

# SENATE NO. 134



## **AN ACT** RELATIVE TO BROWNFIELDS

*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 21E, Section 5C, Subsection (a) of the General Laws, as appearing in the most  
2 recent edition, is hereby amended by inserting the words “natural resource damages” after the words  
3 “response action costs” in the first sentence.

4 SECTION 2. Said Chapter 21E, Section 5C is hereby further amended in Subsection (a) by inserting  
5 the words “or for personal injury” after the words “pursuant to this chapter” in the first sentence.

6 SECTION 3. Said Chapter 21E, Section 5C is hereby further amended in Subsection (a) by striking  
7 out the following: “as delineated in a waste site cleanup activity opinion, for which a permanent  
8 solution or remedy operation status exists and is maintained or has been achieved and maintained in  
9 accordance with such opinion.”

10 SECTION 4. Said Chapter 21E, Section 5C is hereby further amended in Subsection (b) by striking  
11 out the words “only apply where” and inserting in place thereof the following: “take effect when a  
12 person becomes an eligible person. However, the liability exemption provided in this section shall  
13 become void unless:”

14 SECTION 5. Said Chapter 21E, Section 5C is hereby further amended in Subsection (b)(1) by  
15 inserting the following after the words “remedy operation status”: “or has eliminated all substantial  
16 hazards”.

17 SECTION 6. Said Chapter 21E, Section 5C is hereby further amended in Subsection (b)(1) by deleting  
18 the semi-colon at the end of that subsection, and inserting the following at the end of said section  
19 “within five (5) years of obtaining the status of an eligible person; or”

20 SECTION 7. Said Chapter 21E, Section 5C is hereby further amended in Subsection (b)(2) by  
21 inserting the following after the words “remedy operation status”: “or has eliminated all substantial  
22 hazards”.

23 SECTION 8. Said Chapter 21E, Section 5C is hereby further amended in Subsection (b)(2) by deleting  
24 the semi-colon at the end of that subsection, and inserting the following at the end of said section  
25 “within five (5) years of obtaining the status of an eligible person.

26 SECTION 9. Said Chapter 21E, Section 5C is hereby further amended by striking out Subsection  
27 (b)(3).

28 SECTION 10. Said Chapter 21E, Section 5C is hereby further amended by striking out the current  
29 text of Subsection (c)(6).

30 SECTION 11. Said Chapter 21E, Section 5C is hereby further amended in Subsection (d) by striking  
31 out the words “achieving a permanent solution or remedy operation status” and inserting in place  
32 thereof the following words “achieving a permanent solution or remedy operation status, or  
33 eliminating all substantial hazards”.

34 SECTION 12. Said Chapter 21E, Section 5C is hereby further amended in Subsection (d) by striking  
35 out the words “achieves a permanent solution or remedy operation status” and inserting in place  
36 thereof the following: “achieves a permanent solution or remedy operation status, or eliminates all  
37 substantial hazards”.

38 SECTION 13. Said Chapter 21E, Section 5C is hereby further amended in Subsection (e) by striking  
39 out the subsection and inserting in place thereof the following subsection: “(e) An eligible person who  
40 first owns or operates its portion of a site after a permanent solution or remedy operation status has  
41 been achieved or after all substantial hazards have been eliminated shall be exempt from liability as set  
42 forth in paragraph (a); provided, however, that such person satisfies subparagraphs (1) to (3) inclusive,  
43 of paragraph (c) and (2) maintains a condition of no substantial hazard at the site.

44 SECTION 14. Said Chapter 21E, Section 5C is hereby further amended by adding, after Subsection  
45 (k), a new subsection (l), providing as follows: “Nothing in paragraphs (c) or (d) of this section shall  
46 be deemed to impose any requirement on an eligible person to perform any response actions beyond  
47 those required in paragraph (b) of this section.”.