

By Mr. Harold, a petition (accompanied by bill, Senate, No. 962) of Paul D. Harold, Suzanne M. Bump and William B. Golden for legislation to further regulate the siting of hazardous waste facilities in floodplain, coastal and watershed areas. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT FURTHER REGULATING THE SITING OF HAZARDOUS FACILITIES IN FLOODPLAIN, COASTAL AND WATERSHED AREAS.

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 21C of the General Laws, as appearing
2 in the 1986 Official Edition, is hereby amended by inserting, after
3 section seven, the following new section: —
4 Section 7A. No license to construct, maintain, operate or
5 expand a facility for the incineration of hazardous waste shall be
6 issued pursuant to section seven, after January 1, 1988 unless the
7 site for the proposed facility or site for the proposed expansion
8 of an existing facility satisfies the following criteria: —
9 a). the proposed site shall not be located within the 100-year
10 floodplain existing prior to the proposal of the site, unless the
11 proposed site is to be located in areas with flood depths of less
12 than one foot;
13 b). the proposed site shall not be within the floodplain of a
14 perennial stream subject to not less than one percent chance of
15 flooding in any year, delineated on a flood map adopted by the
16 Federal Emergency Management Agency prior to the proposal
17 of the site, as zone A1-99, V0 or V1-30;
18 c). the proposed site shall not be within an area designated for
19 protection under the federal Coastal Zone Management Act, 16
20 U.S.C. 1451 et seq.;
21 d). the proposed site shall not be within an area designated as
22 "coastal wetland" as defined in section 105 of Chapter 130 of the
23 General Laws, as appearing in the 1986 Official Edition;

- 24 e). the proposed site shall not be within an area known to be
25 subject to hurricane storm surge or shoreline erosion;
- 26 f). the proposed site shall be one that minimizes possible
27 contamination of surface or groundwater;
- 28 g). the proposed site shall not be within an area of direct
29 drainage which is within a one mile radius of a lake used to supply
30 public drinking water, and
- 31 h). the proposed site shall not be within an apparent recharge
32 zone of a regional aquifer.

1 SECTION 2. Chapter 21D of the General Laws, as appearing
2 in the 1986 Official Edition, is hereby amended by inserting after
3 section seven, the following new section: —

4 Section 7A. No project for which a notice of intent is submitted
5 after January 1, 1987, involving the incineration of hazardous
6 waste shall be considered feasible and deserving of state assistance
7 unless it satisfies the following criteria: —

8 a). the proposed site shall not be within the 100-year floodplain
9 existing prior to the proposal of the site, unless the proposed site
10 is to be located in areas with flood depths of less than one foot;

11 b). the proposed site shall not be within the floodplain of a
12 perennial stream subject to not less than one percent chance of
13 flooding in any year, delineated on a flood map adopted by the
14 Federal Emergency Management Agency prior to the proposal
15 of the site, as zone A1-99, V0 or V1-30;

16 c). the proposed site shall not be within an area designated for
17 protection under the federal Coastal Zone Management Act, 16
18 U.S.C. 1451, et seq.;

19 d). the proposed site shall not be within an area designated as
20 "coastal wetland" as defined in section 105 of chapter 130 of the
21 General Laws, as appearing in the 1986 Official Edition;

22 e). the proposed site shall not be within an area known to be
23 subject to hurricane storm surge or coastline erosion;

24 f). the proposed site shall be one that minimizes possible
25 contamination of surface or groundwater;

26 g). the proposed site shall not be within an area of direct
27 drainage which is within a one-mile radius of a lake used to supply
28 drinking water; and

29 h). the proposed site shall not be within an apparent recharge
30 zone of a regional aquifer.