

By Ms. Bump of Braintree, petition of Suzanne M. Bump relative to enhancing protection of communities hosting hazardous waste facilities. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT ENHANCING PROTECTION OF COMMUNITIES HOSTING HAZARDOUS WASTE.

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. Section 150B of chapter 111 of the General Laws,
2 as appearing in the 1984 Official Edition, is hereby amended by
3 striking out the second and third paragraphs and inserting in place
4 thereof the following two paragraphs: —

5 No place in any city or town shall be established or maintained
6 or operated by any person, including any political subdivision or
7 agency of the commonwealth, as a site for a facility; nor shall any
8 facility which existed prior to July first, nineteen hundred and
9 eighty which did not receive a site assignment under this section
10 or section one hundred and fifty A shall continue to operate unless
11 such place has either been assigned by the board of health of such
12 city or town as a site for a facility after a public hearing, subject
13 to the provisions of any ordinance or by-law adopted therein
14 under chapter forty A or corresponding provisions of earlier laws,
15 or, in the case of an agency of the commonwealth, has been
16 assigned by the department of environmental quality engineering,
17 in this section called the department after a public hearing and
18 unless public notice of such assignment has been given by the
19 board of health.

20 The assignment of a place as a site for a facility shall be subject
21 to such terms, conditions and provisions with respect to the extent,
22 character and nature of operation thereof as will insure that the
23 facility imposes no significantly greater danger to the public health
24 or public safety from fire, explosion, pollution, discharge of

25 hazardous substances, or other construction or operational
26 factors than the dangers that currently exist in the conduct and
27 operation of other industrial and commercial enterprises in the
28 commonwealth not engaged in the treatment, processing or
29 disposal of hazardous waste, but utilizing processes that are
30 comparable. Such terms, conditions and provisions may include
31 but shall not be limited to the following: —

32 (1) Specified maintenance procedures;

33 (2) Operating procedures and practice, and associated
34 activities, security measures, the transportation of hazardous
35 waste materials through the host community;

36 (3) Monitoring procedures, practices and standards, including
37 provision for joint inspection by state and local licensing
38 authorities, necessary to assure and continue to demonstrate that
39 the facility will be operated safely;

40 (4) any compensation, services and special benefits that will be
41 provided to the host community by the operator, and the timing
42 and conditions of their provisions for compensation for
43 demonstrable adverse impacts and for the training of local fire
44 department personnel and the rendering of technical assistance
45 relative to fire equipment and procedures;

46 (5) provisions to assure the continuing economic viability of
47 the project;

48 (6) provisions to assure the protection of the environment and
49 natural resources;

50 (7) provisions to assure the health and safety of the host
51 community and its citizens.

52 In assessing the significance and degree of danger, the board
53 shall consider and evaluate such evidence as all interested persons
54 may submit to it including, but not limited to, evidence comparing
55 the procedures and practices proposed for the conduct and
56 operation of a facility with the procedures and practices existing
57 in the conduct and operation of other industrial and commercial
58 enterprises in the commonwealth not engaged in the treatment,
59 processing or disposal of hazardous waste which are conducted
60 and operated in accordance with law and sound principles of
61 modern engineering practice. The board of health shall notify the
62 department upon receipt of an application to assign a place as
63 a site for a facility. The department shall, upon request by the

64 board of health, provide advice, guidance and technical assistance
65 in reviewing the application. The department and a board of
66 health may enter into such other cooperative arrangements in
67 addition to those herein specified for the purpose of achieving a
68 more effective and expeditious review of the application.

1 SECTION 2. Any facility which existed prior to July first,
2 nineteen hundred and eighty which did not receive a site
3 assignment under section one hundred and fifty A or one hundred
4 and fifty B of chapter one hundred and eleven of the General Laws
5 shall on or before March first, nineteen hundred and eighty-seven
6 apply for an assignment under the provisions of said section one
7 hundred and fifty B of chapter one hundred and eleven of the
8 General Laws.

