

**HOUSE . . . . . No. 830**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act to establish a residential petroleum clean up fund..

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

1 Chapter 21E of the General Laws, as appearing in the 2002 Official Edition, is hereby  
2 amended by adding After section 11 the following section:—

3 SECTION 11A. (a) Notwithstanding any general or special law to the contrary, the  
4 Department of Environmental Protection shall establish a Residential Petroleum Clean Up Fund,  
5 hereafter referred to as the Fund, to provide financial assistance in hardship cases to property  
6 owners for the remediation of fuel leaks and removal of ground contamination from above  
7 ground and buried underground storage tanks at residential properties.

8 (b) The Fund is established as a special revolving fund and shall be credited with:

9 i. such moneys as appropriated by the  
10 Legislature from the Environmental Challenge Fund as defined in section 2J of chapter 29;

11 ii. any monies received as repayment of  
12 principal and interest on outstanding loans made from the Residential Petroleum Clean Up Fund;



33 (e) The Department may also file a lien on the property where the leak occurred.  
34 Liens filed pursuant to this subsection shall not affect any valid lien, right or interest in the real  
35 property filed in accordance with established procedure prior to the filing of this notice of lien.

36 (f) Upon the sale of the property for which the loan was made, the unpaid balance of  
37 the loan shall immediately become payable in full.

38 (g) The Department may deny an application for financial assistance, and any award  
39 of financial assistance may be recoverable by the Department, upon a finding that:

40 a. the fuel leak was proximately caused by the applicant's knowing conduct;

41 b. the applicant provided false information or withheld information on a loan or grant  
42 application, or other relevant information required to be submitted to the Department, on any  
43 matter that would otherwise render the applicant ineligible for financial assistance from the fund.

44 (h) If a property owner has insurance coverage for the remediation of the fuel leak, the  
45 insurance coverage shall be the primary coverage for the costs of a remediation. The  
46 property owner may apply for financial assistance from the Fun for any excess, provided that the  
47 owner can demonstrate financial hardship for the excess costs.