

By Mr. Petruccelli of Boston, petition of Thomas M. Menino, Anthony Petruccelli, Shirley Owens-Hicks, Kevin G. Honan and Gloria L. Fox for legislation to provide grants to cities, towns and districts for the removal or replacement of fuel storage tanks. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year Two Thousand and One.

AN ACT PROVIDING FOR THE ALLOCATION OF GRANTS TO CITIES, TOWNS, DISTRICTS AND OTHER BODIES POLITIC FOR THE PURPOSE OF THE REMOVAL OR REPLACEMENT, OR BOTH, OF FUEL STORAGE TANKS OWNED OR OPERATED.

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. Chapter 148 of the General Laws, as appearing in
2 the 1996 Official Edition, is hereby amended by striking out
3 section 37A and inserting in place thereof the following:—
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 that does not have an acceptable form of leak detection
8 and does not have a spill containment manhole and an overflow
9 prevention device. The underground storage petroleum cleanup
10 fund administrative review board (“board”), established pursuant
11 to section eight of chapter twenty-one J of the General Laws, shall
12 establish and administer a program to provide grants to cities,
13 towns, districts and other bodies politic, not to include agencies or
14 authorities of the commonwealth, for the purpose of removing or
15 replacing or both, fuel storage tanks owned or operated by such
16 city, town, district or body politic, subject to the following condi-
17 tions. (1) No grant shall be awarded for the removal or replace-
18 ment of any fuel storage tank unless the city, town, district, or
19 other body politic, not to include agencies or authorities of the
20 commonwealth, that owns or operates the fuel storage tank files

21 with the board, within six months after the initial publication in
22 the Massachusetts Register of Regulations the provisions of this
23 section, a statement that it has granted a contract pursuant to a
24 duly issued request for proposals to a party licensed to remove or
25 replace such fuel storage tank. The board shall promulgate regula-
26 tions for the implementation of this section to ensure that grant
27 applications are approved or disapproved within a reasonable time
28 of filing the statement described above and that, if the board
29 approves the grant application, the funds are available before the
30 removal or replacement of the fuel storage tank is completed. (2)
31 A city, town, district or other body politic, not to include agencies
32 or authorities of the commonwealth, which removes or replaces a
33 fuel storage tank after the effective date of implementation of said
34 regulations, may file one or more applications for a grant with the
35 board from when a contract has been granted pursuant to a duly
36 issued Request for proposals to a party licensed to remove or
37 replace the fuel storage tank up to one year after removing or
38 replacing the fuel storage tank. The number of applications that a
39 city, town, district or other body politic, not to include agencies or
40 authorities of the commonwealth, can submit will be determined,
41 as formulated by the board, by the amount of gasoline sold per eli-
42 gible city, town, district or other body politic. (3) If grants made
43 to a city, town, district or other body politic, not to include agen-
44 cies or authorities of the commonwealth, pursuant to the alloca-
45 tion formula described in clause (2) of this section do not exceed
46 the amount allowed for such grants as provided in paragraph (c)
47 of section four of chapter twenty-one J, the board shall consider
48 additional applications for grants pursuant to the allocation for-
49 mula described in clause (2) of this section. (4) A grant for the
50 removal or replacement of a fuel storage tank shall be made in a
51 single payment, provided that no grant shall exceed fifty percent
52 (50%) of the total cost of the removal or replacement of the fuel
53 storage tank that is the subject of the grant. All annual payments
54 made to cities and towns pursuant to this section may be made a
55 part of annual local aid distribution to cities and towns. Nothing in
56 this section shall be construed to affect the rights, responsibilities,
57 or liability of any person pursuant to any other law. No person
58 who has responsibility or liability pursuant to any other law shall
59 avoid or delay such responsibility or liability, or be excused from

60 such responsibility or liability, because of reliance on grants pro-
61 vided for in this section or because of any failure to delay to pro-
62 vide grants or grant payments pursuant to this section. The board
63 shall promulgate regulations for the proper implementation of this
64 section, including, without limitation, regulations for filing grant
65 applications and for filing the statements provided for in this
66 section.

1 SECTION 2. This act shall take effect upon passage.

