

HOUSE No. 2046

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Relative to Pollution Health Effects Mitigation..

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. Chapter 111 of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by inserting after section 142O the following section: -

3 Section 142P. (a) There shall be a Pollution Public Health Effects Mitigation Trust Fund
4 to support research and education regarding the health impacts of pollution on citizens of the
5 Commonwealth of Massachusetts. The fund shall be administered by the commissioner of the
6 department of public health. Expenditures from the fund shall be only for the purposes set forth
7 in subsection (d).

8 (b) Revenues credited to the fund shall be from the following sources:

9 (1) funds appropriated by the general court;

10 (2) funds received from federal, state or other sources for the purpose of evaluating the
11 health impacts of pollution;

12 (3) costs recovered or otherwise received from parties responsible for violating the terms
13 of any valid air emissions permit;

(4) fees imposed pursuant to subsection (c); and

(5) interest earned on any monies in the fund.

(c) (1) A pollution mitigation fee in an amount not exceeding \$.0002 cents for each pound of any air pollutant emitted by any facility. The fee shall be remitted to the department of revenue on the thirtieth day of each month based on the amount of air pollutants emitted during the preceding month.

(2) An owner of a facility shall be liable for the fee until it has been paid to the commonwealth.

(3) All fees collected pursuant to this section shall be deposited in the fund and shall be disbursed for the purposes set forth in subsection (d). The state treasurer shall not deposit or transfer revenues generated pursuant to subsection (b) to the General Fund or any other fund other than the Pollution Public Health Effects Mitigation Trust Fund.

(4) The commissioner of the department of public health shall set the amount of the pollution public health mitigation fee, which shall be not less than .0001 cents for each pound of any air pollutant emitted by each facility.

(d) The commissioner of the department of public health shall use money from the fund:

(1) to provide funds for the study of the public health impacts from air pollutants, including but not limited to acute local impacts such as asthma, upper respiratory conditions or premature death; such research or studies may be conducted by the department or by a qualified independent medical or public health expert, organization or educational institution;

34 (2) to educate the public in the vicinity of any existing or proposed facility regarding the
35 actual or potential health impacts associated with air pollutants emitted by such facilities;

36 (3) to provide funds for research regarding methods or technologies for mitigating health
37 impacts associated with the emission of air pollutants; and

38 (4) reasonable administrative and personnel expenses related to the administration of the
39 fund and enforcement of this chapter.

40 (e) (1) The commissioner of the department of public health shall administer the fund in
41 accordance with this chapter.

42 (2) The department of public health shall develop procedures governing the expenditure
43 of, and accounting for, money expended from the fund.

44 (3) The commissioner shall ensure that there are adequate moneys available in the fund to
45 carry out this chapter.

46 (4) The department shall maintain accounting records showing the income and expenses
47 of the fund.