

SENATE No. 387

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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 most
2 recent edition, is hereby amended by inserting the following new definition following the
3 definition of “act of God:”

4 “Background”, the level of oil or hazardous materials in the environment that would exist
5 in the absence of the site of concern.

6 SECTION 2. Within ninety (90) days of the effective date of said amendment, the
7 Department shall promulgate regulations revising the definition of background currently found at
8 310 CMR 40.0006 to be consistent with this definition. In promulgating such regulations, the
9 Department shall not include any limiting or narrowing terms and shall specifically delete
10 subparts (a) through (d), inclusive, in the current regulatory definition of background.

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

13 “Where feasible, a permanent solution shall include a measure or measures designed to
14 reduce to the extent possible the level of oil or hazardous materials in the environment to
15 background.”