

By Mr. Kendall of Falmouth, petition of Richard E. Kendall and William M. Bulger for legislation to establish the Massachusetts oil pollution control fund. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Five.

AN ACT ESTABLISHING THE MASSACHUSETTS OIL POLLUTION CONTROL FUND.

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 21 of the General Laws is hereby amended by adding
2 the following section:—

3 *Section 50C. Massachusetts Oil Pollution Control Fund.* The
4 Massachusetts Oil Pollution Control Fund is hereby established
5 to be used by the division of water pollution control as a non-
6 lapsing, revolving fund for carrying out the purposes of this
7 subchapter. To this fund shall be credited all license fees,
8 penalties and other fees and charges related to this subchapter,
9 and to this fund shall be charged any and all expenses of the
10 division related to this subchapter, including administrative
11 expenses, costs of removal of discharges of pollutants,
12 surveillance and research and development.

13 Monies in the fund, not needed currently to meet the
14 obligations of the division in the exercise of its responsibilities
15 under this subchapter shall be deposited with the treasurer to the
16 credit of the fund, and may be invested in such manner as is
17 provided for by statute. Interest received on such investment
18 shall be credited to the Massachusetts Coastal Protection Fund.

19 1. *FUNDING:* No person shall operate or cause to be
20 operated an oil terminal facility without a license. "Oil terminal
21 facility" means any facility of any kind and related ap-
22 purtenances, located in, on or under the surface of any land or
23 water, including submerged lands, which is used or capable of
24 being used for the purpose of transferring, processing or refining

25 oil, petroleum products and their by-products, or for the
26 purpose of storing the same, but does not include any facility
27 used or capable of being used to store less than five hundred
28 barrels. A vessel shall be considered an oil terminal facility only
29 in the event of a ship to ship transfer of oil, petroleum products
30 and their by-products, and only that vessel going to or coming
31 from the place of transfer and the oil facility.

32 Annual license fees shall be determined on the basis of not
33 more than one-half cent per barrel of oil, petroleum products or
34 their by-products transferred by the applicant during the
35 licensing period and shall be paid monthly on the basis of
36 records certified to the division. License fees shall be paid to the
37 division and upon receipt by it credited to the Massachusetts Oil
38 Pollution Control Fund. Fees will be established according to
39 regulations adopted by the division. The division may lower the
40 fee per barrel of oil, petroleum products or their by-products if
41 the vessel transporting such products or by-products is double
42 hulled.

43 2. *DISBURSEMENTS FROM FUND*: Monies in the
44 Massachusetts Oil Pollution Control Fund shall be subject to
45 budgetary authorization by the legislature and shall be disbursed
46 for the following purposes and no others:

47 A. Administrative expenses, personnel expenses and equip-
48 ment costs of the division related to the enforcement of this
49 chapter.

50 B. All costs involved in the abatement of pollution related to
51 the discharge of oil, petroleum products and their by-products
52 covered by this chapter. This may include restoration of public
53 shorefront property while liability is being determined or the
54 clean-up of a mystery spill when it is not possible to assess
55 responsibility for the damage from oil pollution.

56 C. Sums allocated to research and development not to exceed
57 one hundred thousand dollars per annum to be determined by
58 the legislature. Research shall be devoted to examining the
59 causes and effects of pollution caused by oil, petroleum products
60 and their by-products on the environment, and improved
61 methods of oil pollution prevention.