
Accompanying the fifth recommendation of the Department of the Attorney General (House, No. 2). The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-One.

AN ACT REVISING THE STATUTE OF LIMITATIONS FOR PENALTIES FOR VIOLATIONS OF ENVIRONMENTAL STATUTES.

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 5 of Chapter 260 of the General Laws, as appearing
2 in the 1988 Official Edition, is hereby amended by adding at the
3 end of the third sentence the words "section five B and section
4 five C".

5 Section 2. Chapter 260 is further amended by adding the
6 following section after section 5B:

7 5C. Actions brought by or in behalf of the Commonwealth for
8 forfeitures under penal statutes, or for civil penalties for violations
9 of any law, rule, regulation, order, permit or approval intended
10 for the protection of the environment, including but not limited
11 to the following statutes and rules, regulations, orders, permits
12 or approvals issued thereunder: section seventeen B and sections
13 twenty-six to fifty-three inclusive of chapter twenty-one; chapter
14 twenty-one C; chapter twenty-one E; chapter twenty-one G;
15 chapter twenty-one H; chapter twenty-one I; chapter ninety-one;
16 sections twenty-nine to thirty-three inclusive of chapter ninety-
17 three; sections one hundred forty-two A through one hundred
18 forty-two J inclusive, and sections one hundred fifty A to one
19 hundred fifty A and one-half inclusive, and section one hundred
20 fifty B of chapter one hundred eleven; chapter one hundred eleven
21 F; section one hundred five of chapter one hundred thirty; section
22 forty and section forty A of chapter one hundred thirty-one;
23 chapter one hundred thirty-two B; and Chapter 67 of the Special

24 Laws shall be commenced within five years of the date that the
25 Commonwealth discovers the violation or five years from the date
26 the Commonwealth discovers the person responsible for the
27 violation, or, in the case of Chapter twenty-one E and twenty-
28 one H, within five years from the date the Commonwealth incurs
29 all response costs, whichever occurs later. Actions to enforce civil
30 administrative penalty assessments under Section 16 of Chapter
31 twenty-one A shall be brought within five years of the date such
32 penalty assessments become final.