

HOUSE No. 844

By Representative Quinn of Dartmouth and Senator Montigny, joint petition of John F. Quinn and others for legislation to regulate oil spills in the Buzzards Bay section of Cape Cod. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

PETITION OF:

John F. Quinn	Matthew C. Patrick
Mark C. Montigny	Susan Williams Gifford
William G. Greene, Jr.	Antonio F. D. Cabral
Robert M. Koczera	Anthony J. Verga
Stephen R. Canessa	William M. Straus
Michael J. Rodrigues	James R. Miceli
Eric Turkington	Jennifer M. Callahan

In the Year Two Thousand and Seven.

AN ACT TO PREVENT OIL SPILLS IN BUZZARDS BAY.

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 21L of the General Laws, as appearing in
2 the 2004 Official Edition, is hereby amended by adding at the end
3 the following section:—
4 Section 5. If a tank vessel carrying more than 6,000 barrels of oil
5 through Buzzards Bay commits a violation pursuant to this chapter
6 and the tank vessel failed to inform the department or their designee
7 24 hours prior to the transit, then the fines stated in Sections 4(a)
8 through 4(e) of this chapter shall be tripled.

1 SECTION 2. Section 1 of said Chapter 21M of the General Laws
2 is hereby amended by inserting the following definitions:—
3 “Rescue Tug”, a tugboat escort having twin radar displays
4 equipped with ECDIS or ARPA capable of integrating AIS, a towing
5 winch and associated wire and gear capable of towing a minimum of
6 a 470 foot fully loaded tank vessel, pilot disembarkment gear, and
7 600 feet of oil spill response boom and associated response gear.

8 “Response Time”, the amount of time required for a rescue tug to
9 assist a tank vessel.

1 SECTION 3 Section 8(a) of said Chapter 21M of the General
2 Laws is hereby amended in line 3 by inserting after the words
3 “response teams” the following:—“, rescue tugs,”.

1 SECTION 4. Section 8(c)(1) of said Chapter 21M of the General
2 Laws is hereby amended in line 22 by replacing the phrase “2 cents”
3 with the phrase “5 cents”.

1 SECTION 5. Section 8 of said Chapter 21M of the General Laws
2 is hereby further amended by striking out sections 8(c)(3) through
3 and including 8(c)(5). Section 8 of said chapter 21M is hereby fur-
4 ther amended by striking out the number “(6)” in line 50 and
5 inserting in place thereof the number “(3)”.

1 SECTION 6. Section 8(d)(8) of said Chapter 21M of the General
2 Laws is hereby amended in line 80 by striking the word “and” after
3 the word “exercises”.

1 SECTION 7. Section 8(d)(9) of said Chapter 21M of the General
2 Laws is hereby amended in line 84 by striking the period at the end
3 and inserting in place thereof the word “; and” after the phrase
4 “Atmospheric Administration”.

1 SECTION 8. Section 8(d) of said Chapter 21M of the General
2 Laws is hereby amended by adding the following subsection:—
3 “(10) to pay for the dispatch of appropriately manned rescue tugs
4 in Buzzards Bay.”.

1 SECTION 9. Section 8(f)(2)(v) of said Chapter 21M of the
2 General Laws, is hereby amended in line 127, by striking the word
3 “and”.

1 SECTION 10. Section (8)(f)(2)(vi) of said Chapter 21M of the
2 General Laws is hereby amended by adding the word “and” at the
3 end thereof.

1 SECTION 11. Section 8(f)(2) of said Chapter 21M of the General
2 Laws is hereby amended by adding the following subsection:-
3 “(vii) payment of costs associated with the dispatch of appropri-
4 ately manned rescue tugs in Buzzards Bay.”

1 SECTION 12. Chapter 21M of the General Laws is hereby
2 amended by inserting after section 8, the following new section:—
3 “Section 9. (a) The Commissioner shall dispatch rescue tugs in
4 Buzzards Bay to follow, observe, and be available to tank vessels
5 carrying more than 6,000 barrels of oil transiting Buzzards Bay. The
6 rescue tugs shall maintain a maximum of a 15 minute response time
7 when no more than 2 tank vessels covered by this section are tran-
8 siting Buzzards Bay, and a maximum of 90 minute response time
9 when more than 2 tank vessels covered by this section are transiting
10 Buzzards Bay.

11 (b) The rescue tug shall be manned by a Massachusetts State Pilot
12 licensed under Chapter 103 of the General Laws. The State Pilot
13 shall monitor the safe passage of vessels and provide information to
14 tank vessel operators on current and anticipated navigational issues.
15 State pilots may perform their responsibilities from on board the tow
16 vessel or tank vessel upon request.

17 (c) This section shall not apply to tank vessels transiting Buzzards
18 Bay accompanied by a tugboat escort.

19 (d) Rescue tugs shall report to the Commissioner all near and
20 actual navigational incidents that could potentially lead to an oil
21 spill, including but not limited to; tank vessels traveling outside of
22 the designated vessel route as appearing on the national Oceanic and
23 Atmospheric Administration chart for Buzzards Bay, failure to use
24 AIS, near or actual collisions, allisions, and groundings, steering or
25 engine failures, and towing gear failures. The Commissioner shall
26 record, make available to the public, and keep on file these reports
27 for at least ten years.

28 (e) Notwithstanding subsections (a) and (b), the commissioner
29 may allow for longer response times and fewer state pilots only
30 where she determines exigent circumstances exist. No such autho-
31 rization shall be construed to relieve or otherwise limit the liability
32 of the owner or operator of a tank vessel for any release of oil, haz-
33 ardous material, or hazardous waste that occurs while the tank vessel
34 enters or transits Buzzards Bay. The Commissioner may promulgate

35 regulations to implement this subsection and shall report on January
36 1, 2009 and annually thereafter to the joint committee on the envi-
37 ronment, natural resources and agriculture on occasions where
38 exemptions were made.

39 (f) The Commissioner shall adopt regulations to implement this
40 section. The Commissioner, after a competitive bidding process,
41 may evaluate such bids and may enter into a contract with a com-
42 pany to dispatch and provide rescue tugs which meet or exceed the
43 standards required under this Act.”