HOUSE DOCKET, NO. 3054 FILED ON: 1/20/2023

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:
Dylan A. Fernandes	*Barnstable, Dukes and Nantucket*	*1/20/2023*
Julian Cyr	*Cape and Islands*	*1/27/2023*
Angelo J. Puppolo, Jr.	*12th Hampden*	*1/27/2023*
Lindsay N. Sabadosa	*1st Hampshire*	*1/27/2023*
Marc R. Pacheco	*Third Bristol and Plymouth*	*2/3/2023*
Josh S. Cutler	*6th Plymouth*	*2/3/2023*
Michael O. Moore	*Second Worcester*	*2/3/2023*
Jon Santiago	*9th Suffolk*	*2/6/2023*
Paul McMurtry	*11th Norfolk*	*2/8/2023*
Mathew J. Muratore	*1st Plymouth*	*2/16/2023*
James B. Eldridge	*Middlesex and Worcester*	*3/4/2023*
Tommy Vitolo	*15th Norfolk*	*3/30/2023*

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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:

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

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

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

SECTION 2.

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

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

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

"Eutrophication", a condition of coastal or freshwaters of having elevated nutrient concentrations

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

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

"Nutrient pollution", excess amounts of nutrients which can lead to eutrophication

"Ocean acidification", the decrease of pH levels in the ocean driven by an increase in carbon dioxide dissolved in the water

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

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

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

Section 12: The establishment of a blue communities program

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

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

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

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

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

(2) adopt five of the following nine initiatives:

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

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

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

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

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

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

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

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

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

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

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

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

(1) offshore wind contributions;

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

(3) sales tax on fertilizers; and

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

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

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

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

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