

Accompanying the eighteenth recommendation of the Executive Office of Public Safety (House, No. 212). Public Safety.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE UNDERGROUND STORAGE TANK PRODUCT CLEANUP PROGRAM.

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. Section 1 of Chapter 21J of the General Laws, as
2 appearing in the 1992 Official Edition, is hereby amended by
3 striking out the twelfth paragraph and inserting in place thereof
4 the following paragraph: —

5 Unobligated balance, the amount determined by subtracting
6 from the cash balance at the end of each month the following
7 sums: (a) until June 30, 1996, the sum of the average balance, as
8 determined by the board, of all potential claims against the fund
9 for reimbursement of costs of responding to release of petroleum
10 product from an underground storage tank or underground storage
11 tank system, said sum to be determined by reference to the most
12 recent department of environmental protection list of Locations to
13 be Investigated (LTBI); (b) on and after July 1, 1996, the sum of
14 the total balances remaining on all contracts entered into by a per-
15 son described in clause (1) or (5) of paragraph (a) of section five
16 of chapter twenty-one E in order to undertake an action in
17 response to the release of a petroleum product from an under-
18 ground storage tank or underground storage tank system; (c) the
19 sum of the total monies allocated to cover the expenses of the
20 board, the department, and the department of environmental pro-
21 tection, pursuant to clauses (b), (c), and (d) of section four; and
22 (d) the total amount of applications for reimbursement for any

23 claims of any nature pursuant to sub-clause (2) of clause (a) of
24 section four.

1 SECTION 2. Section 4 of said chapter 21J, as so appearing, is
2 hereby amended by striking out lines 83 to 91, inclusive, and
3 inserting in place thereof the following: —

4 (c) Grants provided pursuant to section thirty-seven A of chap-
5 ter one hundred forty-eight, not to exceed, subject to appropria-
6 tion, two million dollars per year; provided, that the board may
7 establish priorities for the allocation of said amount among the
8 various entities and purposes as provided in said section thirty-
9 seven A, in the event that the aggregate amount of funds requested
10 in qualified applications for such grants exceeds said amount.

1 SECTION 3. Chapter 148 of the General Laws is hereby
2 amended by striking out section 37A, as so appearing, and insert-
3 ing in place thereof the following section:—

4 Section 37A. As used in this section, the term “fuel storage
5 tank” shall mean an underground tank used or designed to be used
6 for the storage of gasoline, oil, or other fuel, or other flammable
7 liquids; provided, that such tank does not have an acceptable form
8 of leak detection and does not have a spill containment manhole
9 and an overfill prevention device.

10 The underground storage tank petroleum cleanup fund adminis-
11 trative review board, established pursuant to section eight of chap-
12 ter twenty-one J, herein referred to as the board, shall establish
13 and administer a program to provide grants to cities, towns, dis-
14 tricts, and other bodies politic, not to include agencies or authori-
15 ties of the commonwealth for the purpose of removing or replac-
16 ing or both, fuel storage tanks that they own or operate, subject to
17 the following conditions:

18 (1) No grant shall be awarded for the removal or replacement of
19 any fuel storage tank unless the city, town, district, or other body
20 politic, not to include agencies or authorities of the common-
21 wealth, that owns or operates the tank files with the board, within
22 six months after the initial publication in the Massachusetts
23 Register of regulations implementing this section, a statement that
24 it has removed or replaced such tank on or after April first, nine-
25 teen hundred and ninety-one.

26 (2) A city, town, district or other body politic, not to include
27 agencies or authorities of the commonwealth which removes or
28 replaces a fuel storage tank after the effective date of implementa-
29 tion of said regulations may file an application for a grant with the
30 board within one year after removing or replacing such tank. This
31 clause shall not be construed to limit the board's authority to
32 accept application from a city, town, district, or other body politic,
33 not to include agencies or authorities of the commonwealth, that
34 intends to remove or replace a fuel storage tank.

35 (3) A grant for the removal or replacement of a fuel storage
36 tank may be made either in a single payment or in annual partial
37 payments for a period not to exceed ten years, as the board shall
38 determine, provided that no grant, whether issued as a single pay-
39 ment or in annual partial payments, shall exceed fifty percent of
40 the total cost of the removal or replacement of the fuel storage
41 tank which is the subject of the grant.

42 All annual payments made to cities and towns pursuant to this
43 section may be made as part of annual local aid distribution to
44 cities and towns.

45 Nothing in this section shall be construed to affect the rights,
46 responsibilities, or liability of any person pursuant to any other
47 law.

48 No person who has responsibility or liability pursuant to any
49 other law shall avoid or delay such responsibility or liability, or be
50 excused from such responsibility or liability, because of reliance
51 or grants provided for in this section or because of any failure or
52 delay to provide grants or grant payments pursuant to this section.

53 The board shall promulgate regulations for the proper imple-
54 mentation of this section, including, without limitation, regula-
55 tions for filing grant applications and for filing the statements pro-
56 vided for in this section.

