

By Mr. Nagle of Northampton, petition of William P. Nagle, Jr., for legislation to control the disposal of waste substances and washwater resulting from the cleaning of bulk truck tankers. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

AN ACT CONTROLLING THE DISPOSAL OF WASTE SUBSTANCES AND WASHWATER RESULTING FROM THE CLEANING OF BULK TRUCK TANKERS.

1 *Whereas*, The uncontrolled cleaning practices of truck tankers
2 potentially results in the disposal of residual substances and
3 washwater from the bulk transportation of toxic, hazardous, and
4 other substances harmful to the public health and environment of
5 the Commonwealth; therefore this is hereby declared to be an
6 emergency law necessary for the immediate preservation of the
7 public safety and convenience.

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

1 The General Laws are hereby amended by inserting after Chap-
2 ter 21 E, the following chapter:

CHAPTER 21F.

MASSACHUSETTS BULK TANKER CLEANING ACT.

5 *Section 1.* This chapter shall be known and may be cited as the
6 "Massachusetts Bulk Tanker Cleaning Act".

7 *Section 2.* Definitions: When used in this chapter, the following
8 words and phrases shall have the following meanings:

9 A. "Bulk Shipper" — any person, corporation, or other legal

10 entity who engages the services of a bulk transporter for the bulk
11 shipment of any raw or finished product.

12 B. "Bulk Transporter" — any person, corporation, or other
13 legal entity which commercially transports any substance by
14 truck tanker over the roadways of the Commonwealth for which
15 containerization of the substances during transport is the tanker
16 itself in dry or liquid form; with the sole exception of milk and
17 other dairy products.

18 C. "Cleaning Facility" — a facility specifically designed, con-
19 structed, and operated for the purpose of cleaning truck tankers
20 for the elimination of cross-contamination of different products
21 and substances transported by the same tanker; and this facility
22 shall be in full compliance with the laws and regulations of the
23 Commonwealth regarding disposal of residual products and sub-
24 stances drained from the tankers as well as proper and lawful
25 treatment and disposal of all washwaters resulting from such
26 cleaning which is performed within the Commonwealth. Out-of
27 State cleaning facilities not regulated by the Commonwealth are
28 also considered "cleaning facilities" for the purpose of this chapter.

29 D. "Cleaning Sheet" — A written and signed certification from
30 an authorized representative of the cleaning facility that said facil-
31 ity has cleaned the tanker; specifying bulk transporter's name,
32 address, trailer (D.O.T.) number, date and time of cleaning, clean-
33 ing method(s) employed and any other pertinent information
34 relating to the cleaning.

35 E. "Commissioner" — The Commissioner of the Department of
36 Environmental Quality Engineering or his designees.

37 F. "Top Loading" — The loading of a product or substances
38 into a bulk tanker whose previous load was the same or similar
39 product, thereby not requiring cleaning between loads.

40 *Section 3. Prohibitions:* It shall be unlawful for any bulk
41 shipper to cause the transport of any substance, with the sole
42 exception of dairy products, by bulk transporter without first
43 receiving a cleaning sheet from said bulk transporter and perma-
44 nently affixing said cleaning sheet to the shipper's copy of his bill of
45 lading; these documents to remain as permanent record with the
46 shipper for a minimum of three (3) years; with the exception of top
47 loading a substance into a bulk tanker where cleaning between

48 loads was not required to avoid product contamination, in which
49 case a copy of the bill of lading of the previous shipment shall be
50 permanently attached to the shipper's bill of lading as proof that
51 tanker cleaning was not required.

52 *Section 4. Enforcement:* Any bulk shipper who violates this
53 act shall be punished by a mandatory fine of one thousand dollars
54 (\$1,000.00) payable to the Commonwealth with the exception of
55 the first event of determination of non-compliance, which shall be
56 a written warning only. Each and every bill of lading in the bulk
57 shipper's file which is not affixed to either a cleaning sheet or a
58 copy of a previous bill of lading of similar material for top loading
59 shall constitute a separate offense.

60 *Section 5. Powers Granted the Commissioner and the Local*
61 *Health Departments:* The Commissioner and the local Health
62 Department shall have the authority to review the files of any bulk
63 shipper to determine compliance with this Act, upon twenty-four
64 (24) hour previous written notice to the bulk shipper by certified
65 mail. Non-compliance discovered by the local Health Department
66 shall be turned over to and processed by the Commissioner in
67 accordance with the laws and regulations of the Commonwealth.

68 *Section 6.* This act shall take effect one (1) year after the date of
69 enactment to enable all bulk shippers and transporters to become
70 familiarized with the provisions thereof.

