SENATE DOCKET, NO. 1585 FILED ON: 1/21/2011

SENATE . . . . . No. 325

The Commonwealth of Massachusetts

PRESENTED BY:

***Frederick E. Berry*, (BY REQUEST)**

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 relative to the purchase of contaminated residential land.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Wayne Scott	*12 Woodbury Court* *Salem, MA 01970*

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SENATE . . . . . No. 325

By Mr. Berry (by request), a petition (accompanied by bill, Senate, No. 325) of [PETITIONERS LIST] for legislation relative to the purchase of contaminated residential land. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

An Act relative to the purchase of contaminated residential land.

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. LIABILITY RELIEF In the event an individual or group of individuals unknowingly purchase contaminated residential land that does not qualify for Brownsfield funding and are not the polluter, they must be relieved of liability and fines in connection with said pollution. The Department of Environmental Protection(DEP) must be proactive in balancing public safety with feasibility. Specifically, where you have residential land that naple is present on part of the land. And, the innocent land owner wants to build over the area naple is not present and designate through an activity use limitation (AUL) the area with naple subsurface as a parking area, the DEP must accept, in a timely manner, this as a permanent solution where there is no eminent danger to environment and man.

SECTION 2. MANDATE FUNDING In the event, where the DEP desires additional testing (fishing expedition) the DEP must perform said testing without cost or harm to the innocent land owner.

SECTION 3. LICENCE SITE PROFESSIONAL CONFLICT(LSP) In order to prevent the appearance of a conflict of interest, there should be a different LSP at each phase of the permanent solution steps.