

September 19, 2017

The Honorable Anne Gobi, Senate Chair  
The Honorable Smitty Pignatelli, House Chair  
Joint Committee on Environment, Natural Resources, and Agriculture  
State House  
Boston, MA, 02133

**Subject: Please support H. 452: “An Act relative to an underground storage tank petroleum product cleanup fund”**

Dear Chairwoman Gobi and Chairman Pignatelli:

The LSP Association (LSPA) is the non-profit association for Licensed Site Professionals (LSPs) and related practitioners. LSPs are the scientists, engineers, and public health specialists licensed by the Commonwealth to work on behalf of property owners, operators, and other involved parties to oversee the assessment and cleanup of oil and hazardous materials released to the environment. Through education and information, we work to help our nearly 800 members achieve and maintain high standards of practice in overseeing the assessment and remediation of hazardous waste disposal sites.

The LSPA is writing to express its support for H. 452, An Act relative to an underground storage tank petroleum product cleanup fund, which would establish a separate fund to be known as the Underground Storage Tank Petroleum Product Cleanup Fund. H. 452 aims to reclaim the funds that were originally targeted for environmental protection but which have, instead, been transferred to other programs.

The Massachusetts Underground Storage Tank (UST) Petroleum Product Cleanup Fund (commonly referred to as the 21J Fund) was created in 1991 pursuant to Massachusetts General Laws Chapter 21J. The purpose of the 21J Fund is to reduce the need for environmental cleanup actions by encouraging UST maintenance and compliance, and to expedite those environmental cleanup actions that are required by providing partial reimbursement to owners or operators of UST systems for costs, expenses and other obligations incurred as a result of releases of petroleum products from UST systems. A tank owner may make a claim to the 21J Fund for reimbursement for these costs only if its tank system was in full compliance with all applicable laws at the time of the release.

The 21J Fund is financed by annual tank registration fees and a per-gallon fee imposed on the delivery of petroleum products to USTs in Massachusetts. Originally, the fees collected were placed in a dedicated state fund for use on UST issues only. The fees were raised in 2003, but at the same time the dedicated fund was eliminated, and the millions of dollars in fees began to be deposited into the state’s general fund. In 2014, the fees collected were transferred to the Commonwealth’s Transportation Fund.

Since 2003, the Fund has been dependent on the annual budget appropriations process. Unfortunately, this allocation has historically been inadequate to fund all of the legitimate claims received by the 21J Board. This past fiscal year was no exception, with the Fund being about \$6 million short of the amount necessary to pay accepted claims. When the 21J Fund is not fully funded, environmental cleanups are slowed down and stopped, and the Commonwealth takes a significant step backward in environmental protection.

Many of the sites addressed by LSPs involve petroleum releases to the environment from underground storage tanks. In some cases, the sites of the releases are gas stations, convenience stores, and other small “mom and pop” businesses that do not have the resources to remediate any releases. Without the support of the Fund, many of these small business owners are unable to conduct the assessment and remediation required by the Massachusetts Contingency Plan.

Reclaiming the 21J funds for their original purpose would be an important component in the Commonwealth’s environmental protection efforts. Sufficient 21J funds would help support environmental cleanups, create jobs in the environmental sector, and help Massachusetts-based businesses, which pay into the 21J Fund, clean up their petroleum-contaminated properties. We are an economy that relies on petroleum. Shortchanging the 21J Fund only harms the Commonwealth.

The LSPA urges the committee to report out favorably on H. 452.

Respectfully,

The LSP Association



Marilyn A. Wade, P.E., LSP  
President



Wendy Rundle  
Executive Director