

HOUSE No. 719

The Commonwealth of Massachusetts

PRESENTED BY:

Ronald Mariano

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 permitting review of financial assurance mechanisms.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Ronald Mariano</i>	<i>3rd Norfolk</i>	<i>1/16/2015</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>1/22/2015</i>

HOUSE No. 719

By Mr. Mariano of Quincy, a petition (accompanied by bill, House, No. 719) of Ronald Mariano and John F. Keenan for legislation to permit reviews by the Department of Environmental Protection of the financial assurance mechanisms concerning former landfill sites subject to post-closure requirements. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act permitting review of financial assurance mechanisms.

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 111 of the General Laws is hereby amended by inserting after
2 section 150A 1/2 the following section:-

3 Section 150A ³/₄. (a) Any owner, successors or assigns, of a former landfill site subject to
4 post-closure requirements shall be granted a review of their financial assurance mechanism after
5 every 10-year period of compliance with Department of Environmental Protection, herein the
6 department, protocols. Said review, shall be conducted only at the request of the owner,
7 successors or assigns, of a former landfill site subject to post-closure requirements and shall be
8 conducted by the department.

9 The department shall have the burden of demonstrating the continuing need for a
10 financial assurance mechanism and shall assess whether the bond should be reduced, increased,
11 terminated, or left as is, based upon considerations of environmental safety, historical data, and

the subject's past compliance history. The department shall provide site-specific data to support its finding.

Any entity deemed to 1) be in compliance with all post-closure requirements and 2) still conducting an ongoing commercial enterprise at said site shall be entitled to an earned reduction of their financial assurance mechanism in the amount of 20% of their outstanding bond after each review. Cumulative earned reductions over the entire post-closure period shall not exceed 80% of the original financial assurance mechanism.

(b) Any owner, successor or assigns, of a former landfill site subject to post-closure requirements who has maintained their entity for greater than 10 years at time of passage shall be entitled to an immediate review pursuant to section (a).

(c) Any owner, successor or assigns, of a former landfill site subject to post-closure requirements who have not maintained their entity for greater than 10 years at the time of passage shall be eligible for review under section (a) 10 years from the time of passage.

The department shall promulgate rules and regulations regarding such review within 180 days of passage.