

**From:** Jamie Fay [jfay@fpa-inc.com]  
**Sent:** Monday, November 02, 2015 7:35 AM  
**To:** Talks, DEP (DEP)  
**Subject:** FW: Regulatory reform

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**From:** Jamie Fay  
**Sent:** Tuesday, October 27, 2015 9:07 AM  
**To:** Martin Suuberg ([martin.suuberg@state.ma.us](mailto:martin.suuberg@state.ma.us)); Moran, Gary (DEP)  
**Subject:** Regulatory reform

Marty and Gary;

As I work on putting together a permitting schedule for a new project, it occurs to me that there is little value gained from the requirement to notify DEP 10 days in advance of any construction or demolition per 310 CMR 7.09. I am not sure why this is required, likely there is a good reason, but in all the decades that I have been filing these notices with DEP, I have never had any question, feedback or acknowledgement that anyone even looks at these. If you are looking to streamline, here is an admittedly small step that could be made with I think very little downside.

7.09:

U Dust, Odor, Construction, and Demolition

(1)

No person having control of any dust or odor generating operations such as, but not limited

to asphalt batching plants, asphalt roofing materials manufacturing plants, asphalt blowing

plants, foundries, chemical products manufacturing plants, incinerators, fuel utilization facilities,

petroleum products manufacturing plants, aggregate manufacturing plants, food preparation or

processing facilities, wood products plants, dry cleaning establishments, paint and varnish

manufacturing plants, paper manufacturing plants, leather manufacturing plants, concrete

batching plants, metal coating and treating plants, land clearing operations, construction work,

dump operations, agricultural operations and street sweeping shall permit emissions therefrom

which cause or contribute to a condition of air pollution.

(2)

No person responsible for any construction or demolition of an industrial, commercial, or

institutional building or residential building with 20 or more dwelling units, shall cause, suffer, allow, or permit emissions therefrom which cause or contribute to a condition of air pollution.

Said person shall notify the Department in writing ten working days prior to the initiation of said construction or demolition operation. The ten working day advance notice period will be waived in the event of emergency demolition necessary to prevent a public health or safety hazard.

Jamie

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