

HOUSE No. 3873

The Commonwealth of Massachusetts

PRESENTED BY:

David F. DeCoste

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 board of registration of hazardous waste site cleanup professionals.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|--------------------------|----------------------------------|------------------|
| <i>David F. DeCoste</i> | <i>5th Plymouth</i> | <i>1/16/2019</i> |
| <i>Bruce E. Tarr</i> | <i>First Essex and Middlesex</i> | <i>1/30/2019</i> |
| <i>Timothy R. Whelan</i> | <i>1st Barnstable</i> | <i>6/5/2019</i> |
| <i>Bud L. Williams</i> | <i>11th Hampden</i> | <i>2/1/2019</i> |

HOUSE No. 3873

By Mr. DeCoste of Norwell, a petition (accompanied by bill, House, No. 3873) of David F. DeCoste and others for legislation to establish the board of registration of hazardous waste site cleanup professionals. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to the board of registration of hazardous waste site cleanup professionals.

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 21A of the General Laws is hereby amended by striking out section
2 19A and inserting in place thereof the following section:-

3 Section 19A. There is hereby established within the executive office of environmental
4 affairs the board of registration of hazardous waste site cleanup professionals. The board shall
5 consist of 11 members.

6 One member, who shall be the chairman of the board, shall be the commissioner of the
7 department or a designee; provided, that said designee shall be a full-time employee of the
8 department at all times while he or she is so designated. The designee shall have legal
9 experience serving in an administrative judiciary role or with the environmental crimes strike
10 force within the office of the attorney general.

11 The governor shall appoint 10 members of the board:

12 Three of whom shall be hazardous waste site cleanup professionals licensed by the board
13 at all times while they are members of the board effective consistent with the current board
14 administration: 1 of whom shall be a hydrogeologist; 1 of whom shall be a professional civil
15 engineer licensed by and practicing in the commonwealth with experience as a hazardous waste
16 site cleanup professional; and 1 of whom shall be a hazardous waste site cleanup professional
17 with extensive experience in the petroleum underground storage tank and distribution industry,
18 including residential homes. The members appointed pursuant to this paragraph shall have
19 significant experience in the assessment or redemption of sites contaminated with petroleum and
20 hazardous materials;

21 One of whom shall be a citizen of the commonwealth who owns or has owned a single
22 family residence heated by petroleum;

23 One of whom shall be a representative of a non-profit public interest environmental
24 organization that promotes the protection of the environment;

25 One of whom shall be a licensed construction supervisor and a representative of the
26 homebuilding industry;

27 One of whom shall be a banking official active in providing mortgage loans to for
28 residential and commercial real estate in the commonwealth, including a full-time environmental
29 due diligence officer employed by a Massachusetts bank;

30 One of whom shall be an active member of the bar of this commonwealth with
31 experience in real estate or environmental compliance;

32 One of whom shall be an active member of a municipal fire department who serves as a
33 capacity of fire chief or in an office of fire prevention and has participated in the removal and
34 replacement of underground storage tanks at residential and commercial real estate properties;
35 and

36 One of whom shall be a full-time employee of the bureau of waste site cleanup in the
37 department of environmental protection with experience investigating sites.

38 The governor shall appoint an alternate hazardous waste site cleanup professional to
39 serve as an alternate in the case of the resignation of a hazardous waste site cleanup professional
40 member to ensure 3 active hazardous waste site cleanup professionals serve the board. The
41 alternate shall serve in the absence of a hazardous waste site cleanup professional member to
42 ensure 3 hazardous waste site cleanup professional members serve the board.

43 The members of the board and the alternate appointed by the governor shall serve without
44 compensation. No member of the board shall serve for more than 1 4-year term; provided,
45 however, that a member may also serve as an alternate or for 1 partial term. . After the
46 expiration of such term, the alternate shall be appointed to as 1 of the hazardous waste site
47 cleanup professional members. A member of the board appointed by the governor whose term
48 has expired shall continue to be a member of the board until his or her successor is appointed and
49 qualified, at which time the successor shall complete the unexpired portion of the term.

50 Subject to appropriation, the secretary of the executive office of environmental affairs
51 shall employ such staff and other persons as are required to assist the secretary or the board, or
52 both, in the performance of their functions or duties pursuant to sections 19J, including, without
53 limitation, administrative law judges who may conduct adjudicatory proceedings held pursuant

54 to sections 19 to 19J, inclusive; provided, that the board shall make all final decisions in such
55 adjudicatory proceedings.

56 SECTION 2. The governor shall remove all members of the board of registration of
57 hazardous waste site cleanup professionals, except 3 hazardous waste site cleanup professional
58 members, and appoint members with the qualifications described in section 1; provided,
59 however, that the current chair of the board shall remain in such position at the chair's discretion
60 for a period not to exceed 3 years; and provided, further that at the commissioner's discretion,
61 the commissioner may appoint a chair with the qualifications described in section 1 to serve as
62 co-chair with the chair holding such position on the effective date of this act.

63 SECTION 3. This act shall take effect 6 months after its passage.