

HOUSE No. 4247

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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. Section 1 of chapter 21L of the General Laws, as appearing in the 2008
2 Official Edition, is hereby amended by inserting after the word “meanings.—”, in line 2, the
3 following definition:--

4 "Buzzards bay", the waterway bounded and described as follows: from Sakonnet point
5 southward to the north end of the Buzzards bay traffic separation zone, to the southwestern tip of
6 Cuttyhunk island thence through Buzzards bay to the eastern entrance of the Cape Cod canal at
7 the United States Coast Guard "CC" buoy in Cape Cod bay, including Woods Hole passage and
8 Quicks hole.

9 SECTION 2. Said section 1 of said chapter 21L, as so appearing, is hereby further
10 amended by adding the following definition:--

11 "Tank vessel", a ship that is constructed or adapted to carry, or that carries, oil or other
12 petroleum product in bulk as cargo and that operates on the waters of the commonwealth or

13 transfers oil or other petroleum products in a port or place subject to the jurisdiction of the
14 commonwealth.

15 SECTION 3. Section 4 of said chapter 21L, as so appearing, is hereby amended by
16 striking out subsection (f) and inserting in place thereof the following subsection:-

17 (f) Whoever owns or operates a tank vessel carrying 6,000 or more barrels of oil within
18 Buzzards bay, from which oil is spilled into Buzzards bay, and who: (i) failed to provide notice
19 in accordance with subsection (a) of section 9 of chapter 21M; (ii) failed to request a state pilot
20 in accordance with subsection (b) of said section 9 of said chapter 21M; or (iii) violates any
21 provision of this chapter shall be assessed triple the fines provided in this section.

22 SECTION 4. Section 1 of chapter 21M of the General Laws, as so appearing, is hereby
23 amended by striking out the definitions of “Rescue tug” and “Response time”.

24 SECTION 5. Said section 1 of said chapter 21M, as so appearing, is hereby further
25 amended by inserting after the definition of “State pilot” the following definition:-

26 “State- provided tugboat escort”, a tugboat escort, the primary purpose of which shall be
27 to serve as an escort tug for unescorted tank vessels carrying 6,000 or more barrels of oil;
28 provided, however, that state-provided tugboat escorts shall provide on-the-water-monitoring of
29 these tank vessels, have the ability to warn vessels of actual or potential threats to navigation, be
30 available to assist immediately to the threat of an accident and shall not be more than $\frac{1}{4}$ of a
31 nautical mile away from a tank vessel during such escort. State-provided tugboat escorts shall be
32 equipped with: (i) twin radar displays equipped with ECDIS or ARPA capable of integrating
33 AIS; (ii) a towing winch and associated wire and gear capable of towing, at minimum, a 470 foot

34 fully loaded tank vessel; and (iii) firefighting equipment as determined adequate by the
35 commissioner.

36 SECTION 6. Said chapter 21M is hereby further amended by striking out section 9, as so
37 appearing, and inserting in place thereof the following section:-

38 Section 9. (a) An owner or operator of a tank vessel carrying 6,000 or more barrels of oil
39 may provide 24-hour notice to the department, in a manner to be determined by the department,
40 of the owner or operator's intent to enter or operate such vessel in Buzzard's bay.

41 (b) If notice by an owner or operator of a tank vessel intending to enter or operate in
42 Buzzard's bay is given to the department in accordance with subsection (a) and, at the time such
43 notice is provided, the owner or operator requested that a state pilot be dispatched to a towing
44 vessel for the purposes of guiding such tank vessel into or within Buzzard's bay, the
45 commissioner shall dispatch a state pilot to the towing vessel for such owner's or operator's tank
46 vessel if the vessel is unaccompanied by a tugboat escort.

47 (c) If the requested state pilot does not board the tank vessel or towing vessel, the state
48 pilot may monitor the safe passage of the vessel and provide information to the tank vessel
49 operator on current or anticipated navigational issues from the pilot boat or from the state-
50 provided tugboat escort.

51 (d) The commissioner shall dispatch a state-provided tugboat escort to every tank vessel
52 carrying 6,000 or more barrels of oil while entering or operating in Buzzards bay which is
53 otherwise unaccompanied by a tugboat escort.

54 (e) The state pilot or operator of a state-provided tugboat escort shall report to the
55 commissioner all near and actual navigational incidents that could potentially lead to an oil spill
56 including, but not limited to: any tank vessel traveling outside of the designated vessel route as
57 appearing on the national oceanic and atmospheric administration chart for Buzzards bay; failure
58 to use AIS; any near or actual collision, allision or grounding; steering or engine failure and;
59 towing gear failure. The commissioner shall record, make available to the public and keep on file
60 these reports for not less than 10 years.

61 (f) The commissioner may waive the requirement of subsection (b) or (d) upon
62 determination that exigent circumstances exist. No such authorization shall be construed to
63 relieve or otherwise limit the liability of an owner or operator of a tank vessel for any oil spill
64 from such tank vessel that occurs while the tank vessel enters or operates in Buzzards bay. The
65 commissioner shall report, annually, not later than January 1, to the joint committee on the
66 environment, natural resources and agriculture, as well as report in the Environmental Monitor,
67 the number of occasions that such exemptions were authorized.

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

71 (h) The commissioner may enter into contracts with companies to dispatch and provide
72 state-provided tugboat escorts, which meet or exceed the standards required under this section.

73 SECTION 7. Notwithstanding any general or special law to the contrary, the
74 commissioner of environmental protection shall adopt regulations pursuant to subsection (g) of

75 section 9 of chapter 21M of the General Laws not later than 120 days after the effective date of
76 this act.