

**SENATE . . . . . No. 1180**

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The Commonwealth of Massachusetts

PRESENTED BY:

*James E. Timilty*

*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 bill:

An Act relative to hazardous materials response.

PETITION OF:

NAME:

*James E. Timilty*

DISTRICT/ADDRESS:

*Bristol and Norfolk*

**SENATE . . . . . No. 1180**

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By Mr. Timilty, a petition (accompanied by bill, Senate, No. 1180) of James E. Timilty for legislation relative to hazardous materials response. Public Safety and Homeland Security.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ SENATE  
□ , NO. 1239 OF 2011-2012.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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An Act relative to hazardous materials response.

*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. Subsection (a) of section 5 of Chapter 21K as appearing in the 2010 Official  
2 Edition, is hereby amended by adding after the word “release” in each instance it appears, the  
3 following words:- “or threat of release”

4 SECTION 2. Subsection (f) of Section 5 of Chapter 21K as so appearing, is further  
5 amended by striking said section in its entirety and inserting in its place, the following section:-

6 (f) Any person who owns or rents and occupies a family residence that is an emergency  
7 response site at which the department has incurred emergency mitigation responses costs for the  
8 release or threat of release or oil or hazardous materials, shall not be liable to the department for  
9 those costs if he can establish by a preponderance of the evidence that: (1) he is not a person  
10 described in clauses (3) or (4) of subsection (a); (2) the site was being used exclusively by him as  
11 a family residence at the time of the release or threat of release; and (3) the owner or renter of the  
12 family residence did not unlawfully possess, store or use such oil or hazardous materials in  
13 violation of law; and (4) said owner or occupants conduct was not grossly negligent in causing  
14 the release or threat of release of oil or hazardous materials and; (5) said owner or occupant  
15 immediately notified the local fire department of the release or threat of release of oil or  
16 hazardous materials as soon as he had knowledge of it.