

SENATE No. 1597

The Commonwealth of Massachusetts

PRESENTED BY:

Walter F. Timilty

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 hazardous material teams.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|--------------------------|--------------------------------------|------------------|
| <i>Walter F. Timilty</i> | <i>Norfolk, Plymouth and Bristol</i> | |
| <i>Joan B. Lovely</i> | <i>Second Essex</i> | <i>8/25/2023</i> |

SENATE No. 1597

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 1597) of Walter F. Timilty for legislation relative to hazardous material teams. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1651 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to hazardous material teams.

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. Section 4 of Chapter 21K of the General Laws, as appearing in the 2020
2 Official Edition is hereby amended by deleting the first paragraph of Section 4 replacing it with
3 the following:-

4 Section 4. The department may, at the request of the local fire department or on its own
5 authority, dispatch member departments of the hazardous materials mitigation emergency
6 response plan to a site in the commonwealth or in any other state as directed or requested for the
7 purpose of conducting an emergency mitigation response for a hazardous material release, threat
8 of release or to ensure the health and welfare of public safety officials or the general public from
9 potentially hazardous substances. The department may, on its own authority, dispatch member
10 departments of the hazardous materials mitigation emergency response plan to a site in the

11 commonwealth to perform duties within its abilities to assist during other emergencies or
12 potential emergencies, or assist another agency. During a declared emergency mitigation
13 response action, the team leader shall have complete operational authority for hazardous
14 materials team operations at all times. Once the team leader has determined that the imminent
15 threat of harm from the hazardous materials release or potentially hazardous substance has been
16 satisfactorily mitigated, the team leader shall thereafter notify the incident commander. The
17 incident commander shall have authority over the emergency mitigation response site during a
18 declared emergency mitigation response.

19 SECTION 2. Section 5 of Chapter 21K of the General Laws, as appearing in the 2020
20 Official Edition is hereby amended by deleting paragraph (a) and replacing it with the
21 following:-

22 (a) Except as otherwise provided in this section: (1) the owner or operator of a vessel or a
23 site from which there is or has been a release or threat of release of hazardous materials; (2) any
24 person who at the time of storage or disposal owned or operated any vessel or site from which
25 said hazardous materials were stored or disposed and from which there has been a release or
26 threat of release; (3) any person who by contract, agreement or otherwise directly or indirectly
27 arranged for or engaged in the transport, disposal, storage or treatment of hazardous materials in
28 a site or from a vessel from which there is or has been a release or threat of release of hazardous
29 materials; or (4) any person who otherwise caused or is legally responsible for a release, threat of
30 release of hazardous materials from a vessel or a site, or is responsible for the manufacturing,
31 transporting or in possession of hazardous materials which may be detrimental to the health and
32 welfare of public safety officials or the general public shall be liable, without regard to fault, to

33 the commonwealth for the reimbursement of all associated costs, as determined by the
34 department, for an emergency mitigation response action.