HOUSE DOCKET, NO. 3367 FILED ON: 1/17/2025

# HOUSE . . . . . No. 1045

## The Commonwealth of Massachusetts

PRESENTED BY:

***Margaret R. Scarsdale***

*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 liability for release of hazardous materials.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---|---|---|
| *Margaret R. Scarsdale* | *1st Middlesex* | *1/17/2025* |
| *Edward J. Kennedy* | *First Middlesex* | *4/17/2025* |

HOUSE DOCKET, NO. 3367 FILED ON: 1/17/2025

# HOUSE . . . . . No. 1045

By Representative Scarsdale of Pepperell, a petition (accompanied by bill, House, No. 1045) of Margaret R. Scarsdale relative to liability for release of hazardous materials. Environment and Natural Resources.

## The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court**
**(2025-2026)**

An Act relative to liability for release of hazardous materials.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Section 5C of said chapter 21E, as so appearing, is hereby amended by adding the following subsection:-

(l) A department audit of response actions at the site or portion of the site owned or operated by an eligible person, as delineated in a waste site cleanup activity opinion, for which a permanent solution or remedy operations status exists and is maintained or has been achieved and maintained in accordance with such opinion, which (i) identifies no violations of this chapter and regulations promulgated thereto, or (ii) if such violations are identified, such violations are promptly corrected, shall be deemed conclusive evidence that the eligible person has no liability, and the department may take no action as to such eligible person, for any releases at any property not previously identified as part of the site or any other disposal site. Notwithstanding any general or special law to the contrary, the department shall not promulgate regulations relative to this subsection.

SECTION 2. (a) Notwithstanding any general or special law to the contrary, no person shall be liable for any substantial release migration at any property not previously identified as part of a disposal site or any other disposal site if the department of environmental protection:

(i) has, at any time before the effective date of this act, performed an audit of response actions at a site, or a part of a site; and

(ii)(1) has determined that a permanent solution or remedy operations status was achieved and maintained in accordance with a waste site cleanup activity opinion or any other notification to such person; or (2) has notified such person that a violation of chapter 21E of the General Laws or any regulation was identified and promptly corrected.

(b) The department of environmental protection shall have no defense in any action or claim, nor shall the department present evidence to contest liability of an eligible person, upon a showing that a permanent solution or remedy operations status was achieved and maintained.