

CHAPTER 137
SB 325-FN-LOCAL – FINAL VERSION

03/27/14 1099s

2014 SESSION

14-2763
06/04

SENATE BILL ***325-FN-LOCAL***

AN ACT relative to oil spill preparedness and response.

SPONSORS: Sen. Woodburn, Dist 1; Sen. Odell, Dist 8; Sen. Fuller Clark, Dist 21;
Sen. Watters, Dist 4; Sen. Reagan, Dist 17; Rep. Suzanne Smith, Graf 8;
Rep. Hammon, Coos 5

COMMITTEE: Energy and Natural Resources

AMENDED ANALYSIS

This bill:

- I. Deletes a certain allocation to equip and train personnel in oil spill response.
- II. Deletes the credit for payment of the hazardous material transporter's fee.
- III. Requires the owner of an oil pipeline facility to submit a spill response plan to the department of safety.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 137
SB 325-FN-LOCAL – FINAL VERSION

03/27/14 1099s

14-2763
06/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to oil spill preparedness and response.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 137:1 New Paragraph; Oil Discharge or Spillage in Surface Water or Groundwater; Definitions;
2 Oil Pipeline Facility. Amend RSA 146-A:2 by inserting after paragraph III the following new
3 paragraph:

4 III-a. “Oil pipeline facility” means any intrastate pipeline structure, or section of any
5 interstate pipeline structure, of any kind and its related appurtenances located within the
6 boundaries of this state that is used or capable of being used for pumping, handling, transferring,
7 transporting, processing, refining, or storing oil;

8 137:2 Oil Pollution Control Fund. Amend RSA 146-A:11-a, I to read as follows:

9 I. There is hereby established the New Hampshire oil pollution control fund. This
10 nonlapsing, revolving fund shall, at a minimum, pay the salaries and expenses of the persons
11 specified in RSA 146-A:11, except as the legislature may otherwise determine, as well as the costs to
12 implement the provisions of RSA 146-A which include, but are not limited to, the salaries and
13 expenses of additional personnel to the extent that such salaries and expenses are incurred in
14 implementing the provisions of this chapter, and the other costs of containment or removal or
15 corrective measures deemed necessary by the department of environmental services as a result of an
16 actual or potential oil discharge into or onto the surface water or groundwater of the state. Moneys
17 from the fund shall be used to mitigate the adverse effects of oil discharges including, but not limited
18 to, provision of emergency water supplies to persons affected by such pollution, and, where necessary
19 as determined by the department of environmental services, the establishment of an acceptable
20 source of potable water to injured third parties. Not more than 10 percent of the moneys in the fund
21 shall be allocated annually for research programs dedicated to the development and improvement of
22 preventive and cleanup measures concerning such oil discharges. ~~[In addition, up to \$100,000 of~~
23 ~~such 10 percent shall be allocated annually to the Piscataqua River Cooperative to train and equip~~
24 ~~personnel in oil spill response.]~~ In the event of an oil discharge, the department of environmental
25 services may expend, with the approval of governor and council, such additional sums as are
26 necessary to clean up the discharge except that the total amount expended may not exceed the
27 balance in the New Hampshire oil pollution control fund. Income derived from the oil pollution
28 control fund shall only be used for those administrative costs needed to implement RSA 146-A and
29 any other costs cited in this section.

CHAPTER 137
SB 325-FN-LOCAL – FINAL VERSION
- Page 2 -

1 137:3 License Required. Amend RSA 146-A:11-b, III to read as follows:

2 III. Any person who imports or causes to be imported oil into the state and who is licensed
3 under this chapter [~~shall be entitled to a credit against his annual license fee assessed under this~~
4 ~~section equal to the amount of any hazardous material transporter's license fee which he has paid to~~
5 ~~the department of safety pursuant to the provisions of RSA 21 P:20 upon presenting satisfactory~~
6 ~~evidence of payment of the hazardous material transporter's fee for any vehicles involved in the~~
7 ~~importation, transfer or transport of oil into this state. Any person licensed under this section]~~ may
8 seek, and shall receive for valid claims, an import credit for oil which the person transfers out of
9 state during any reporting period.

10 137:4 New Section; Oil Pipeline Facility; Spill Response Plan. Amend RSA 146-A by inserting
11 after section 3-e the following new section:

12 146-A:3-f Spill Response Plan.

13 I. Oil pipeline facility owners shall submit a spill response plan to the department of safety
14 that provides spill protection equivalent to or greater than a facility response plan under 49 C.F.R.
15 section 194.101. A person who has contracted with an oil pipeline facility to provide containment
16 and cleanup services may submit the spill response plan, on behalf of the owner, for any oil pipeline
17 facility for which the person is contractually obligated to provide services.

18 II. Response plans shall, at a minimum, include the following:

19 (a) The number, training preparedness, and fitness of all dedicated personnel assigned
20 to direct and implement the plan;

21 (b) Arrangements for the positioning of oil spill containment, cleanup equipment, and
22 trained personnel at strategic locations from which they can be deployed to the spill site to promptly
23 and properly remove the spilled oil; and

24 (c) The amount and type of equipment available to respond to a spill, where the
25 equipment is located, and the extent to which other contingency plans rely on the same equipment.

26 III. Spill response plans for oil pipeline facilities shall be submitted to the department
27 within 6 months after the department has adopted rules under this section.

28 IV. The department shall approve a spill response plan for an oil pipeline facility only if it
29 determines that the plan meets the requirements set forth in this section and rules adopted by the
30 department.

31 V. Upon approval of a spill response plan for an oil pipeline facility, the department shall
32 provide to the person submitting the plan a statement indicating that the plan has been approved,
33 the oil pipeline facilities covered by the plan, and any other information the department determines
34 should be included.

35 VI. An owner or operator of an oil pipeline facility shall notify the department in writing
36 immediately of any significant change of which it is aware affecting its spill response plan, including

CHAPTER 137
SB 325-FN-LOCAL – FINAL VERSION
- Page 3 -

1 changes in any factor set forth in this section or in rules adopted by the department. The
2 department may require the owner or operator to update a spill response plan as a result of such
3 changes.

4 VII. The department by rule shall require spill response plans to be reviewed, updated, if
5 necessary, and resubmitted to the department at least once every 5 years.

6 VIII. Approval of a spill response plan by the department shall not constitute an express
7 assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under this
8 chapter or any other state law.

9 137:5 New Paragraph; Rulemaking. Amend RSA 146-A:11-c by inserting after paragraph I-a
10 the following new paragraph:

11 I-b. Requirements for oil pipeline facility spill response plans under RSA 146-A:3-f.

12 137:6 New Section; Severability. Amend RSA 146-A by inserting after section 17 the following
13 new section:

14 146-A:18 Severability. If any provision of this chapter or the application thereof to any person
15 or circumstance is held invalid, the invalidity does not affect other provisions or applications of the
16 chapter which can be given effect without the invalid provisions or applications, and to this end the
17 provisions of this chapter are severable.

18 137:7 Effective Date. This act shall take effect upon its passage.

19 Approved: June 16, 2014

20 Effective Date: June 16, 2014
21