

SENATE No. 1651

The Commonwealth of Massachusetts

PRESENTED BY:

Walter F. Tilty

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 relative to hazardous material teams.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Walter F. Tilty</i>	<i>Norfolk, Bristol and Plymouth</i>	
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/25/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/25/2021</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/25/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/4/2021</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/17/2021</i>

SENATE No. 1651

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 1651) of Walter F. Timilty, Lindsay N. Sabadosa, Brian W. Murray, Angelo J. Puppolo, Jr. and other members of the General Court for legislation relative to hazardous material teams. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to hazardous material teams.

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. Section 4 of Chapter 21K of the General Laws, as appearing in the 2018
2 Official Edition is hereby amended by deleting the first paragraph of Section 4 replacing it with
3 the following:-

4 Section 4. The department may, at the request of the local fire department or on its own
5 authority, dispatch member departments of the hazardous materials mitigation emergency
6 response plan to a site in the commonwealth or in any other state as directed or requested for the
7 purpose of conducting an emergency mitigation response for a hazardous material release, threat
8 of release or to ensure the health and welfare of public safety officials or the general public from
9 potentially hazardous substances. The department may, on its own authority, dispatch member
10 departments of the hazardous materials mitigation emergency response plan to a site in the
11 commonwealth to perform duties within its abilities to assist during other emergencies or
12 potential emergencies, or assist another agency. During a declared emergency mitigation

13 response action, the team leader shall have complete operational authority for hazardous
14 materials team operations at all times. Once the team leader has determined that the imminent
15 threat of harm from the hazardous materials release or potentially hazardous substance has been
16 satisfactorily mitigated, the team leader shall thereafter notify the incident commander. The
17 incident commander shall have authority over the emergency mitigation response site during a
18 declared emergency mitigation response.

19 SECTION 2. Section 5 of Chapter 21K of the General Laws, as appearing in the 2018
20 Official Edition is hereby amended by deleting paragraph (a) and replacing it with the
21 following:-

22 (a) Except as otherwise provided in this section: (1) the owner or operator of a vessel or
23 a site from which there is or has been a release or threat of release of hazardous materials; (2)
24 any person who at the time of storage or disposal owned or operated any vessel or site from
25 which said hazardous materials were stored or disposed and from which there has been a release
26 or threat of release; (3) any person who by contract, agreement or otherwise directly or indirectly
27 arranged for or engaged in the transport, disposal, storage or treatment of hazardous materials in
28 a site or from a vessel from which there is or has been a release or threat of release of hazardous
29 materials; or (4) any person who otherwise caused or is legally responsible for a release, threat of
30 release of hazardous materials from a vessel or a site, or is responsible for the manufacturing,
31 transporting or in possession of hazardous materials which may be detrimental to the health and
32 welfare of public safety officials or the general public shall be liable, without regard to fault, to
33 the commonwealth for the reimbursement of all associated costs, as determined by the
34 department, for an emergency mitigation response action.

35 SECTION 3. Section 5 of Chapter 21K of the General Laws, as appearing in the 2018
36 Official Edition is hereby amended by deleting paragraph (m) and replacing it with the
37 following:-

38 (m) The commonwealth shall, subject to appropriation, reimburse a municipality for costs
39 incurred for the emergency mitigation response of its members of a hazardous materials
40 mitigation emergency response team and shall pay an annual stipend of \$5,000 or any higher
41 amount as authorized and appropriated to each member of that team.