

**HOUSE . . . . . No. 881**

By Mr. Sullivan of Fall River, petition of David B. Sullivan and others for legislation to provide for the inspection for toxic and hazardous materials by the Department of Environmental Protection prior to the closing of businesses. Environment, Natural Resources and Agriculture.

**The Commonwealth of Massachusetts**

PETITION OF:

David B. Sullivan                      Gloria L. Fox  
Anthony J. Verga                      Cory Atkins  
Barbara A. L'Italien                  Christine E. Canavan

In the Year Two Thousand and Seven.

AN ACT FURTHER REGULATING HAZARDOUS AND TOXIC MATERIAL.

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

1 Chapter 111F of the General Laws as appearing in the 2004 Offi-  
2 cial Edition is hereby amended by inserting after Section 21 the  
3 following section:—

4 Section 22. Any employer who is closing his business shall, at  
5 least 60 days prior to such closing, notify the DEP. DEP will  
6 schedule a formal walk through of the business prior to closure to  
7 inventory existing hazardous/toxic waste and formally document the  
8 outcome of the on site survey. DEP will mandate a closure plan with  
9 a schedule to have the company remove hazardous/toxic materials  
10 within compliance of the law prior to the company vacating the  
11 premises.

12 DEP will monitor the company to ensure total compliance and  
13 completion of said plan and impose appropriate penalties for non-  
14 compliance with said plan, up to and including criminal prosecution  
15 if applicable.

16 DEP shall be responsible to ensure compliance by the facility and  
17 will be responsible to facilitate the seizing of remaining assets to pay

18 for the legal removal of hazardous/toxic chemical by-products due to  
19 the non-compliance by the facility.