

**HOUSE . . . . . No. 3674**

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Michael J. Rodrigues**

---

*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 passage of the accompanying bill:

An Act to revitalize urban centers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael J. Rodrigues	8th Bristol
Harriette L. Chandler	First Worcester

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT TO REVITALIZE URBAN CENTERS.

*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 21E, Section 2 of the General Laws, as appearing in the most  
2 recent edition, is hereby amended by inserting the following new definition following the  
3 definition of “act of God:”

4           “Background”, the level of oil or hazardous materials in the environment that would exist  
5 in the absence of the site of concern.

6           **SECTION 2.** Within ninety (90) days of the effective date of said amendment, the Department  
7 shall promulgate regulations revising the definition of background currently found at 310 CMR  
8 40.0006 to be consistent with this definition. In promulgating such regulations, the Department  
9 shall not include any limiting or narrowing terms and shall specifically delete subparts (a)  
10 through (d), inclusive, in the current regulatory definition of background.

11           **SECTION 3.** Said Chapter 21E, Section 3A is further amended in Subsection (g) by deleting  
12 the second sentence of the fourth paragraph thereof and replacing it with the following:

13           “Where feasible, a permanent solution shall include a measure or measures designed to  
14 reduce to the extent possible the level of oil or hazardous materials in the environment to  
15 background.”