HOUSE DOCKET, NO. 1206 FILED ON: 1/20/2011

HOUSE . . . . . No. 1165

The Commonwealth of Massachusetts

PRESENTED BY:

David B. Sullivan

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 passage of the accompanying:

An Act further regulating hazardous and toxic material.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
David B. Sullivan	*6th Bristol*

HOUSE DOCKET, NO. 1206 FILED ON: 1/20/2011

HOUSE . . . . . No. 1165

By Mr. Sullivan of Fall River, a petition (accompanied by bill, House, No. 1165) of David B. Sullivan relative to hazardous and toxic material inspections of certain businesses prior to closure. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *3446* OF 2009-2010.]

The Commonwealth of Massachusetts

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:

SECTION 1. Section 2 of Chapter 111F of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting in line 18, after the word "chapter" the following words:-

"and section twenty two, which relates to inspections for hazardous substances when a business closes".

SECTION 2: Chapter 111F of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after section 21 the following section :-

Section 22. Any employer who is closing his business shall, at least 60 days prior to such closing, notify the DEP. DEP shall schedule an inspection of the business prior to closure to inventory existing toxic or hazardous substances. DEP shall require said employer to create a closure plan with a schedule to have the employer remove toxic or hazardous substances in compliance with state and federal regulations prior to the business vacating the premises.

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

16 DEP shall have the authority to seize remaining assets to pay for the proper removal of
17 toxic or hazardous substances due to non-compliance by the employer.