HOUSE DOCKET, NO. 1786 FILED ON: 1/17/2013

HOUSE . . . . . No. 735

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:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John D. Keenan	*7th Essex*

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HOUSE . . . . . No. 735

By Mr. Keenan of Salem, a petition (accompanied by bill, House, No. 735) of John D. Keenan relative to the development and promulgation of regulations governing underground storage tanks. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *230* OF 2011-2012.]

The Commonwealth of Massachusetts

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:

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

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

(1) There is hereby established within the department an Underground Storage Tank Standards Board. Any proposal to adopt, amend, or repeal any regulations concerning the requirements or standards described in subsections 1, 2, 5, 6, 7, and 8 of section 5 shall be developed by the department in consultation with said board. The board shall approve any proposal to adopt, amend, or repeal such regulations prior to publication of notice of hearing or solicitation of comments, as the case may be, pursuant to chapter 30A and prior to the filing of any final regulation with the state secretary pursuant to section 5 of chapter 30A. No adoption, amendment, or repeal of such regulations shall become effective without all such approvals by the board.

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

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

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

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

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