

HOUSE No. 792

The Commonwealth of Massachusetts

PRESENTED BY:

Dylan A. Fernandes and Julian Cyr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing the Blue Communities Program.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>1/17/2023</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>1/27/2023</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/27/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/27/2023</i>
<i>Marc R. Pacheco</i>	<i>Third Bristol and Plymouth</i>	<i>2/3/2023</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>2/3/2023</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/3/2023</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>	<i>2/6/2023</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/8/2023</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>2/16/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/4/2023</i>

HOUSE No. 792

By Representative Fernandes of Falmouth and Senator Cyr, a joint petition (accompanied by bill, House, No. 792) of Dylan A. Fernandes, Julian Cyr and others for legislation to establish a blue communities program to incentivize local action to reduce nutrient pollution and ocean acidification. Environment and Natural Resources.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4102 OF 2021-2022.]

The Commonwealth of Massachusetts

—————
**In the One Hundred and Ninety-Third General Court
(2023-2024)**
—————

An Act establishing the Blue Communities Program.

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

1 SECTION 1. Section 6 of chapter 64H of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by striking out subsection (p) and inserting in place thereof
3 the following subsection:-

4 (p) (1) Sales of livestock and poultry of a kind which ordinarily constitute food for
5 human consumption; (2) sales of feed, including the bags in which the feed is customarily
6 contained, for livestock and poultry of a kind which ordinarily constitute food for human
7 consumption or are to be sold in the regular course of business or for animals produced for
8 research, testing, or other purposes relating to the promotion or maintenance of the health, safety
9 or well being of human beings or animals or for fur-bearing animals, the pelts of which are sold

10 in the regular course of business; and (3) sales of plants, including parts of plants, suitable for
11 planting to produce food for human consumption or when such plants, including parts thereof or
12 the produce thereof, are to be sold in the regular course of business, including such items as seed
13 potatoes, onion sets, asparagus roots, berry plants or bushes, and fruit trees.

14 SECTION 2.

15 (a) Section 1 of chapter 21N of the General Laws, as appearing in the 2020 Official
16 Edition, is hereby amended by inserting after the definition of “Carbon dioxide equivalent” the
17 following definition:-

18 “Coastal waters”, any waters and associated submerged lands of the ocean, including the
19 seabed and subsoil, lying between the coast and the seaward boundary of the commonwealth, as
20 defined in 43 U.S.C. § 1312

21 (b) Said section 1 of chapter 21N of the General Laws, as so appearing, is hereby further
22 amended by inserting after the definition of “Entity” the following definition:-

23 “Eutrophication”, a condition of coastal or freshwaters of having elevated nutrient
24 concentrations

25 (c) Said section 1 of chapter 21N of the General Laws, as so appearing, is hereby further
26 amended by inserting after the definition of “Nature-based solutions” the following three
27 definitions:-

28 “Nutrient dense”, the label which the executive office shall give to fertilizers and liquids
29 that have levels of Nitrogen and Phosphorous the executive office deems too great to be
30 advisable

31 “Nutrient pollution”, excess amounts of nutrients which can lead to eutrophication

32 “Ocean acidification”, the decrease of pH levels in the ocean driven by an increase in
33 carbon dioxide dissolved in the water

34 (d) Said section 1 of chapter 21N of the General Laws, as so appearing, is hereby further
35 amended by inserting after the definition of “Vulnerability assessment” the following definition:-

36 “Watershed”, any defined land area drained by a river or stream, karst system, or system
37 of connecting rivers or streams such that all surface water within the area flows through a single
38 outlet

39 SECTION 3. Chapter 21N of the General Laws, as appearing in the 2020 Official
40 Edition, is hereby amended by adding, after section 11, the following section:-

41 Section 12: The establishment of a blue communities program

42 (a) The executive office shall establish a blue communities program to incentivize
43 local action to reduce nutrient pollution and ocean acidification in the ocean, coastal waters,
44 fresh waters, and watersheds. The program shall provide technical and financial assistance, in the
45 form of grants and loans, to municipalities and other local governmental bodies that qualify as
46 blue communities under this section.

47 (b) The executive office may delegate certain initiatives within the blue communities
48 program to certain executive departments, divisions, or offices, including but not limited to, the
49 department of environmental protection, the division of ecological restoration, the division of
50 marine fisheries, and the office of coastal zone management. The executive office may also
51 integrate certain initiatives within the blue communities program with already existing programs,

52 including but not limited to, the green communities division, the municipal vulnerability
53 preparedness grant program, and municipal recycling programs.

54 (c) To qualify as a blue community, a municipality or other local governmental body
55 shall:

56 (1) file an application in a form and manner to be prescribed by the executive office;

57 (2) adopt five of the following nine initiatives:

58 (i) a liquid hazardous waste program which advertises detergents, cleaning products,
59 and other hazardous or nutrient-dense liquids that cannot safely be thrown away, flushed, or
60 poured down drains and annually collects and properly disposes of such liquids;

61 (ii) the model groundwater protection regulation proposed by the department of
62 environmental protection or a similar impervious surface zoning bylaw that limits the total area
63 of land covered by impervious surfaces to reduce runoff, particularly in areas closest to coastal
64 waters;

65 (iii) a rain barrel program which incentivizes and coordinates the implementation of
66 residential rain barrels to collect rainwater and prevent excess runoff;

67 (iv) a shell collection system for local businesses to return carbonate-containing shells
68 to the ocean;

69 (v) a shellfish or seaweed regenerative ocean farming operation or shellfish or
70 seaweed restoration project approved by the executive office;

71 (vi) a water quality monitoring system that must include, but is not limited to,
72 monitoring levels of pH, phosphorus, and nitrogen;

73 (vii) a plan to eliminate municipal owned sanitary sewer or combined sewer overflows;

74 (viii) a fertilizer bylaw and lawns program that restricts fertilizer use on grass, educates
75 the public and business-owners on proper lawn care to minimize adverse impacts to coastal
76 waters, and provides contact information for certified professionals to assist in the
77 implementation of these goals; and

78 (ix) a stormwater utility program to fund upgrades to stormwater infrastructure.

79 (3) develop a blue community plan that (a) prioritizes implementation in
80 environmental justice communities and (b) outlines specific metrics for each implemented
81 initiative, to be determined by the executive office; and

82 (4) report the expenditures and results of their blue community plan to the executive
83 office and to the joint committee on environment, natural resources, and agriculture every two
84 years from the date the application is approved by the executive office.

85 (d) The executive office shall establish a fund to be known as the Blue Communities
86 Fund, which shall be used to finance this program and all or a portion of the costs of studying,
87 designing, constructing, and implementing ocean acidification mitigation programs. The
88 executive office may integrate this fund with the Global Warming Solutions Trust Fund
89 established in section 3 of chapter 209 of the acts of 2018. Funds shall be appropriated annually
90 by the state and include, among other sources, monies obtained from:

91 (1) offshore wind contributions;

92 (2) cap-and-invest programs within the commonwealth;

93 (3) sales tax on fertilizers; and

94 (4) other sources of revenue related to carbon reduction, the fishing industry,
95 environmental protection and mitigation and ocean acidification.

96 (e) The executive office shall be responsible for the administration and oversight of
97 the blue communities program, including by:

98 (1) adopting rules, regulations and guidelines for the administration and enforcement
99 of this section, including, but not limited to, establishing applicant criteria, detailing operations
100 and requirements of the programs in section (b), funding priority, and application forms and
101 procedures;

102 (2) adopting a structure for communities to receive funding that gives greater
103 amounts of funding to communities that adopt a greater number of initiatives; and

104 (3) submitting an annual report by September 1 to the clerks of the senate and the
105 house of representatives detailing expenditures and results relative to the blue communities
106 program.