

**HOUSE . . . . . No. 4119**

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**The Commonwealth of Massachusetts**

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Messrs. Murphy of Burlington and Straus of Mattapoisett moved to amend the House Bill preventing oil spills in Buzzards Bay by substitution of a bill with the same title (House, No. 4119). May 20, 2009.

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An Act preventing oil spills in Buzzards Bay.

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SUBSTITUTED BY THE HOUSE, ON MOTION OF:

NAME:	DISTRICT/ADDRESS:
Charles Murphy	21st Middlesex
William M. Straus	10th Bristol

# The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
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## An Act preventing oil spills in Buzzards Bay.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to protect forthwith Buzzards Bay from oil spills, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

SECTION 1. Section 4 of chapter 21L of the General Laws, as most recently amended by section 1 of chapter 268 of the acts of 2008, is hereby amended by striking out subsection (f) and inserting in place thereof the following subsection:-

(f) Any person that owns or operates a tank vessel, as defined in section 1 of chapter 21M, carrying 6,000 or more barrels of oil within Buzzards Bay, as defined in said section 1 of said chapter 21M who: (i) fails to provide notice pursuant to subsection (a) of section 9 of chapter 21M and who spills oil into Buzzards Bay, shall be assessed triple the fines provided in this section; (ii) denies boarding to a state pilot pursuant to subsection (b) of said section 9 of said chapter 21M and who spills oil into Buzzards Bay, shall be assessed triple the fines provided in this section; or (iii) violates any provision of this chapter and who spills oil into Buzzards Bay, shall be assessed triple the fines provided in this section.

SECTION 2. Section 1 of chapter 21M is hereby amended by striking out the definitions of "Rescue tug", "Response time", and "State pilot" as inserted by section 5 of chapter 268 of the acts of 2008, and inserting in place thereof the following definitions:-

"State-provided tugboat escort", a tugboat escort, the primary purpose of which shall be to serve as an escort tug for unescorted tank vessels carrying 6,000 or more barrels of oil; provided further, that state-provided tugboat escorts shall provide on the water monitoring of these tank vessels, have the ability to warn vessels of actual or potential threats to navigation, be available to assist immediately to the threat of an accident and shall never be more than ¼ of a nautical mile away from a tank vessel. State-provided tugboat escorts shall be equipped with: (i) twin radar displays equipped with ECDIS or ARPA capable of integrating AIS; (ii) a towing winch

and associated wire and gear capable of towing, at minimum, a 470 foot fully loaded tank vessel; (iii) pilot disembarkment gear; and (iv) fire fighting equipment as determined adequate by the commissioner pursuant to subsection (c) of section 6.

“State pilot”, a pilot commissioned under chapter 103 or a pilot having received a first class federal pilot’s endorsement for the waters of Buzzards Bay and Cape Cod Canal prior to the effective date of this act and having executed at least 15 round trips in such waters within the preceding 3 years.

SECTION 3. Said section 1 of said chapter 21M, as appearing in the 2006 Official Edition, is hereby further amended by striking out, in lines 47 through 51, inclusive, the words: “As of January 1, 2006, a tugboat escort shall be equipped with firefighting equipment and, at a minimum, shall meet the requirements of the following American Bureau of Shipping (ABS) classifications: Fire Fighting Vessel Class 1 and Maltese Cross A1 (Towing Vessel).”

SECTION 4. Said chapter 21M of the General Laws is hereby further amended by striking out section 9, as inserted by section 13 of chapter 268 of the acts of 2008 and inserting in place thereof the following section:-

Section 9 (a) An owner or operator of a tank vessel carrying 6,000 or more barrels of oil shall notify the department, in a manner to be determined by the department, no less than 24 hours prior to the owner or operator’s operation of said vessel on the waters of Buzzard’s Bay. Said notice shall include the identity of the tugboat escort which will accompany said tank vessel on the waters of Buzzards bay, if applicable.

(b) Upon notification pursuant to subsection (a) and if the tank vessel is unaccompanied by a tugboat escort, the commissioner shall dispatch a state-provided tugboat escort.

(c) State-provided tugboat escorts dispatched pursuant to subsection (b) may be manned by a state pilot if the state pilot is not requested by the towing vessel or company initially. Upon receipt of permission by the captain of the tank vessel and at the direction of the commissioner, the state pilot may board the tank vessel. If the state pilot does not board the tank vessel, the state pilot may monitor the safe passage of the vessel and provide information to the tank vessel operator on current and anticipated navigational issues from the pilot boat or from the state-provided tugboat escort.

(d) The state pilot or operator of state-provided tugboat escort shall report to the commissioner all near and actual navigational incidents that could potentially lead to an oil spill including, but not limited to: tank vessels traveling outside of the designated vessel route as appearing on the

national oceanic and atmospheric administration chart for Buzzards Bay; failure to use AIS; near or actual collisions, allisions or groundings; steering or engine failures; and towing gear failures. The commissioner shall record, make available to the public, and keep on file these reports for not less than 10 years.

(e) The commissioner may waive the requirement of subsection (c) upon determination that exigent circumstances exist. No such authorization shall be construed to relieve or otherwise limit the liability of an owner or operator of a tank vessel for any release of oil that occurs while the tank vessel enters or operates in Buzzards Bay. The commissioner shall report annually no later than January 1, to the joint committee on the environment, natural resources and agriculture as well as report in the Environmental Monitor the number of occasions that such exemptions were authorized.

(f) The commissioner shall adopt regulations for the implementation, administration and enforcement of this section including, but not limited to, the dispatching of state pilots, manning requirements, and the dispatching of state-provided tugboat escorts.