



Massachusetts
Department
of
ENVIRONMENTAL
PROTECTION

f a c t s h e e t

Responding to Local Noise, Odor and Dust Complaints

Across Massachusetts, environmental and public health officials are seeing an increase in the number of noise, odor and dust complaints they are called upon to handle.

The local board of health or public health department is usually the first line of defense against these and other nuisance conditions. Municipal officials can respond to nuisance complaints in an informed, effective and timely way.

In some cases, the Department of Environmental Protection (DEP) can assist and support local officials in their response, or take the lead in responding. This fact sheet was developed to guide municipal officials as they follow up on nuisance complaints and to help them determine when it might be appropriate to request DEP assistance.

Local Response

Most noise, odor and dust complaints can be handled on the local level. Boards of health have broad authority under state law (M.G.L. Chapter 111, Sections 31C and 122) to investigate and control nuisance conditions. They and other local government agencies are empowered by DEP (310 CMR 7.52) to take enforcement action against violators of DEP's noise, odor and dust regulations (310 CMR 7.09-7.10).

When investigating nuisance complaints, municipal officials should determine whether:

- Nuisance conditions unreasonably interfere with the enjoyment of residential property and/or the operation of a business; and/or
- The source of the nuisance, if a business, has the necessary licenses, permits and approvals to be operating and conforms to local zoning requirements; and/or
- Offending activities constitute a violation of local nuisance by-laws or ordinances that may be more stringent than state regulations or statutes.

In many cases, those responsible for nuisance conditions are unaware of the problems they are causing and, in the interest of being good neighbors, will willingly take the necessary steps to solve them. In these instances, local officials need only notify the offending parties.

Other cases may require local officials to exercise their skills of diplomacy and mediation in helping the parties to a dispute reach an accommodation. For still others, local enforcement action can be an effective solution. When these efforts are unsuccessful, coordinating local actions with DEP follow-up may be necessary.

Local officials should keep a log of all complaints they receive and clearly document their investigations and findings.

How DEP Can Help

DEP can assist and support local officials in investigating noise, odor and dust complaints and taking appropriate enforcement actions by:

- Providing policies, guidance and other forms of technical assistance;
- Answering questions and offering regulatory expertise on request; and
- Lending sound level meters and other equipment to boards of health or other local agencies on request.

For details, contact the service center in the DEP regional office nearest you. Telephone numbers are provided below.

Criteria for Direct DEP Involvement

DEP may respond directly to local noise, odor and dust conditions at the request of local officials if:

- The identity of the complainant(s) is supplied to the agency*; and
- Nuisance conditions pose a potential imminent hazard to public health or the environment, are causing significant impacts across municipal or state boundaries, or are symptomatic of a serious environmental compliance problem; or
- There have been numerous complaints about the facility that is the source of the nuisance, there is a history of violations by the same party, or a state facility is causing the problem; or
- Local officials have pursued and exhausted all other avenues without successfully resolving the matter; or
- The complaint is about a pure tone noise from a source that cannot readily be identified.

**Complainant names and addresses must be known to DEP, but under the Fair Information and Practices Act (M.G.L. Chapter 644), the agency is required to keep all such information confidential while any investigation or enforcement action is ongoing.*

For Additional Information

To learn more about responding to noise, odor and dust complaints or to request state assistance or support, please contact the service center in the nearest DEP regional office.

- Central Region, Worcester: (508) 792-7683
- Northeast Region, Wilmington: (978) 661-7677
- Southeast Region, Lakeville: (508) 946-2714
- Western Region, Springfield: (413) 755-2214

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