

By Mr. Sullivan of Fall River, petition of David B. Sullivan and other members of the General Court for legislation to provide for the inspection for toxic and hazardous materials by the Department of Environmental Protection prior to the closing of businesses. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT FURTHER REGULATING TOXIC AND HAZARDOUS MATERIAL.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 111F of the General Laws is hereby amended by  
2 adding the following section:—

3 Section 22. Any employer who is closing his business shall, at  
4 least 60 days prior to such closing, notify the DEP. DEP will  
5 schedule a formal walk through of the business prior to closure to  
6 inventory existing hazardous/toxic waste and formally document  
7 the outcome of the on site survey. DEP will mandate a closure  
8 plan with a schedule to have the company remove hazardous/toxic  
9 materials within compliance of the law prior to the company  
10 vacating the premises.

11 DEP will monitor the company to ensure total compliance and  
12 completion of said plan and impose appropriate penalties for non-  
13 compliance with said plan, up to and including criminal prosecu-  
14 tion if applicable.

15 DEP shall be responsible to ensure compliance by the facility and  
16 will be responsible to facilitate the seizing of remaining assets to pay  
17 for the legal removal of hazardous/toxic chemical by-products due to  
18 the non-compliance by the facility.

