April 6, 2018

The Honorable (your representative’s name)

24 Beacon Street, Room #

Boston, MA 02133

**Subject: Please Support Outside Section #17, of FY 19 House Budget (H2), Regarding Underground Storage Tanks**

Dear Representative (name):

I am a constituent of your district living at (your home address). I am writing today to urge you to please support Section 17 of the Outside Section of the FY 19 House budget proposal (H2). If passed, the dedicated Underground Storage Tank (UST) Fund would be re-established.

I am a (profession) working in the field of hazardous waste site cleanup (add one sentence of specifics if you wish – number of years, kind of work)

From my own experience (if appropriate), I know that the provisions of Section 17 are needed to help fund the Massachusetts Underground Storage Tank (UST) Petroleum Product Cleanup Fund (commonly referred to as the 21J Fund). Under Section 17, the dedicated UST Fund would be re-established.   To fund it, the first $30 million of the UST Delivery Fee deposits each fiscal year would be deposited into this account to pay for reimbursement claims.  Currently, all of the UST Delivery Fees (approx. $78 million per year) are deposited into the Commonwealth’s Transportation Fund (CTF). Under the proposed language, at the end of the fiscal year, whatever funds are not used for the 21J Fund would revert to the CTF. Then, beginning on July 1st of the subsequent fiscal year, up to $30 million in fees would again go into the UST Fund, and so on.

To be clear, one of the criteria for making a 21J claim is that the UST system must have been in full compliance with all applicable laws at the time of the release. In other words, the owner or operator must not have been negligent in their practices. It should also be noted that the majority of petroleum dispensing facilities are owned by home grown, family-owned petroleum marketing companies that have operated and evolved in their home state of Massachusetts for several decades – not by big oil companies

Background Information

The purpose of the 21J Fund, created in 1991, is to prevent the need for environmental cleanup actions through 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.

Originally, all of the UST Delivery Fees collected were placed in a dedicated state fund for use on UST issues only. However, in 2003 the fees were raised, 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 (CTF).

Since 2003, the Fund has received its funding from the annual budget appropriations process, but the fund is perennially underfunded. Annually the 21J Fund does not have enough funds to pay all of the claims it receives. This past fiscal year was no exception with the Fund being about $6 million short of funding. When millions of dollars of claims that have already been filed with the 21J Fund are left unpaid, environmental cleanups are slowed down and stopped. When the 21J Fund is not fully funded, the Commonwealth takes a significant step backward in environmental protection.

Currently, due to underfunding, the 21J Fund cannot:

* Carry out its charge of ensuring the cleanup of drinking water, groundwater, and soils following a spill or leak of petroleum; and
* Pay its stakeholder group of claimants for their cleanup actions. Contractors, equipment suppliers and other vendors maintain an employment and sales workforce in the Commonwealth. This results in income, employment and sales tax for the Commonwealth.

Reclaiming the 21J funds for their original purpose would be an important component in the Commonwealth’s environmental protection efforts and re-establishing confidence in the sustainability and reliability of the program. 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.

I urge you to please support Section 17 of the Outside Section of the FY 19 House budget proposal (H2).

Respectfully,

Your name and home address