

314 CMR 9.12: Authorization of Emergency Action

In the rare situation where immediate action is essential to avoid or eliminate a serious and immediate threat to the public health or safety or to the environment, a person may act without a certification, provided that the person obtains prior approval of the Department or authorization under M.G.L. c. 131, § 40. Any emergency authorization issued by the Department shall not relieve such person from compliance with other applicable federal, state, and local requirements and approvals, including approval by the Corps of Engineers. The Corps of Engineers' emergency provisions for Section 404 permits are located at 33 CFR 325.2(e)(4).

(1) Any activity subject to the jurisdiction of 310 CMR 10.00 which has been certified as an emergency by a conservation commission conducted in accordance with 310 CMR 10.06, or by the Department under 310 CMR 10.06(5), **or is authorized under 310 CMR 10.06(6)(a)4**, and any oil or hazardous material "Immediate Response Action" undertaken in accordance with the provisions of 310 CMR 10.06(7), is also authorized under 314 CMR 9.00.