

SENATE No. 2105

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

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 of the General Laws, as
2 appearing in the 2012 Official Edition, is hereby amended by inserting after the word “release”,
3 in lines 3, 6, 9 and 10, in each instance, the following words:- or threat of release.

4 SECTION 2. Said section 5 of said chapter 21K, as so appearing, is hereby further
5 amended by striking out subsection (f) and inserting in place thereof the following subsection:-

6 (f) A person who owns or rents and occupies a private 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 of oil or hazardous materials shall not be liable to the department for
9 those costs if the owner or occupant establishes the following, on a form to be provided by the
10 department: (1) the owner or occupant is not a person described in clauses (3) or (4) of
11 subsection (a); (2) the site was being used exclusively by the owner or occupant as a private
12 residence at the time of the release or threat of release; (3) the owner or occupant of the private
13 residence did not unlawfully possess, store or use oil or hazardous materials in violation of law;
14 (4) the owner’s or occupant’s conduct was not grossly negligent in causing the release or threat
15 of release of oil or hazardous materials; and (5) the owner or occupant immediately notified the
16 local fire department of the release or threat of release of oil or hazardous materials as soon as
17 the owner or occupant had knowledge of it.