

SENATE No. 00340

The Commonwealth of Massachusetts

PRESENTED BY:

Harriette L. Chandler

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:

Harriette L. Chandler

DISTRICT/ADDRESS:

First Worcester

SENATE No. 00340

By Ms. Chandler, petition (accompanied by bill, Senate, No. 340) of Chandler for legislation to revitalize urban centers [Joint Committee on Environment, Natural Resources and Agriculture].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ SENATE
□ , NO. 387 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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 2008
2 Official Edition, is hereby amended by inserting the following new definition following the
3 definition of “Act of God”:

4 “Background,” those levels of oil and hazardous material that would exist in the absence
5 of the disposal site of concern which are either:

6 (a) ubiquitous and consistently present in the environment at and in the vicinity of the
7 disposal site of concern and attributable to geologic or ecological conditions, the presence of
8 historic fill, or atmospheric deposition of industrial process or engine emissions;

- 9 (b) attributable to coal ash or wood ash associated with fill material;
- 10 (c) releases to groundwater from a public water supply system;
- 11 (d) petroleum residues that are incidental to the normal operation of motor vehicles; or
- 12 (e) in the case of residences, are consistent with typical residential indoor air
- 13 concentrations.

14 SECTION 2. Chapter 21E, Section 2 of the General Laws, as appearing in the most
15 recent edition, is hereby amended by inserting the following new definition following the
16 definition of "Hazardous material":

17 "Historic fill," disturbed soil or fill material placed prior to the effective date of MGL c.
18 21E, and containing arithmetic mean (average) concentrations of oil and hazardous materials
19 consistent with the average concentrations expected for this type of material.

20 SECTION 3. Chapter 21E, Section 2 of the General Laws, as appearing in the most
21 recent edition, is hereby amended by deleting the existing definition of "Release," and inserting
22 in its place the following new definition:

23 "Release", any spilling, leaking, pumping, pouring, emitting, emptying, discharging,
24 injecting, escaping, leaching, dumping, or disposing into the environment, but excludes: (1)
25 emissions from the exhaust of an engine, (2) release of source, by product, or special nuclear
26 material from a nuclear incident, as those terms are defined in 42 USC Sec. 2014, if such release
27 is subject to requirements with respect to financial protection established by the Nuclear
28 Regulatory Commission under 42 USC Sec. 2210, (3) the normal application of fertilizer, (4) the
29 application of pesticides consistent with their labeling, (5) the placement of historic fill, and (6)

30 releases resulting from the use of household products containing oil or hazardous materials
31 consistent with their labeling.

32 SECTION 4. Chapter 21E, Section 2 of the General Laws, as appearing in the most
33 recent edition, is hereby amended by inserting the following new definition following the
34 definition of “Trade secret”:

35 “Typical residential indoor air concentrations,” those concentrations of oil and hazardous
36 material typically found in indoor air in residences, as determined from time to time by the
37 Department.

38 SECTION 5. Within ninety (90) days of the effective date of said amendment, the
39 Department shall promulgate regulations revising 310 CMR 40.0006 to be consistent with
40 Sections 1 through 4 above.

41 SECTION 6. Said Chapter 21E, Section 3A is further amended in Subsection (g) by
42 deleting the second sentence of the fourth paragraph thereof and replacing it with the following:

43 “Where feasible, a permanent solution which involves the implementation of a measure
44 or combination of measures to attain a condition of No Significant Risk shall also include a
45 measure or measures designed to reduce, to the extent possible, the level of oil or hazardous
46 materials associated with the release to Background.”