicant shall in addition furnish reasonable information concerning the conditions of the premises and actions to be taken in order to prevent danger to the public safety, health, or order. Within thirty days following receipt of such application, the mayor or selectmen shall grant a license or shall order a hearing preceded by at least ten days written notice to the applicant. Within forty-five days next following the close of such hearing, the mayor or selectmen shall grant such license or shall deny such license upon a finding that issuance of such a license would lead to the creation of a nuisance or would endanger the public health, safety or order by:

- (c) unreasonably increasing the level of **noise** in the area in which the premises are located.
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TITLE XX PUBLIC SAFETY AND GOOD ORDER

CHAPTER 140 LICENSES

SECTION 183A CONCERTS, DANCES, EXHIBITIONS, PUBLIC SHOWS, ETC.; LICENSE; APPLICATION; SUSPENSION OR REVOCATION; RULES AND REGULATIONS

Section 183A. No inn holder, common victualler, keeper of a tavern, or person owning, managing, or controlling any club, restaurant or other establishment required to be licensed under section twelve of chapter one hundred and thirty-eight or under section two, twenty-one A or twenty-one E of chapter one hundred and forty, and no person owning, managing, or controlling any concert, dance, exhibition, cabaret or public show of any description to be conducted on any premises required to be licensed under the sections described above, shall, as a part of its usual business, offer to view, set up, set on foot, maintain or carry on a concert, dance exhibition, cabaret or public show of any description, unless and until a license therefor has been issued by the licensing authorities.

The application for such license shall be in writing and shall state the type of concert, dance, exhibition, cabaret or public show sought to be licensed and shall state whether such public show will include: (a) dancing by patrons, (b) dancing by entertainers or performers, (c) recorded or live music, (d) the use of an amplification system, (e) a theatrical exhibition, play, or moving picture show, (f) a floor show of any description, (g) a light show of any description, or (h) any other dynamic audio or visual show, whether live or recorded.

The application shall also state whether as part of the concert, dance exhibition, cabaret or public show any person will be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the pubic area, anus, or genitals, or any simulation thereof, or

whether any female person will be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the breast below the top of the areola, or any simulation thereof.

Upon request of the licensing authorities, the applicant shall furnish further additional information concerning the type of concert, dance exhibition, cabaret, or public show sought to be licensed, the conditions of the premises, and the actions to be taken in order to prevent danger to the public safety, health or order. Once a license has been granted to an applicant, the licensee shall continue to provide such information to the licensing authorities upon their request with regard to any particular concert, dance, exhibition, cabaret, or public show or with regard to the conduct of the premises in general.

Within forty-five days following receipt of an application for a license under this section, the licensing authorities may (a) grant a license or, (b) shall provide the opportunity for a hearing on the application by written notice to the applicant given seven days prior to the hearing date.

Within thirty days next following the final date of such opportunity for a hearing the licensing authorities shall,

- (a) grant the license or,
- (b) deliver to the applicant a written notice denying the license and stating in writing the reasons for such denial. No application having been denied as aforesaid and no similar application thereto may be filed within one year of said denial except in the discretion of the licensing authorities.

The licensing authorities shall grant a license under this section unless they find that the license, taken alone or in combination with other licensed activities on the premises, would adversely affect the public health, safety or order, in that the concert, dance, exhibition, cabaret, or public show cannot be conducted in a manner so as to:

- (a) protect employees, patrons, and members of the public inside or outside the premises from disruptive conduct, from criminal activity, or from health, safety or fire hazards;
- (b) prevent an unreasonable increase in the level of **noise** in the area caused by the licensed activity or caused by patrons entering or leaving the premises; or (c) prevent an unreasonable increase in the level of pedestrian or vehicular traffic in the area of the premises or an unreasonable increase in the number of vehicles to be parked in the area of the premises.

TITLE XXII CORPORATIONS
CHAPTER 160 RAILROADS
SECTION 169 VACUUM BRAKES; MUFFLERS

Section 169. A railroad corporation using any vacuum brake shall provide and use on every locomotive equipped therewith a **muffler** or other appliance, approved in writing by the department, for deadening the **noise** incident to the operation of such brake; but any other appliance may be used upon any locomotive for the purpose of experiment only, for not more than thirty days, but not upon more than two locomotives of the same corporation at any one time. Every application to the department for approval of such appliances shall be in writing; and such approval may be revoked by the department by written notice to the corporation.

TITLE XXII CORPORATIONS
CHAPTER 161C RAIL TRANSPORTATION IN THE COMMONWEALTH
SECTION 1 DECLARATION OF LEGISLATIVE INTENT

Section 1. It is hereby declared that rail transportation offers economic and environmental advantages with respect to land use air and **noise** pollution, energy efficiency, safety, and costs per ton mile of movement to the extent that the preservation, development and maintenance of such services is a public purpose and in the public interest; that essential rail transportation services for the movement of passengers and freight are threatened with cessation or significant curtailment because of the deterioration or inadequacy of rail rights of way either earlier acquired for a public purpose, or because of the insufficiency or inadequacy of rail facilities and related equipment, and because of the inability of private railroad companies to provide such services or facilities without public financial assistance; that the public convenience and necessity require that the adequate and efficient rail services and facilities be provided in the commonwealth; that these needs cannot be met without substantial action by the commonwealth; and that it is the intent of the general court to provide for such action through an act which authorizes a public agency to plan for and carry out the steps necessary to acquire, preserve, develop and construct when necessary on lands not formerly owned or used by a railroad, which insures the maintenance and operation of, adequate and efficient rail rights of way, related facilities or equipment, and rail services.

TITLE XXII CORPORATIONS
CHAPTER 164 MANUFACTURE AND SALE OF GAS AND ELECTRICITY
SECTION 69I LONG-RANGE FORECASTS OF ELECTRIC AND GAS COMPANIES;
FILING; HEARINGS; APPROVAL

Section 69I. The department shall approve or reject long-range plans; provided, however, that a long-range plan submitted in conjunction with a petition to construct a facility may be referred to the board for review and approval or rejection in accordance with section sixty-nine J. Every electric company, except municipal corporations authorized to operate a municipal lighting plant under the provisions of sections thirty-four to thirty-six, inclusive, shall file with the department a long-range forecast with respect to the electric power needs and requirements of its market area, taking into account wholesale bulk power sales or purchases or other cooperative arrangements with other electric companies, for the ensuing ten-year period. Such forecast shall be filed at least every two years.....

Said forecasts shall include, in such form and detail as the department shall prescribe, the following information:

(3) A description of actions planned to be taken by the company which will affect capacity to meet such needs or requirements, including, but not limited to: expansion, reduction or removal of existing facilities; construction or acquisition of additional facilities; a description of alternatives to planned action such as other methods of generating, manufacturing or storing, other site locations, other sources of electrical power or gas, including facilities which operate on solar or geothermal energy and wind or facilities which operate on the principle of cogeneration or hydrogeneration, and no additional electrical power or gas; a reduction of requirements through load management; a description of the environmental impact of each proposed facility; provided, however, that the above provisions shall not apply to facilities which have been

approved as part of a previous long-range forecast or supplement thereto. The department shall after public notice and a period for comment be empowered to issue and revise its own list of guidelines. A minimum of data shall be required by these guidelines from the applicant for review concerning land use impact, water resource impact, air quality impact, solid waste impact, radiation impact and **noise** impact.

TITLE XXII CORPORATIONS
CHAPTER 164 MANUFACTURE AND SALE OF GAS AND ELECTRICITY
SECTION 69J1/4 CONSTRUCTION OF GENERATING FACILITY

Section 69J1/4. No applicant shall commence construction of a generating facility unless a petition for approval of construction of that generating facility has been approved by the board. In addition, no state agency of the commonwealth shall issue a construction permit for any such generating facility unless the petition to construct such generating facility has been approved by the board pursuant to this section.

The board shall, after public notice and a period for comment, be authorized to issue and revise its own list of guidelines. Sufficient data shall be required from the applicant by these guidelines to enable the board to review the local and regional land use impact, local and regional cumulative health impact, water resource impact, wetlands impact, air quality impact, solid waste impact, radiation impact, visual impact, and **noise** impact of the proposed generating facility; provided, however, that these guidelines shall not require any data related to the necessity or cost of the proposed generating facility, except for data related to the costs associated with the mitigation, control, or reduction of the environmental impacts of the proposed generating facility, and, if the proposed facility does not meet the technology performance standard in effect at the time of filing, data related to the costs, including costs associated with the mitigation, control, or reduction of environmental impacts, of other fossil fuel generating technologies. Within 60 days of the filing of a petition to construct a generating facility, the board shall conduct a public hearing in each locality in which the generating facility would be located. In addition, the board shall, within 180 days of the filing thereof, conduct public evidentiary hearings on every petition to construct a generating facility. Such evidentiary hearings shall be adjudicatory proceedings under the provisions of chapter 30A.

TITLE I COURTS AND JUDICIAL OFFICERS
CHAPTER 214 EQUITY JURISDICTION
SECTION 7B NOISE POLLUTION; SHOOTING RANGES; EXEMPTION FROM LIABILITY; HOURS OF OPERATION

Section 7B. Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, no owner of a rifle, pistol, silhouette, skeet, trap, black powder, or other similar range shall be liable in any civil action or criminal prosecution in any matter relating to **noise or noise** pollution resulting from use of the range, provided said owner of the range was in compliance with any applicable **noise control law**, ordinance or by-laws in existence at the time of the construction of such range.

No owner shall be liable in any action for nuisance, and no court shall enjoin the use or operation of said range on the basis of **noise or noise pollution**, provided said owner was in compliance

with any noise control law, ordinance or by-laws in existence at the time of the construction of the range.

The exemptions from liability and the immunities from prosecution provided in this section shall also extend to any owner who, in order to satisfy a requirement of law, regulation or by-law, relocates his range within the same parcel of land or a contiguous parcel of land, owned by him at the time that the commonwealth or its political subdivision commences enforcement of such a requirement or that the owner voluntarily complies with such a requirement. In order to maintain these exemptions from liability and immunities from prosecution, owners who relocate their ranges pursuant to the preceding sentence shall remain in compliance with the applicable noise control laws, ordinances or by-laws in existence at the time of the construction of the original range described in the first paragraph.

No standards in rules adopted by any state, city, or town agency for limiting levels of noise in terms of decibel level which may occur in the outdoor atmosphere shall apply to the ranges exempted from liability under the provisions of this section. Such ranges shall be prohibited from operating between the hours of ten o'clock post meridian and eight o'clock ante meridian unless otherwise allowed by the local governing body.

PART IV CRIMES, PUNISHMENTS AND PROCEEDINGS IN CRIMINAL CASES
TITLE I CRIMES AND PUNISHMENTS
CHAPTER 269 CRIMES AGAINST PUBLIC PEACE
SECTION 10A SELLING, GIVING OR USING SILENCERS; CONFISCATION AND DESTRUCTION

Section 10A. Any person, other than a federally licensed firearms manufacturer, an authorized agent of the municipal police training committee, or a duly authorized sworn law enforcement officer while acting within the scope of official duties and under the direct authorization of the police chief or his designee, or the colonel of the state police, who sells or keeps for sale, or offers, or gives or disposes of by any means other than submitting to an authorized law enforcement agency, or uses or possesses any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent or intended to lessen or **muffle the noise** of the firing of any gun, revolver, pistol or other firearm shall be punished by imprisonment for not more than five years in state prison or for not more than two and one-half years in a jail or house of correction. Nothing contained herein shall be construed to prohibit a federally licensed firearms manufacturer from selling such instrument, attachment, weapon or appliance to authorized law enforcement agencies for law enforcement purposes or to the municipal police training committee for law enforcement training. Upon conviction of a violation of this section, the instrument, attachment or other article shall be confiscated by the commonwealth and forwarded, by the authority of the written order of the court, to the colonel of the state police, who shall destroy said article.

PART IV CRIMES, PUNISHMENTS AND PROCEEDINGS IN CRIMINAL CASES
TITLE I CRIMES AND PUNISHMENTS
CHAPTER 272 CRIMES AGAINST CHASTITY, MORALITY, DECENCY AND GOOD
ORDER
SECTION 41 DISTURBANCE OF LIBRARIES

Section 41. Whoever willfully disturbs persons assembled in a public library, or a reading room connected therewith, by making a **noise** or in any other manner during the time when such library or reading room is open to the public shall be punished as provided in the preceding section.

REGULATIONS

MassDEP = Massachusetts Division of Environmental Protection

Regulation 310 CMR 7.00 Definitions

- *Noise* is defined as "sound of sufficient intensity and/or duration as to cause a condition of air pollution."
- *Air pollution* means "the presence in the ambient air space of one or more air contaminants or combinations thereof in such concentrations and of such duration as to: (a) cause a nuisance; (b) be injurious, or be on the basis of current information, potentially injurious to human health or animal life, to vegetation, or to property; or (c) unreasonably interfere with the comfortable enjoyment of life and property or the conduct of business."

Regulation 310 CMR 7.10 : Noise

(1) No person owning, leasing or controlling a source of sound shall willfully, negligently, or through failure to provide necessary equipment, service, or maintenance or to take necessary precautions cause, suffer, allow, or permit unnecessary emissions from said source of sound that may cause noise.

(2) 310 CMR 7.10(1) shall pertain to, but shall not be limited to, prolonged unattended sounding of burglar alarms, construction and demolition equipment which characteristically emit sound but which may be fitted and accommodated with equipment such as enclosures to suppress sound or may be operated in a manner so as to suppress sound, suppressible and preventable industrial and commercial sources of sound, and other man-made sounds that cause noise.

(3) 310 CMR 7.10(1) shall not apply to sounds emitted during and associated with:

1. parades, public gatherings, or sporting events, for which permits have been issued provided that said parades, public gatherings, or sporting events in one city or town do not cause noise in another city or town;
2. emergency police, fire, and ambulance vehicles;
3. police, fire, and civil and national defense activities;
4. domestic equipment such as lawn mowers and power saws between the hours of 7:00 A.M. and 9:00 P.M.

(4) 310 CMR 7.10(1) is subject to the enforcement provisions specified in 310 CMR 7.52.

This policy is adopted by the Division of Air Quality Control. The Department's existing guideline for enforcing its noise regulation (310 CMR 7.10) is being reaffirmed.

A source of sound will be considered to be violating the Department's noise regulation (310 CMR 7.10) if the source:

1. Increases the broadband sound level by more than 10 dB(A) above ambient, or
2. Produces a "pure tone" condition - when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

These criteria are measured both at the property line and at the nearest inhabited residence. Ambient is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment operating hours. The ambient may also be established by other means with the consent of the Department.

Regulation 310 CMR 7.11: Massachusetts Vehicle Idling Regulation

7.11: U Transportation Media

(1) Motor Vehicles.

(a) All motor vehicles registered in the Commonwealth shall comply with pertinent regulations of the Registry of Motor Vehicles relative to exhaust and sound emissions.

(b) No person shall cause, suffer, allow, or permit the unnecessary operation of the engine of a motor vehicle while said vehicle is stopped for a foreseeable period of time in excess of five minutes. 310 CMR 17.11 shall not apply to:

1. vehicles being serviced, provided that operation of the engine is essential to the proper repair thereof, or
2. vehicles engaged in the delivery or acceptance of goods, wares, or merchandise for which engine assisted power is necessary and substitute alternate means cannot be made available, or
3. vehicles engaged in an operation for which the engine power is necessary for an associated power need other than movement and substitute alternate power means cannot be made available provided that such operation does not cause or contribute to a condition of air pollution.

(c) 310 CMR 7.11(1)(b) is subject to the enforcement provisions specified in 310 CMR 7.52.

(2) Diesel Trains.

(a) No person owning or operating a diesel powered locomotive shall cause, suffer, allow, or permit said locomotive to be operated in a manner such as to cause or contribute to a condition of air pollution.

(b) No person shall cause, suffer, allow, or permit the unnecessary foreseeable idling of a diesel locomotive for a continuous period of time longer than 30 minutes. 310 CMR 7.00 shall not apply to diesel locomotives being serviced provided that idling is essential to the proper repair of said locomotive and that such idling does not cause or contribute to a condition of air pollution.

(c) 310 CMR 7.11(2)(a) and 7.11(2)(b) are subject to the enforcement provisions specified in 310 CMR 7.52.

(3) Aircraft. No person owning or operating an airport shall cause, suffer, allow, or permit routine warmups, testing, or other operation of aircraft while on the ground, in such a manner

as to cause or contribute to a condition of air pollution, outside of the property lines of the airport, that in the opinion of the Department are unreasonable and feasibly preventable.

(4) Marine Vessels. No person owning, operating, or having control of a seagoing vessel while it is in the District shall cause, suffer, allow, or permit, aboard said vessel, tube blowing or soot removal activities that cause or contribute to a condition of air pollution. 310 CMR 7.11 shall apply only in the Merrimack Valley Air Pollution Control District, Metropolitan Boston Air Pollution Control District, and the Southeastern Massachusetts Air Pollution Control District.

POLICIES

When reviewing applications for pre-construction approval of new sources of air pollution, MassDEP examines the potential increase in sound levels over ambient conditions and the impacts of noise at both the source's property line and at the nearest residence or other sensitive receptor (e.g., schools, hospitals) located in the area surrounding the facility and occupied at the time of the permit review. *Please note: MassDEP requires that an air approval be obtained when a proposed facility is expected to emit more than threshold amounts of specific pollutants. If noise is the only air pollutant expected to be emitted by a facility, a pre-construction air approval is not required.*

When MassDEP responds to a complaint about an existing source of noise, it focuses on protecting affected people at their residences and in other buildings that are occupied by sensitive receptors from nuisances and the public health effects of the noise. *Please note: An existing source of sound may or may not have needed a MassDEP air approval before it was built.*

The MassDEP noise pollution policy describes criteria that MassDEP uses to evaluate noise impacts at both the property line and the nearest occupied residence or other sensitive receptor. When noise is found to be a nuisance or a threat to health, MassDEP requires the source to mitigate its noise.

Noise levels that exceed the criteria at the source's property line by themselves do not necessarily result in a violation or a condition of air pollution under MassDEP regulations (see 310 CMR 7.10 U). The agency also considers the effect of noise on the nearest occupied residence and/or building housing sensitive receptors:

- In responding to complaints, MassDEP measures noise levels at the complainant's location and at other nearby locations that may be affected (e.g., residences and/or buildings with other sensitive receptors). If the noise level at a sensitive receptor's location is more than 10 dB, MassDEP requires the noise source to mitigate its impact.
- A new noise source will be required to mitigate its noise if levels are projected to be more than 10 dB at the nearest residence or building housing sensitive receptors.
- A new noise source that would be located in an area that is not likely to be developed for residential use in the future (e.g., due to abutting wetlands or similarly undevelopable areas), or in a commercial or industrial area with no sensitive receptors may not be required to mitigate its noise impact on those areas, even though projected noise levels

at the facility's property line may exceed 10 dB. However, a new noise source that would be located in an area in which housing or buildings containing other sensitive receptors could be developed in the future may be required to mitigate its noise impact in these areas.

This policy has been designed to protect affected residents and other sensitive occupants of nearby property, but not necessarily uninhabited areas in and around the source's property. Sources of noise may need to implement mitigation if residences or buildings occupied by sensitive receptors are developed where they may be affected by the source's noise.

SAMPLE APPLICATION FORM

BWP AQ – Sound

Introduction:

This Form is to be submitted alone and/or with BWP AQ CPA-Fuel and/or BWP AQ CPA-I forms whenever the construction or alteration of stationary equipment (e.g. electrical gen equipment, motors, fans, process handling equipment or similar sources of sound) has the potential to cause noise; or in response to a MassDEP enforcement action citing noise as a condition of air pollution.

When proposing sound suppression/mitigation measures, similar to the traditional "top-down" BACT process, the "top case" sound suppression/mitigation measures which deliver the lowest sound level increase above background are required to be implemented, unless these measures can be eliminated based upon technological or economic infeasibility. An applicant cannot "model out" of the use of the "top case" sound suppression/mitigation measures by simply demonstrating that predicted sound levels at the property line when employing a less stringent sound suppression/mitigation strategy will result in a sound level increase of less than or equal to the 10 dBA (decibel, A –Weighted) above background sound level increase criteria contained in MassDEP's Noise Policy. A 10 dBA increase is the maximum increase allowed by MassDEP; it is not the sound level increase upon which the design of sound suppression/mitigation strategies and techniques should be based. Also, take into consideration that the city or town that the project is located in may have a noise ordinance (or similar) that may be more stringent than the criteria in MassDEP's Noise Policy.

A. Source(s) of SOUND Emissions and Sound Emission Abatement Equipment/Mitigation Measures

1. Provide a description of the source(s) of sound emissions and associated sound abatement equipment and/or mitigation measures. Also include details of sound emission mitigation measures to be taken during construction activities.

B. Manufacturer's Sound Emission Profile of Equipment and Sound Abatement Equipment.

Please attach to this form the manufacturer's sound generation data for the equipment being proposed for installation, or the existing equipment as applicable. This data must specify the sound pressure levels for a complete 360° circumference of the equipment and at given distance from the equipment. Also attach information provided by the sound abatement manufacturer detailing the expected sound suppression to be provided by the proposed sound

suppression equipment.

C. Plot Plan

Provide a plot plan and aerial photo(s) (e.g. GIS) that defines: the specific location of the proposed or existing source(s) of sound emissions; the distances from the source(s) to the property lines; the location, distances and use of all inhabited buildings (residences, commercial, industrial, etc) beyond the property lines; identify any areas of possible future construction beyond the property line; and sound monitoring locations used to assess noise impact on the surrounding community. All information provided in the sound survey shall contain sufficient data and detail to adequately assess any sound impacts to the surrounding community, including elevated receptors as applicable, not necessarily receptors immediately outside the facility's property line.

D. Community Sound Level Criteria

Approval of the proposed new equipment or proposed corrective measures will **not** be granted if the installation:

- 1.) Increases off-site broadband sound levels by more than 10 dBA above "ambient" sound levels.. Ambient is defined as the lowest one-hour background A-weighted sound pressure level that is exceeded 90% of the time measured during equipment operating hours. Ambient may also be established by other means with the consent of MassDEP.
- 2) Produces off-site a "pure tone" condition. "Pure tone" is defined as when any octave band center frequency sound pressure level exceeds the two adjacent frequency sound pressure levels by 3 decibels or more.
- 3) Creates a potential condition of air pollution as defined in 310 CMR 7.01 and MassDEP's Noise Policy (see www.state.ma.us (need web page) for copy of Noise Policy).

Note: These criteria are measured both at the property line and at the nearest inhabited building.

For equipment that operates, or will be operated intermittently, the ambient or background noise measurements shall be performed during the hours that the equipment will operate and at the quietest times of the day. The quietest time of the day is usually between 1 AM and 4 AM on weekend nights. The nighttime sound measurements must be conducted at a time that represents the lowest ambient sound level expected during all seasons of the year.

For equipment that operates, or will operate, continuously and is a significant source of sound, such as a proposed power plant, background shall be established via a minimum of seven consecutive days of continuous monitoring at multiple locations with the dBA L 90 data and pure tone data reduced to one-hour averages.

In any case, consult with your Regional Office prior to commencing noise monitoring in order to establish a sound monitoring protocol that will be acceptable to MassDEP.

E. Full Octave Band Analysis

The following community sound profiles will require the use of sound pressure level measurements in the neighborhood of the installation. An ANSI S1.4 Type 1 sound monitor or equivalent shall be used for all sound pressure level measurements. A detailed description of sound monitor calibration methodology shall be provided with the sound survey.

1. Lowest **Ambient** Sound Pressure Levels During Operating Hours of the equipment.

a. At property line:

<u>A- Weighted</u>	<u>31.5</u>	<u>63.0</u>	<u>125</u>	<u>250</u>	<u>500</u>	<u>1K</u>	<u>2K</u>	<u>4K</u>	<u>8K</u>	<u>16K</u>
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

b. At the nearest inhabited building and if applicable at buildings at higher elevation:

<u>A- Weighted</u>	<u>31.5</u>	<u>63.0</u>	<u>125</u>	<u>250</u>	<u>500</u>	<u>1K</u>	<u>2K</u>	<u>4K</u>
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____

The following sound profiles are required only for a submittal in response to a MassDEP enforcement action citing a noise nuisance condition. Applications for new equipment (and go ahead to section E3.

2. Neighborhood Sound Pressure Levels with Source Operating without Sound Abatement E

a. At property line:

<u>A- Weighted</u>	<u>31.5</u>	<u>63.0</u>	<u>125</u>	<u>250</u>	<u>500</u>	<u>1K</u>	<u>2K</u>	<u>4K</u>
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____

b. At the nearest inhabited building and if applicable at buildings at higher elevation:

<u>A-Weighted</u>	<u>31.5</u>	<u>63.0</u>	<u>125</u>	<u>250</u>	<u>500</u>	<u>1K</u>	<u>2K</u>	<u>4K</u>
_____	_____	_____	_____	_____	_____	_____	_____	_____

3. **Expected** Neighborhood Sound Pressure Levels after Installation of Sound Abatement Eq

a. At property line:

<u>A- Weighted</u>	<u>31.5</u>	<u>63.0</u>	<u>125</u>	<u>250</u>	<u>500</u>	<u>1K</u>	<u>2K</u>	<u>4K</u>

b. At nearest inhabited building and if applicable at buildings at higher elevations:

<u>A- Weighted</u>	<u>31.5</u>	<u>63.0</u>	<u>125</u>	<u>250</u>	<u>500</u>	<u>1K</u>	<u>2K</u>	<u>4K</u>

Note: MassDEP may request that actual measurements be taken after the installation of equipment to verify compliance at all off-site locations.

F. Professional Engineer's Stamp

The seal and signature of a Massachusetts Registered Professional Engineer (P.E.) must be placed below, and must be the original seal impression or stamp and the original signature of the engineer. This is to certify that the information contained in this Form has been checked for accuracy, and that the design represents good air pollution control engineering practice.

Print or Type Name: _____

Place P.E. Stamp below

Signature: _____

Position/Title: _____

Company: _____

Date: _____

P.E. Number: _____

G. Certification by Responsible Official

The signature below provides the affirmative demonstration pursuant to 310 CMR 7.02(5)(c)8 that any facility(ies) in Massachusetts, owned or operated by the proponent for this project (or by an entity controlling, controlled by or under common control with such proponent) that is subject to 310 CMR 7.00, et seq., is in compliance with, or on a MassDEP approved compliance schedule to meet, all provisions of 310 CMR 7.00, et seq., and any plan approval, order, notice of noncompliance or permit issued thereunder. This Form must be signed by a Responsible Official working at the location of the proposed new or modified facility. Even if an agent has been designated to fill out this Form, the Responsible Official must sign it. (Refer to the definition given in 310 CMR 7.00.)

I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment.

Name of Responsible Official (print or type)

Responsible Official Signature

Title

Date