

# **HOUSE . . . . . No. 4212**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, June 23, 2014.

The committee on Ways and Means, to whom was referred the Bill improving drinking water and wastewater infrastructure (Senate, No. 2021), reports recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4212.

For the committee,

BRIAN S. DEMPSEY.

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Fourteen**  
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*By striking out all after the enacting clause and inserting in place thereof the following:*

1           SECTION 1. To provide for certain unanticipated obligations of the commonwealth and  
2 to meet certain requirements of law for fiscal year 2014 the sum set forth in section 2A is hereby  
3 appropriated from the General Fund, for the several purposes and subject to the conditions  
4 specified in said section 2A, subject to laws regulating the disbursement of public funds.

5           SECTION 2A.

6           EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

7           Department of Environmental Protection

8           2200-0135 For planning or technical assistance grants under section 31 of chapter 21 of  
9 the General Laws; provided, that funds may be expended through June 30,  
10 2015.....\$1,800,000

11           SECTION 3. Section 26A of chapter 21 of the General Laws, as appearing in the 2012  
12 Official Edition, is hereby amended by inserting after the definition of “FWPCA” the following  
13 2 definitions:-

14           “Green infrastructure”, practices involving the management of water, stormwater and  
15 wastewater to achieve water quality mandates set forth in the federal Clean Water Act; practices  
16 designed using natural or engineered techniques to capture, remove or prevent nutrient, nitrogen  
17 and phosphorous loading to any part of a water system including groundwater deposits and  
18 discharges to surface waters from septic systems, wastewater treatment facilities and stormwater  
19 runoff.

20           “Green infrastructure projects”, projects which include, but shall not be limited to:  
21 decentralized wastewater systems that infiltrate treated water; water reuse for other beneficial  
22 purposes; low impact development projects; the conservation, enhancement and restoration of  
23 natural landscape features that naturally filter and remove silt and pollution from surface waters,  
24 maintain or restore natural hydrologic cycles, minimize imperviousness in a watershed through

25 preservation and restoration of natural landscape buffers such as forests, floodplains, wetlands  
26 and other natural systems and restoration of natural stream channels; land acquisition and  
27 restoration projects that protect and filter drinking water supplies and buffer reservoirs; and the  
28 mitigation of risks of flooding and erosion using the restoration of saltmarsh, oyster reefs and  
29 eelgrass beds from sea-level rise, storm surges and extreme weather events, including the  
30 protection and restoration of natural coastal landscapes and features; provided, that green  
31 infrastructure projects may be stand-alone and shall also be used to complement built water  
32 management infrastructure technologies such as pipes, dikes and treatment facilities; and  
33 provided further, that green infrastructure projects may include innovative technologies that  
34 further the mandates under the federal Clean Water Act.

35 SECTION 4. Section 27A of said chapter 21, as so appearing, is hereby amended by  
36 striking out, in lines 2 and 3, the words “water pollution abatement trust” and inserting in place  
37 thereof the following words:- Massachusetts Clean Water Trust.

38 SECTION 5. Said section 27A of said chapter 21 is hereby further amended by striking  
39 out, in lines 10 and 12, the words “or section 6A” each time they appear.

40 SECTION 6. Section 31 of said chapter 21, as so appearing, is hereby amended by  
41 striking out the first sentence and inserting in place thereof the following sentence:-

42 A public entity, including regional planning agencies, may apply to the division for a  
43 planning or a technical assistance grant by the commonwealth for the following purposes:  
44 assisting a public entity in developing a comprehensive water pollution abatement plan for the  
45 public entity; assisting a public entity in developing an integrated water asset management plan  
46 for the public entity; or assisting a public entity identify and plan for green infrastructure  
47 opportunities for the public entity.

48 SECTION 7. Said section 31 of said chapter 21 is hereby further amended by striking  
49 out, in line 5, the word ”fifteen” and inserting in place thereof the following figure:- 30.

50 SECTION 8. Said section 31 of said chapter 21 is hereby further amended by inserting  
51 after the word “Planning”, in line 12, the following words:- or technical assistance.

52 SECTION 9. Said chapter 21 is hereby further amended by inserting after section 31 the  
53 following section:-

54 Section 31A. Subject to appropriation, the department of environmental protection shall  
55 administer a matching grant program for communities who desire to join the Massachusetts  
56 Water Resources Authority or any other regional system for wastewater, drinking water or for  
57 both wastewater and drinking water. Each grant shall match, on a 1:1 basis, money committed by  
58 a local government unit or a regional local governmental unit, as defined in section 1 of chapter  
59 29C, to pay the entry fee established by the Massachusetts Water Resources Authority under

60 section 8 of chapter 372 of the acts of 1984, or other fees required to join a regional system. The  
61 department shall award grants only to a local governmental unit or regional local governmental  
62 unit that satisfies the department that it has committed funds to join said Authorityor regional  
63 system. Should the local governmental unit or regional local governmental unit fail to join said  
64 Authorityor regional system after receiving a grant under this section, the local governmental  
65 unit or regional local governmental unit shall return money granted under this section to the  
66 department.

67 For the purpose of this section, the term “regional system” shall include any system  
68 established by mutual agreement of 3 or more municipalities to provide drinking water or  
69 wastewater services, or both, through shared facilities, sources or distribution networks.

70 SECTION 10. Section 38 of said chapter 21, as so appearing, is hereby amended by  
71 inserting after the word “control”, in line 4, the following words:- , innovative water  
72 technologies, green infrastructure.

73 SECTION 11. Section 2L of chapter 29 of the General Laws, as so appearing, is hereby  
74 amended by striking out, in line 5, the words “water pollution abatement trust” and inserting in  
75 place thereof the following words:- Massachusetts Clean Water Trust.

76 SECTION 12. Section 2QQ of said chapter 29, as so appearing, is hereby amended by  
77 striking out, in line 5, the words “water pollution abatement trust” and inserting in place thereof  
78 the following words:- Massachusetts Clean Water Trust.

79 SECTION 13. Said chapter 29 is hereby further amended by inserting after section  
80 2KKKK the following section:-

81 Section 2LLLL. There shall be established and set up on the books of the commonwealth  
82 a separate fund to be known as the Regional Water Entity Reimbursement Fund, in this section  
83 called the fund. The fund shall be administered by the state treasurer and shall be funded by the  
84 commonwealth, by and through the state treasurer and subject to appropriation, to reimburse the  
85 Massachusetts Water Resources Authority for its costs: in providing cities and towns, within its  
86 sewer service area, financial assistance in the form of interest free grants and loans to rehabilitate  
87 collection systems in cities and towns; and to structurally reduce infiltration and inflow into the  
88 tributary to the treatment facilities owned by the authority. Such reimbursement shall be in  
89 addition to the contract assistance amounts in section 6 of chapter 29C, subject to the limit set  
90 forth in said chapter 29C, but shall not be greater than 10 per cent of the maximum amount set  
91 forth in said chapter 29C.

92 SECTION 14. Chapter 29C of the General Laws, as appearing in the 2012 Official  
93 Edition, is hereby amended by striking out the title and inserting in place thereof the following  
94 title:- MASSACHUSETTS CLEAN WATER TRUST.

95 SECTION 15. Section 1 of said chapter 29C, as so appearing, is hereby amended by  
96 striking out, in line 3, the words “water pollution abatement trust” and inserting in place thereof  
97 the following words:- Massachusetts Clean Water Trust.

98 SECTION 16. Said section 1 of said chapter 29C, as so appearing, is hereby further  
99 amended by inserting after the definition of “Bonds” the following definition:-

100 “Committed contract assistance”, in any year, the sum of: (i) the amount of contract  
101 assistance that the commonwealth has committed to provide during the year with respect to  
102 bonds of the trust issued, subsidy funds established and all other board-approved financial  
103 assistance established or committed prior to such year; and (ii) the amount of contract assistance  
104 that the board determines will be required to be committed during the year in order to provide  
105 subsidies or other financial assistance, including, without limitation, with respect to bonds of the  
106 trust expected to be issued in such year.

107 SECTION 17. Said section 1 of said chapter 29C, as so appearing, is hereby further  
108 amended by striking out the definition of “Trust” and inserting in place thereof the following  
109 definition:-

110 “Trust”, the Massachusetts Clean Water Trust; provided, however, that the Massachusetts  
111 Clean Water Trust shall be the successor to the water pollution abatement trust.

112 SECTION 18. Section 2 of said chapter 29C, as so appearing, is hereby amended by  
113 striking out, in lines 5 and 6, the words “water pollution abatement trust” and inserting in place  
114 thereof the following words:- Massachusetts Clean Water Trust.

115 SECTION 19. Said chapter 29C is hereby further amended by striking out section 6, as so  
116 appearing, and inserting in place thereof the following section:-

117 Section 6. (a) Subject to limitations in other laws respecting the use of particular monies  
118 in the fund and any trust agreement for bonds of the trust, the board may also apply and disburse  
119 monies and revenues in the fund or segregated accounts therein: (i) after taking account of any  
120 grant made by the department under section 33E of chapter 21 to provide, and enter into binding  
121 commitments to provide, a subsidy for, or to otherwise assist local governmental units in the  
122 payment of, debt service costs on loans and other forms of financial assistance made by the trust;  
123 and (ii) to provide reserves for, or to otherwise secure, amounts payable by local governmental  
124 units on loans and other forms of financial assistance made by the trust under this chapter.

125 (b) The board shall apply and disburse monies in the fund and in the Drinking Water  
126 Revolving Fund, established under section 18, as applicable, including contract assistance  
127 provided in this section, or shall otherwise structure the debt service costs on loans and other  
128 forms of financial assistance made by the trust to provide a subsidy or other assistance to local  
129 governmental units or other eligible borrowers in the payment of debt service costs on such loans

130 and other forms of financial assistance that shall be the financial equivalent of a loan made at an  
131 interest rate equal to 2 per cent. Notwithstanding the foregoing, but subject to the limit on  
132 contract assistance provided in this section and the availability thereof after taking into account  
133 committed contract assistance, the board may commit such available contract assistance to  
134 provide additional financial assistance to local governmental units or other eligible borrowers  
135 that shall be the financial equivalent of a loan made at an interest rate less than 2 per cent and  
136 which additional subsidy may include principal forgiveness; provided, that principal forgiveness  
137 committed under this section in any year shall not exceed 25 per cent of the total costs of all  
138 projects on that year's applicable clean water or drinking water intended use plan; and provided  
139 further, that a loan or other form of financial assistance that qualifies for an additional subsidy  
140 shall receive such additional subsidy in the amount and at a rate as determined by the board,  
141 which shall not exceed the financial equivalent of a 75 per cent subsidy as compared to a market  
142 rate loan as calculated at the time of board approval of such loan or other form of financial  
143 assistance.

144 (c) The department of environmental protection shall promulgate regulations, under  
145 section 7 establishing the types of eligible projects and criteria that the department shall use to  
146 evaluate applications for additional subsidies equivalent to a loan made at an interest rate of less  
147 than 2 per cent. The additional subsidies shall be made available to eligible projects appearing on  
148 the department's intended use plan the year following the release of regulations by the  
149 department and subsequent years. The criteria shall be reflective of the board's current priorities  
150 and of best management practices and sustainability criteria as determined by the Environmental  
151 Protection Agency as required by the Water Resources Reform and Development Act of 2014.  
152 Notwithstanding the foregoing regulations, all permanent loans and other forms of financial  
153 assistance made by the trust, which finance the costs of certain water pollution abatement  
154 projects on the department's intended use plan for calendar year 2009 to calendar year 2069,  
155 inclusive, and meet the criteria listed below, shall provide for an additional subsidy or other  
156 assistance in the payment of debt service such that the loans and other forms of financial  
157 assistance shall be the financial equivalent of a loan made at a 0 per cent rate of interest;  
158 provided, that the costs of water pollution abatement projects on an intended use plan that are  
159 eligible for a permanent loan or other financial assistance from the trust at the financial  
160 equivalent of a loan made at a 0 per cent rate of interest shall not exceed 35 per cent of the total  
161 costs of all water pollution abatement projects on the intended use plan.

162 (d) Projects shall be eligible for 0 per cent rate of interest loans if the department verifies  
163 that:

164 (1) the project is primarily intended to remediate or prevent nutrient enrichment of a  
165 surface water body or a source of water supply;

166 (2) the applicant is not currently, due to a violation of a nutrient-related total maximum  
167 daily load standard or other nutrient based standard, subject to a department enforcement order,

168 administrative consent order or unilateral administrative order, enforcement action by the United  
169 States Environmental Protection Agency or subject to a state or federal court order relative to the  
170 proposed project;

171 (3) the applicant has a Comprehensive Wastewater Management Plan (“CWMP”)  
172 approved under regulations adopted by the department;

173 (4) the project has been deemed consistent with the regional water resources management  
174 plans if one exists; and

175 (5) the applicant has adopted land use controls, subject to the review and approval of the  
176 department in consultation with the executive office of housing and economic development and,  
177 where applicable, any regional land use regulatory entity, intended to limit wastewater flows to  
178 the amount authorized under zoning and wastewater regulations as of the date of the approval of  
179 the CWMP.

180 (e) The department shall promulgate regulations under section 7 establishing the types of  
181 eligible projects and criteria that the department shall use to evaluate applications for additional  
182 financial assistance, including principal forgiveness and additional financial incentives,  
183 consistent with the sustainability criteria as determined by the Environmental Protection Agency  
184 as required by the Water Resources Reform and Development Act of 2014. The financial  
185 assistance and financial incentives provided under these regulations shall be made available to  
186 projects appearing in the department’s intended use plan the year following the release of the  
187 regulations and subsequent years. Projects shall qualify by incorporating any 1 of the criteria  
188 developed by the department.

189 (f) To provide the subsidy or assistance the state treasurer, acting on behalf of the  
190 commonwealth, shall enter into an agreement with the trust. Under the agreement, the  
191 commonwealth shall provide contract assistance for debt service obligations on loans and other  
192 forms of financial assistance made by the trust, up to a maximum amount of \$138,000,000 per  
193 fiscal year. The agreement shall provide for payments by the commonwealth to the trust at such  
194 times during each fiscal year and upon such terms and under such conditions as the trust may  
195 stipulate. The trust may pledge such agreement and the rights of the trust to receive amounts  
196 thereunder as security for the payment of debt obligations issued to the trust. Such agreement  
197 shall constitute a general obligation of the commonwealth, for which the faith and credit of the  
198 commonwealth shall be pledged for the benefit of the trust and of the holders of any debt  
199 obligations of the trust which may be secured by the pledge of such agreement or of amounts to  
200 be received by the trust under such agreement.

201 (g) Each year, the trust shall commit contract assistance for debt service obligations on  
202 loans and other forms of financial assistance made by the trust in an amount that is at least 80 per  
203 cent of the limit set forth in subsection (f). If, in any year, the trust is unable to satisfy the 80 per  
204 cent threshold, the trust shall file a written report with the office of the state treasurer, the

205 department, the chairs of the house and senate committees on ways and means and the house and  
206 senate chairs of the joint committee on the environment, natural resources and agriculture, not  
207 later than January 1 of that fiscal year, explaining the reasons why the 80 per cent threshold will  
208 not be satisfied in that year.

209 (h) With respect to projects appearing on the department's intended use plan for calendar  
210 year 2016 and subsequent years: (i) the board shall not commit contract assistance to provide for  
211 the additional subsidy or other form of financial assistance referred to in subsections (c), (d) or  
212 (e) to any local governmental unit unless it has established a sewer enterprise fund or water  
213 enterprise fund, as applicable, under section 53F1/2 of chapter 44, or in lieu of the applicable  
214 enterprise fund has established a separate restricted account that is the equivalent of such fund;  
215 and (ii) any local government unit that transfers or otherwise uses money from its enterprise fund  
216 or restricted account for its local governmental operating budget, other than to pay or reimburse,  
217 valid expenses or obligations related to such fund or restricted account, will not be eligible to  
218 seek new commitments of contract assistance to provide for the additional subsidy or other form  
219 of financial assistance referred to in subsections (c), (d) or (e) for a period of 5 years following  
220 the date of such transfer or other use; provided however, this clause shall only apply if the  
221 disqualifying event occurred after January 1, 2015.

222 SECTION 20. Section 6A of said chapter 29C is hereby repealed.

223 SECTION 21. Section 18 of said chapter 29C, as appearing in the 2012 Official Edition,  
224 is hereby amended by striking out subsection (g).

225 SECTION 22. Chapter 40 of the General Laws is hereby amended by inserting after  
226 section 39L the following section:-

227 Section 39M. (a) Notwithstanding chapter 59 or any other general or special law to the  
228 contrary, any city or town, which accepts this section in accordance with subsection (f), may  
229 impose a water infrastructure surcharge on real property at a rate up to, but not exceeding, 3 per  
230 cent of the real estate tax levy against real property, as determined annually by the board of  
231 assessors. The amount of the surcharge shall not be included in a calculation of total taxes  
232 assessed for purposes of section 21C of said chapter 59.

233 (b) All exemptions and abatements of real property authorized by said chapter 59, or any  
234 other law for which a taxpayer qualifies as eligible, shall not be affected by this section. A  
235 taxpayer receiving an exemption of real property under a clause of section 5 of said chapter 59  
236 specifically listed in section 59 of said chapter 59 shall be exempt from any surcharge on real  
237 property established under this section. The surcharge to be paid by a taxpayer receiving any  
238 other exemption or abatement of tax on real property authorized by said chapter 59 or any other  
239 law shall be reduced in proportion to the amount of such exemption or abatement.



240 (c) Any amount of the surcharge not paid by the due date shall bear interest at the rate per  
241 annum provided in section 57 of said chapter 59.

242 (d) A person claiming an exemption from a surcharge under subsection (b) may apply to  
243 the board of assessors, in writing, on a form approved by the commissioner of revenue, on or  
244 before December 15 of the year to which the tax relates, or 3 months after the date the bill or  
245 notice was sent, whichever is later. Any person aggrieved by a decision of the assessors or by  
246 their failure to act upon such application may appeal, as provided in sections 64 to 65B,  
247 inclusive, of said chapter 59. Applications for exemption under this section shall be open for  
248 inspection only as provided in section 60 of said chapter 59.

249 (e) Notwithstanding section 53 of chapter 44 or any other general or special law to the  
250 contrary, a city or town that accepts this section shall establish a separate account to be known as  
251 the Municipal Water Infrastructure Investment Fund. All monies collected from the surcharge,  
252 under this section, shall be deposited into said fund. The municipal treasurer shall be the  
253 custodian of the fund. The treasurer may invest the monies of the fund in separate accounts in the  
254 manner authorized by sections 55 and 55A of said chapter 44. Any interest earned thereon shall  
255 be credited to and become part of such separate account. The authority to approve expenditures  
256 from the fund shall be limited to the local legislative body and the municipal treasurer shall pay  
257 such expenses in accordance with chapter 41. The expenditures of revenues from the fund shall  
258 be exclusively used for maintenance, improvements and investments to municipal drinking,  
259 wastewater and stormwater infrastructure assets.

260 (f) This section shall only take effect in a city or town upon the approval of the legislative  
261 body and the acceptance of the voters of a city or town on a ballot question at the next regular  
262 municipal or state election; provided, however, that this section shall take effect on July 1 of the  
263 fiscal year after such acceptance or a later fiscal year as the city or town may designate.

264 (g) Upon acceptance of this section and upon the assessors' warrant to the tax collector,  
265 the accepted surcharge shall be imposed.

266 (h) After receipt of the warrant, the tax collector shall collect the surcharge in the amount  
267 and according to the computation specified in the warrant and shall pay the amounts so collected,  
268 quarterly or semi-annually, according to the schedule for collection of property taxes for the tax  
269 on real property, to the city's or town's treasurer. The tax collector shall cause appropriate books  
270 and accounts to be kept with respect to the surcharge, which shall be subject to public  
271 examination upon reasonable request.

272 (i) The remedies provided by chapter 60 for the collection of taxes upon real estate shall  
273 apply to the surcharge on real property pursuant to this section.

274 (j) A city or town that has accepted this section may revoke its acceptance, or amend the  
275 amount of the surcharge, in the manner outlined in subsection (f); provided, however, that it may

276 not amend the applicable surcharge rate more often than once in any 12 month period. Any  
277 monies remaining in the fund upon revocation shall be expended in a manner consistent with this  
278 section.

279 SECTION 23. Section 12A of chapter 132A of the General Laws, as appearing in the  
280 2012 Official Edition, is hereby amended by striking out, in line 1 the words “twelve B to sixteen  
281 E, inclusive, and section eighteen” and inserting in place thereof the following words:- 12B to  
282 16J, inclusive and section 18.

283 SECTION 24. Section 12B of said chapter 132A, as so appearing, is hereby amended by  
284 inserting after the definition of “Adjudicatory hearing” the following definition: -

285 “Advanced treatment”, enhanced physical, chemical or biological treatments that are used  
286 in part to remove nutrients including nitrogen or phosphorus.

287 SECTION 25. Said section 12B of said chapter 132A, as so appearing, is hereby further  
288 amended by striking out, in line 7, the words “alternative forms” and inserting in place thereof  
289 the following words:- any form.

290 SECTION 26. Said section 12B of said chapter 132A, as so appearing, is hereby further  
291 amended by striking out, in line 8, the word “variance” and inserting in place thereof the  
292 following words:- new or modified discharge.

293 SECTION 27. Said section 12B of said chapter 132A, as so appearing, is hereby further  
294 amended by inserting after the definition of “Coastal embayment” the following 2 definitions:-

295 “Comprehensive Wastewater Management Plan” or “CWMP”, a municipal or regional  
296 study, conducted in accordance with appropriate department of environmental protection  
297 guidance, regulations and policies, which evaluates alternatives and recommends an appropriate  
298 implementation strategy to properly manage wastewater in order to provide protection for the  
299 public health and safety and the environment, including, water quality standards and TMDLs, if  
300 any TMDLs exist.

301 “Department”, the department of environmental protection.

302 SECTION 28. Said section 12B of said chapter 132A, as so appearing, is hereby further  
303 amended by inserting after the definition of “Facilities plan” the following 2 definitions:-

304 “Modified discharge”, an increase in volume or change in location of an existing  
305 discharge from a publicly owned treatment works or combined sewer system.

306 “New discharge”, a discharge from a publicly owned treatment works not approved under  
307 the act prior to February 1, 2014 nor authorized by the appropriate federal and state agencies  
308 prior to February 1, 2014.

309 SECTION 29. Said section 12B of said chapter 132A, as so appearing, is hereby further  
310 amended by striking out the definitions of "Proposed discharge" and "Publicly owned treatment  
311 plant" and inserting in place thereof the following 2 definitions:-

312 "Publicly owned treatment works" or "POTW", a sewage or septage treatment plant  
313 owned by a public entity.

314 "Total maximum daily load" or "TMDL", the sum of a receiving water's individual waste  
315 load allocations and load allocations and natural background, which, together with a margin of  
316 safety that takes into account any lack of knowledge concerning the relationship between  
317 effluent limitations and water quality, represents the maximum amount of a pollutant that a  
318 waterbody can receive and still meet water quality standards in all seasons.

319 SECTION 30. Section 12C of said chapter 132A, as so appearing, is hereby amended by  
320 striking out, in line 1, the word "The" and inserting in place thereof the words:- Unless otherwise  
321 specified in this chapter, the.

322 SECTION 31. Said section 12C of said chapter 132A, as so appearing, is hereby further  
323 amended by inserting after the word "programs", in line 4, the following words:- and agencies  
324 responsible.

325 SECTION 32. Section 15 of said chapter 132A, as so appearing, is hereby amended by  
326 inserting after the word "wastes", in line 28, the following words:- provided, however, that the  
327 department may approve a new or modified discharge of municipal wastewater from a POTW in  
328 accordance with section 16G;

329 SECTION 33. Section 16 of said chapter 132A, as so appearing, is hereby amended by  
330 striking out, in lines 21 and 22, 23 and 24 and 27, the words "twelve B to sixteen F, inclusive,  
331 and said section eighteen" each time they appear and inserting in place thereof, in each instance,  
332 the following words:- 12B to 16K, inclusive and section 18.

333 SECTION 34. The second paragraph of said section 16 of said chapter 132A, as so  
334 appearing, is hereby amended by striking out the first sentence and inserting in place thereof the  
335 following sentence:- Notwithstanding any general or special law to the contrary, municipal  
336 wastewater treatment facilities may discharge into the ocean sanctuary if the discharge is  
337 approved under section 16G and approved and licensed by the appropriate federal and state  
338 agencies.

339 SECTION 35. Sections 16A to 16F, inclusive, of said chapter 132A are hereby repealed.

340 SECTION 36. Said chapter 132A is hereby amended by inserting after section 16 the  
341 following 5 sections:-

342 Section 16G. The department may approve a new or modified discharge of wastewater  
343 from a POTW to an ocean sanctuary only when clauses 1 through 10, inclusive, are met.

344 (1) The new or modified discharge shall be consistent with the intent and purpose of the  
345 act. Any discharge shall meet the water quality standards of the receiving water body and the  
346 standards of the act to protect the appearance, ecology and marine resources of the waters of the  
347 sanctuary.

348 (2) The new or modified discharge shall meet the United States Environmental Protection  
349 Agency's approved TMDL, if any, on the receiving water body.

350 (3) The applicant shall have adopted and implemented a plan approved by the department  
351 requiring the pretreatment of all commercial and industrial wastes discharged to the POTW.

352 (4) The applicant shall have adopted and implemented a program for water conservation  
353 according to the guidelines established by the water resources commission.

354 (5) The applicant shall have adopted and implemented a plan, approved by the  
355 department, to control and minimize inflow and infiltration.

356 (6) The applicant shall have adopted and implemented a plan, approved by the  
357 department, to control any combined sewer overflows.

358 (7) The new or modified discharge shall not significantly affect the quality or quantity of  
359 existing or proposed water supplies by reducing ground or surface water replenishment.

360 (8) The new or modified discharge is consistent with the policies and plans of the  
361 Massachusetts coastal zone management program.

362 (9) The new or modified discharge and treatment plans are consistent with all applicable  
363 federal, state and local laws, ordinances, by-laws, rules and regulations protecting the  
364 environment, including but not limited to, the requirements of chapters 21, 91, 130 and 131.

365 (10) The proposed discharge and outfall structure will not adversely impact marine  
366 fisheries or interfere with fishing grounds or the normal operation of fishing vessels.

367 In addition to meeting the requirements in clauses 1 through 10, inclusive, new  
368 discharges in the Cape and Islands Ocean Sanctuary, the Cape Cod Ocean Sanctuary and the  
369 Cape Cod Bay Ocean Sanctuary shall receive advanced treatment, disinfection and such other  
370 treatment to remove nutrients, pathogens or other pollutants to avoid degradation of the ecology,  
371 appearance and marine resources of the designated sanctuary and to meet water quality standards  
372 and any applicable TMDLs. Chlorinated disinfection shall not occur unless it is followed by  
373 dechlorination prior to discharge.

374 Section 16H. Discharges may occur within estuaries or coastal embayments from  
375 facilities designed to abate existing discharges exclusively from combined sewer overflows,  
376 where such facilities have been approved by the division of water pollution control and where  
377 such existing discharges from combined sewer overflows degrade or threaten to degrade the  
378 designated ocean sanctuary. Nothing in this chapter is intended to alter the effect of the previous  
379 exemptions granted under chapter 120 of the acts of 1981 and chapter 369 of the acts of 1984.

380 The seaward boundary of the Plymouth-Kingston Duxbury coastal embayment shall be a  
381 line between Gurnet Point and Rocky Point; provided, however, that no discharge may be  
382 authorized in a depth of water which at mean low tide is less than 30 feet.

383 Section 16I. An application for a new or modified discharge shall, at a minimum, include:

384 (1) a final CWMP approved by the department and a final environmental impact report  
385 and certificate;

386 (2) an evaluation of the receiving water body, including a benthic survey and fish habitat  
387 evaluation;

388 (3) a minimum of 24 months of baseline nutrient related water quality monitoring;

389 (4) development of a site specific hydrodynamic model illustrating tides, bathymetry,  
390 mixing zones and seasonal variations; and

391 (5) a hydrologic evaluation of the aquifer, including evaluation of the effects of the new  
392 or modified discharge on the recharge of the affected aquifer.

393 Section 16J. Upon receipt of an application for a new or modified discharge, the  
394 department shall provide public notice, an opportunity for comment and shall hold a public  
395 hearing on the application. Individual notice shall be provided to all municipalities bordering the  
396 affected sanctuary. Following the public hearing, the department shall prepare a proposed final  
397 decision and provide public notice of the proposed final decision, including individual notice to  
398 any person commenting on the application and to all municipalities bordering the affected  
399 sanctuary. The proposed final decision shall take effect within 30 days of the public notice unless  
400 any person aggrieved by the decision requests an adjudicatory hearing prior to the expiration of  
401 the 30 days. Following an adjudicatory hearing, the commissioner of environmental protection  
402 shall make the final decision and provide notice to all parties. The final decision shall take effect  
403 within 30 days, unless an appeal is taken under section 14 of chapter 30A prior to the expiration  
404 of the 30 days.

405 Section 16K. Any condition adopted by the department in approving a new or modified  
406 discharge shall become a condition of the discharge permit issued by the division of water  
407 pollution control under chapter 21.

408 SECTION 37. Section 18 of said chapter 132A, as appearing in the 2012 Official Edition,  
409 is hereby amended by striking out, in lines 6 and 7, the words “sixteen B through sixteen F” and  
410 inserting in place thereof the following words:- 16G to 16K.

411 SECTION 38. The first paragraph of said section 18 of said chapter 132A, as so  
412 appearing, is hereby further amended by adding the following sentence:- The department shall  
413 establish regulations to the extent needed for the proper administration of the act and to preserve  
414 and protect the appearance, ecology and marine resources of the waters of the sanctuary and  
415 meet the water quality standards and goals of the federal Clean Water Act and Massachusetts  
416 Clean Waters Act.

417 SECTION 39. Said section 18 of said chapter 132A, as so appearing, is hereby further  
418 amended by inserting after the word “permit”, in line 14, the following words:- , approval,  
419 certificate.

420 SECTION 40. Said section 18 of said chapter 132A, as so appearing, is hereby further  
421 amended by inserting after the word “licenses”, in line 20, the following words:- or on  
422 department permits or approvals of new or modified discharges of wastewater from POTWs.

423 SECTION 41. Sections 26 and 27 of chapter 203 of the acts of 1992 are hereby repealed.

424 SECTION 42. Section 14 of chapter 33 of the acts of 1998 is hereby amended by striking  
425 out section 14 and inserting in place thereof the following section:-

426 Section 14. All contracts made by the board of sewer commissioners shall be made in the  
427 name of the district and shall be signed by the board of sewer commissioners. The board of  
428 sewer commissioners may acquire, merge, consolidate, partner, combine, organize, reorganize,  
429 associate or otherwise join together or act in concert with any municipality, district,  
430 governmental unit or any other form of governmental body, company or other entity under any  
431 form of agreement, contract, compact, consent or accord, including, without limitation, an  
432 intermunicipal agreement under section 4A of chapter 40 of the General Laws, for any and all  
433 purposes which would further the interest of the inhabitants of the district, as those interests may  
434 be determined by the board of sewer commissioners.

435 SECTION 43. Section 420 of chapter 194 of the acts of 1998 is hereby amended by  
436 striking out, in line 2, the words “water pollution abatement trust” and inserting in place thereof  
437 the following words:- Massachusetts Clean Water Trust.

438 SECTION 44. Said section 420 of said chapter 194 is hereby further amended by  
439 inserting in line 3, after the word “projects”, the words “or drinking water projects”.

440 SECTION 45. Said section 420 of said chapter 194 is hereby further amended by striking  
441 out, in line 11, the words “or section 6A”.

442 SECTION 46. Said section 420 of said chapter 194 is hereby further amended by striking  
443 out, in lines 13 to 16, inclusive, the words “or said section 6A; provided, however, that the total  
444 amount of contract assistance paid by the commonwealth over the life of such loan shall not  
445 exceed the amount of contract assistance that would have been paid if such loan had been made  
446 for a 20-year period”.

447 SECTION 47. Section 32 of chapter 312 of the acts of 2008 is hereby amended by  
448 striking out, in line 7, the words “or section 6A”.

449 SECTION 48. Notwithstanding any general or special law to the contrary, in order to  
450 assist communities in complying with applicable federal regulations, within 1 year after the  
451 release of sustainability criteria as determined by the Environmental Protection Agency as  
452 required by the 2014 reauthorization of the Clean Water Act, the board of the Massachusetts  
453 Clean Water Trust established in chapter 29C of the General Laws, in consultation with the  
454 division of local services within the department of revenue, established in section 1 of chapter 14  
455 of the General Laws, and with input from a stakeholder group, including representatives of  
456 municipal and district drinking water, wastewater and stormwater systems, financial managers of  
457 such systems and environmental organizations, shall establish and publish guidelines for best  
458 management practices in water management. These guidelines shall include, but not be limited  
459 to, the practice of full cost pricing, including which direct and indirect costs shall be included in  
460 full cost pricing, sound financial management, the use and protection of enterprise funds, the  
461 coordination of intra-municipal and intermunicipal projects involving inter-related infrastructure  
462 to reduce project costs, the adoption of an asset management plan and a plan for leak mitigation.  
463 The demonstration of adoption of these best management practices shall be considered favorably  
464 in decisions about wastewater and drinking water project funding made under that chapter.

465 SECTION 49. Notwithstanding any general or special law to the contrary, nothing in this  
466 act is intended to, or shall be construed to, affect in any way the existing commitments of  
467 contract assistance or other amounts heretofore provided by the Water Pollution Abatement Trust  
468 under general or special law. All agreements and obligations heretofore made under sections 6 or  
469 6A, subsection (g) of section 18 or any other provision of chapter 29C of the General Laws,  
470 sections 26 and 27 of chapter 203 of the acts of 1992, section 420 of chapter 194 of the acts of  
471 1998 or any other general or special law shall remain in full force and effect under their terms.

472 SECTION 50. The department of environmental protection shall promulgate regulations  
473 in accordance with this act within 1 year after the release of sustainability criteria as determined  
474 by the Environmental Protection Agency as required by the Water Reform and Development Act  
475 of 2014.