

# HOUSE . . . . . No. 818

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Nine  
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An Act to advance the redevelopment of brownfields..

*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 owner or operator:

4           "Permanent Solution", a measure or combination of measures which will, when  
5   implemented, ensure attainment of a level of control of each identified substance of concern at a  
6   disposal site or in the surrounding environment such that no substance of concern will present a  
7   significant risk of damage to health, safety, public welfare, or the environment during any  
8   foreseeable period of time. The term shall apply to a disposal site with an active remedial system  
9   whose purpose is to mitigate vapor intrusion. The term shall also apply to disposal sites where  
10   remedial actions have not been conducted because a level of No Significant Risks exists or an  
11   Activity and Use Limitation is necessary to ensure the existence or maintenance of a level of no  
12   significant risk

13           SECTION 2. Said Chapter 21E, Section 3A is further amended in Subsection (g) by  
14   deleting the first sentence of the third paragraph.

15           SECTION 3. Within ninety (90) days of the effective date of said amendment, the  
16   Department shall promulgate regulations revising the definition of permanent solution currently  
17   found at 310 CMR 40.0006 to be consistent with this definition.