

SENATE No. 325

The Commonwealth of Massachusetts

PRESENTED BY:

Frederick E. Berry, (BY REQUEST)

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 adoption of the accompanying bill:

An Act relative to the purchase of contaminated residential land.

PETITION OF:

NAME:

Wayne Scott

DISTRICT/ADDRESS:

12 Woodbury Court Salem, MA 01970

SENATE No. 325

By Mr. Berry (by request), a petition (accompanied by bill, Senate, No. 325) of Wayne Scott for legislation relative to the purchase of contaminated residential land. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the purchase of contaminated residential land.

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. LIABILITY RELIEF In the event an individual or group of individuals
2 unknowingly purchase contaminated residential land that does not qualify for Brownsfield
3 funding and are not the polluter, they must be relieved of liability and fines in connection with
4 said pollution. The Department of Environmental Protection(DEP) must be proactive in
5 balancing public safety with feasibility. Specifically, where you have residential land that naple
6 is present on part of the land. And, the innocent land owner wants to build over the area naple is
7 not present and designate through an activity use limitation (AUL) the area with naple subsurface
8 as a parking area, the DEP must accept, in a timely manner, this as a permanent solution where
9 there is no eminent danger to environment and man.

10 SECTION 2. MANDATE FUNDING In the event, where the DEP desires additional
11 testing (fishing expedition) the DEP must perform said testing without cost or harm to the
12 innocent land owner.

13 SECTION 3. LICENCE SITE PROFESSIONAL CONFLICT(LSP) In order to prevent
14 the appearance of a conflict of interest, there should be a different LSP at each phase of the
15 permanent solution steps.