

HOUSE No. 00230

The Commonwealth of Massachusetts

PRESENTED BY:

John D. Keenan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the development and promulgation of regulations governing underground storage tanks.

PETITION OF:

NAME:

John D. Keenan

DISTRICT/ADDRESS:

7th Essex

HOUSE No. 00230

By Mr. John D Keenan of Salem, petition (accompanied by bill, House, No. 00230) of John D Keenan relative to the development and promulgation of regulations governing underground storage tanks. Joint Committee on Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the development and promulgation of regulations governing underground storage tanks.

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

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

3 SECTION 1. Chapter 210 of the General Laws, as added by section 6 of chapter 4 of the Acts of
4 2009, is hereby amended by inserting after section 5 the following section:-

5 § 5A. Underground Storage Tank Standards Board; Membership; Promulgation of Regulations.

6 (1) There is hereby established within the department an Underground Storage Tank Standards
7 Board. Any proposal to adopt, amend, or repeal any regulations concerning the requirements or
8 standards described in subsections 1, 2, 5, 6, 7, and 8 of section 5 shall be developed by the
9 department in consultation with said board. The board shall approve any proposal to adopt,
10 amend, or repeal such regulations prior to publication of notice of hearing or solicitation of

11 comments, as the case may be, pursuant to chapter 30A and prior to the filing of any final
12 regulation with the state secretary pursuant to section 5 of chapter 30A. No adoption,
13 amendment, or repeal of such regulations shall become effective without all such approvals by
14 the board.

15 (2) The board shall be comprised of the following members: the commissioner of environmental
16 protection or his designee, who shall serve as chairperson; the chairman of the board of fire
17 prevention regulations, or his designee, and seven members to be appointed by the governor,
18 who shall have demonstrated knowledge and experience in one or more of the following: design,
19 installation, operation, maintenance and removal of underground storage tanks, one of whom
20 shall be a representative of the Independent Oil Marketers Association of New England, one of
21 whom shall be a registered professional engineer, one of whom shall be a person certified by a
22 tank manufacturer to install tank system components, one of whom shall be a representative of
23 an owner or operator of ten or fewer motor vehicle fueling facilities containing underground
24 storage tanks, one of whom shall be a representative of an owner or operator of eleven or more
25 motor vehicle fueling facilities containing underground storage tanks, one of whom shall be a
26 person licensed in Massachusetts to inspect and/or test underground storage tanks, and one of
27 whom shall be an member of the public. The members appointed by the governor shall serve
28 for a term of three years and shall be eligible for reappointment.

29 (3) Chapter 268A shall apply to all board members except that (a) nothing in said chapter 268A
30 shall disqualify or otherwise restrict an appointed member from participating fully in any matter
31 of general application to industries or categories of persons or entities involved in or affected by
32 any aspect of the regulation of underground storage tanks, and (b) no member shall be deemed to
33 have violated section 4 of said chapter 268A because of his receipt of his usual and regular

34 compensation from his employer during the time in which the member participates in the
35 activities of the board.

36 (4) Members of the board shall not receive compensation for their service. Members of the
37 board shall receive from the commonwealth only expenses necessarily incurred by them in
38 connection with their official duties as such member.

39 (5) The board may, subject to appropriation and with the approval of the commissioner of
40 environmental protection, employ an executive secretary who shall not be subject to the
41 provisions of chapter thirty-one and may employ such clerical, technical and other assistants as
42 may be required by said board.

43 SECTION 2. Section 1 of this Act shall take effect _____.