SENATE DOCKET, NO. 2027 FILED ON: 1/17/2025

SENATE . . . . . No. 615

The Commonwealth of Massachusetts

PRESENTED BY:

Edward J. Kennedy

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:
Edward J. Kennedy	*First Middlesex*

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SENATE . . . . . No. 615

By Mr. Kennedy, a petition (accompanied by bill, Senate, No. 615) of Edward J. Kennedy for legislation relative to liability for release of hazardous materials. Environment and Natural Resources.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *511* OF 2023-2024.]

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

11 general or special law to the contrary, the department shall not promulgate regulations relative to
12 this subsection.

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

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

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

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