

SENATE No. 386

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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 SECTION 2. Said Chapter 21E, Section 3A is further amended in

13 Subsection (g) by deleting the first sentence of the third paragraph. SECTION 3. Within
14 ninety (90) days of the effective date of said amendment, the Department shall promulgate

15 regulations revising the definition of permanent solution currently found at 310 CMR 40.0006 to
16 be consistent with this definition.