

SENATE NO. 517

AN ACT PREVENTING 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 the 2004 Official Edition, is

2 hereby amended by adding at the end the following section:-

3 Section 5. If a tank vessel carrying more than 6,000 barrels of oil through Buzzards Bay
4 commits a violation pursuant to this chapter and the tank vessel failed to inform the department
5 or their designee 24 hours prior to the transit, then the fines stated in sections 4(a) through 4(e)
6 of this chapter shall be tripled.

7 SECTION 2: Section 1 of said chapter 21M of the General Laws is hereby amended by

8 inserting the following definitions:-

9 “Rescue Tug”, a tugboat escort having twin radar displays equipped with ECDIS or ARPA
10 capable of integrating AIS, a towing winch and associated wire and gear capable of towing a
11 minimum of a 470 foot fully loaded tank vessel, pilot disembarkment gear, and 600 feet of oil
12 spill response boom and associated response gear.

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

14 SECTION 3: Section 8(a) of said chapter 21M of the General Laws is hereby amended in line 3

15 by inserting after the words “response teams” the following: - “, rescue tugs,”.

16 SECTION 4: Section 8(c)(1) of said chapter 21M of the General Laws is hereby amended in

17 line 22 by replacing the phrase “2 cents” with the phrase “5 cents”.

18 SECTION 5: Section 8 of said chapter 21M of the General Laws is hereby further amended by
19 striking out sections 8(c)(3) through and including 8(c)(5). Section 8 of said chapter 21M is
20 hereby further amended by striking out the number “(6)” in line 50 and inserting in place
21 thereof the number “(3)”.

22 SECTION 6: Section 8(d)(8) of said chapter 21M of the General Laws is hereby amended in
23 line 80 by striking the word “and” after the word “exercises”.

24 SECTION 7: Section 8(d)(9) of said chapter 21M of the General Laws is hereby amended in
25 line 84 by striking the period at the end and inserting in place thereof the word “; and” after the
26 phrase “Atmospheric Administration”.

27 SECTION 8: Section 8(d) of said chapter 21M of the General Laws is hereby amended by
28 adding the following subsection:-

29 “(10) to pay for the dispatch of appropriately manned rescue tugs in Buzzards Bay.”.

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

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

34 SECTION 11: Section 8(f)(2) of said chapter 21M of the General Laws is hereby amended by
35 adding the following subsection:-

36 “(vii) payment of costs associated with the dispatch of appropriately manned rescue tugs in
37 Buzzards Bay.”

38 SECTION 12: Chapter 21M of the General Laws is hereby amended by inserting after section 8,
39 the following new section:-

40 “Section 9. (a) The Commissioner shall dispatch rescue tugs in Buzzards Bay to follow,
41 observe, and be available to tank vessels carrying more than 6,000 barrels of oil transiting
42 Buzzards Bay. The rescue tugs shall maintain a maximum of a 15 minute response time when
43 no more than 2 tank vessels covered by this section are transiting Buzzards Bay, and a
44 maximum of 90 minute response time when more than 2 tank vessels covered by this section are
45 transiting Buzzards Bay.

46 (b) The rescue tug shall be manned by a Massachusetts State Pilot licensed under Chapter
47 103 of the General Laws. The State Pilot shall monitor the safe passage of vessels and provide
48 information to tank vessel operators on current and anticipated navigational issues. State pilots
49 may perform their responsibilities from on board the tow vessel or tank vessel upon request.

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

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

58 (e) Notwithstanding subsections (a) and (b), the commissioner may allow for longer
59 response times and fewer state pilots only where she determines exigent circumstances exist.
60 No such authorization shall be construed to relieve or otherwise limit the liability of the owner
61 or operator of a tank vessel for any release of oil, hazardous material, or hazardous waste that
62 occurs while the tank vessel enters or transits Buzzards Bay. The Commissioner may

63 promulgate regulations to implement this subsection and shall report on January 1, 2009 and
64 annually thereafter to the joint committee on the environment, natural resources and agriculture
65 on occasions where exemptions were made.

66 (f) The Commissioner shall adopt regulations to implement this section. The
67 Commissioner, after a competitive bidding process, may evaluate such bids and may enter into a
68 contract with a company to dispatch and provide rescue tugs which meet or exceed the
69 standards required under this Act.”