

**HOUSE . . . . . No. 3446**

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Nine**  
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An Act further regulating hazardous and toxic material.

*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 2 of Chapter 111F of the General Laws, as appearing in the 2006  
2 Official Edition, is hereby amended by inserting in line 18, after the word “chapter” the  
3 following words:-

4 “and section twenty two, which relates to inspections for hazardous substances when a  
5 business closes”.

6 SECTION 2: Chapter 111F of the General Laws, as appearing in the 2006 Official  
7 Edition, is hereby amended by inserting after section 21 the following section :-

8 Section 22. Any employer who is closing his business shall, at least 60 days prior to such  
9 closing, notify the DEP. DEP shall schedule an inspection of the business prior to closure to  
10 inventory existing toxic or hazardous substances. DEP shall require said employer to create a  
11 closure plan with a schedule to have the employer remove toxic or hazardous substances in  
12 compliance with state and federal regulations prior to the business vacating the premises.

13           DEP shall monitor the company to ensure total compliance and completion of said plan  
14 and shall impose appropriate penalties for non-compliance with said plan, up to and including  
15 criminal prosecution, if applicable.

16           DEP shall have the authority to seize remaining assets to pay for the proper removal of  
17 toxic or hazardous substances due to non-compliance by the employer.