



THE COMMONWEALTH OF MASSACHUSETTS
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Brownfields and Chapter 21E

Under Massachusetts law, [M.G.L. c. 21E](#) is the statute that governs the cleanup of releases of oil and/or hazardous material to the environment. The [Brownfields Act of 1998](#) amended M.G.L. c. 21E by establishing significant liability relief and financial incentives to spur the redevelopment of brownfields, while ensuring that the Commonwealth's environmental standards are met. Most brownfields are redeveloped with the benefit of liability protections that operate automatically under M.G.L. c. 21E.

M.G.L. c. 21E provides the Attorney General's Office with the authority to enter into Brownfields Covenant Not to Sue Agreements for the sites not addressed by the automatic liability protections. In exchange for a commitment to clean up a site and to undertake a project that contributes to the economic or physical revitalization of the community, we can provide individually-tailored liability relief to property owners and developers at the most difficult sites.


2008 Amendments to Brownfields Covenant Regulations

The Attorney General adopted the Brownfields Covenant Regulations in 1999 to create procedures and substantive criteria for obtaining Brownfields Covenants, and began entering into Brownfields Covenants in 2000.

In October 2008, Attorney General Coakley published amended regulations after soliciting public comment on how to update the program to meet the realities of brownfields redevelopment. The Attorney General's Office heard testimony at three public hearings, and received written comments, from a wide range of stakeholders from the public and private sectors, including developers, environmental and land use attorneys, environmental consultants, environmental and community development organizations, and state and local elected officials.

The amendments build on the success of the Brownfields Covenant Program by making the application process more efficient, clarifying the rules, and better enabling Brownfields Covenants to work for the most challenging contaminated properties in the Commonwealth. These changes are intended to make contaminated properties more attractive to developers without sacrificing the Commonwealth's cleanup standards or other environmental goals. The amended regulations are effective October 17, 2008.

View a summary of the 2008 amendments and responses to public comments:

- [2008 Amendments to the Attorney General's Brownfields Covenant Regulations, 940 CMR 23.00 \(PDF\)](#) 

View the Statement of Fiscal and Small Business Impact, prepared by the Attorney General's Office for the amendments in accordance with the Administrative Procedure Act:

- [The Attorney General's Statement of Economic Impact for the Amended Brownfields Regulations \(PDF\)](#) 

Other 2008 Brownfields Covenant Program Initiatives

The 2008 Amendments to the Brownfields Covenant Regulations are part of a larger plan of the Attorney General's Office to update the Brownfields Covenant Program. After a public review process in 2007 involving roundtable discussions and meetings throughout the Commonwealth to listen to the perspectives of developers, communities, environmental professionals and others, the Attorney General's Office released a report that described the history of the Brownfields Covenant Program, evaluated its success since the 1998 Brownfields Act, and laid out a plan for program updates. In addition to recommending amendments to the Brownfields Covenant Regulations and developing new guidance, which have been completed in 2008, the Report recommended expanding outreach to help identify the Commonwealth's best opportunities for cleanup, economic development, and community revitalization.

View the complete Report here:

- [Brownfields Covenant Not to Sue Agreements: Report on the 2007 Review of the Attorney General's Brownfields Covenant Program \(PDF\)](#) 