

SENATE No. 2242

The Commonwealth of Massachusetts

PRESENTED BY:

Anne M. Gobi

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 adoption of the accompanying bill:

An Act to establish standards for quarry licensing and the testing for pyrite minerals.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Anne M. Gobi</i>	<i>Worcester and Hampshire</i>	
<i>Ryan C. Fattman</i>	<i>Worcester and Hampden</i>	<i>1/12/2023</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/30/2023</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>2/7/2023</i>
<i>Peter J. Durant</i>	<i>6th Worcester</i>	<i>2/9/2023</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/14/2023</i>
<i>Meghan Kilcoyne</i>	<i>12th Worcester</i>	<i>2/14/2023</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>2/14/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/14/2023</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>	<i>2/15/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/21/2023</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>2/21/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/21/2023</i>
<i>John J. Cronin</i>	<i>Worcester and Middlesex</i>	<i>2/23/2023</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>2/28/2023</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>2/28/2023</i>
<i>Adam Gomez</i>	<i>Hampden</i>	<i>3/1/2023</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>3/2/2023</i>

<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/6/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>3/7/2023</i>

SENATE No. 2242

By Ms. Gobi, a petition (accompanied by bill, Senate, No. 2242) of Anne M. Gobi, Ryan C. Fattman, Brian M. Ashe, Jacob R. Oliveira and other members of the General Court for legislation to establish standards for quarry licensing and the testing for pyrite minerals. Transportation.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to establish standards for quarry licensing and the testing for pyrite minerals.

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. Chapter 6C of the General Laws is hereby amended by adding the
2 following section:-

3 Section 78. (a) For the purposes of this section, the following words shall have the
4 following meanings unless the context clearly requires otherwise:

5 “Aggregate”, granular materials such as gravel, sand and crushed rock that are combined
6 for a particular purpose.

7 “Certified geologist”, a professional geologist certified by the American Institute of
8 Professional Geologists.

9 “Concrete aggregate”, natural sand, natural gravel or crushed aggregate products
10 produced from ledge rock.

11 (b) Any person seeking to mine, expand, excavate or otherwise operate a quarry, sand
12 and gravel operation, or any other aggregate source for the purpose of producing concrete
13 aggregate for sale or use in foundations, structural elements or infrastructure, such as roadways
14 and bridges, shall submit to the department and the state geologist an application for a license to
15 conduct such activity.

16 Each license application shall consist of: (i) a description of the geographic location of
17 the aggregate source; (ii) an operations plan, including, but not limited to, mining, processing,
18 storage and quality control methods; (iii) a geological source report, consistent with subsection
19 (c); and (iv) the results of aggregate testing for the presence of pyrite or pyrrhotite, consistent
20 with subsection (d). Each license application shall be accompanied by a fee in an amount to be
21 determined by the department. Fees received by the department under this section shall be used
22 to implement this section; provided, however, that any surplus fee receipts shall be deposited into
23 the General Fund.

24 (c) The geological source report required in subsection (b) shall be prepared by a certified
25 geologist in a form and manner prescribed by the department, in consultation with the state
26 geologist, a representative nominated by the Massachusetts Aggregate and Asphalt Pavement
27 Association, and a representative nominated by the Massachusetts Concrete and Aggregate
28 Producers Association, Inc., and shall include, but not be limited to: (i) a description of the
29 characteristics of the aggregate to be excavated at the subject location; (ii) a description of the
30 products to be produced at such location; (iii) a copy of the results of an inspection of face
31 material and geologic log analysis conducted not more than 60 days prior to the date of the
32 report; and (iv) petrographic analyses of grab or core samples representative of the material

33 being actively mined. A geological source report prepared under this subsection shall be valid for
34 a period of 1 year from the date of preparation.

35 (d) Aggregate testing to identify the presence of pyrite or pyrrhotite required in
36 subsection (b) shall include, but not be limited to, a total sulfur test to measure total sulfur
37 content in a representative sample. Aggregate testing shall be performed by an accredited
38 laboratory in accordance with applicable standards established by American Society of Testing
39 and Materials International standards or alternate standards to be determined by the department
40 in consultation with the state geologist.

41 (e) The Secretary of Transportation or a designee, in consultation with the state geologist,
42 shall review each license application submitted pursuant to this section and notify each applicant
43 whether the license has been approved and any applicable conditions of operation. If the
44 application is denied, the notification shall include the reason for denial. A license granted under
45 this section shall be valid for 1 year from the date of approval. A license shall be approved if the
46 total sulfur content is less than 0.1 per cent by mass. A license shall not be approved if the total
47 sulfur content is not less than 1 per cent by mass. If the total sulfur content is equal to or greater
48 than 0.1 per cent by mass but less than 1 per cent by mass, the license applicant shall be required
49 to perform x-ray diffraction, magnetic susceptibility, or petrographic analyses to determine the
50 presence and relative abundance of pyrrhotite in the sample. A license shall be approved if the
51 results of said additional tests indicate that no pyrrhotite is present in the sample. A license shall
52 not be approved if the results of said tests indicate that pyrrhotite is present in the sample.
53 Aggregate test results demonstrating a total sulfur content of less than 0.1 percent by mass for
54 five consecutive years shall be valid for a period of five years from the date of the most recent
55 testing, provided, however, that annual geological source reports are submitted to the

56 department. The state geologist may require additional testing or information to justify an
57 approval recommendation.

58 (f) A person owning or operating an aggregate source subject to licensure pursuant to this
59 section shall maintain all records relevant to such licensure and operation, including, but not
60 limited to, a record of sale for all aggregate, for not less than 10 years.

61 (g) A person owning or operating a concrete production facility for the purpose of sale or
62 use in foundations, structural elements, or infrastructure, such as roadways and bridges, in
63 receipt of aggregate material from a source licensed pursuant to this section shall maintain a
64 record of the aggregate sources used in individual concrete batches for not less than 10 years.

65 (h) The department, in consultation with the state geologist, shall catalogue and maintain
66 the data collected under this section.

67 (i) Nothing in this section shall prohibit a municipality from requiring permits for quarry
68 operation or excavation or from establishing pyrite and pyrrhotite presence restrictions that are
69 more stringent than those set forth in this section.

70 (j) Nothing in this section shall affect the operations of quarries producing aggregate for
71 purposes other than those described in subsection (b).

72 (k) The department, in consultation with the state geologist, shall promulgate regulations
73 to implement this section.

74 SECTION 2. Section 78 of chapter 6C of the General Laws shall be effective on
75 December 31, 2023; provided, however, that entities licensed to operate a quarry or sand and
76 gravel operation in the commonwealth before the effective date of this act that are affected by

77 said section 88 of said chapter 6C shall meet the requirements of said section 78 of said chapter
78 6C not later than December 31, 2023; provided further, that any work conducted by such an
79 entity prior to December 31, 2023 shall comply with existing regulations.