

SENATE No. 543

The Commonwealth of Massachusetts

PRESENTED BY:

Susan L. Moran

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 relative to equitable protection of clean water.

PETITION OF:

NAME:

Susan L. Moran

DISTRICT/ADDRESS:

Plymouth and Barnstable

SENATE No. 543

By Ms. Moran, a petition (accompanied by bill, Senate, No. 543) of Susan L. Moran for legislation relative to equitable protection of clean water. Environment and Natural Resources.

The Commonwealth of Massachusetts

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

An Act relative to equitable protection of clean water.

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. (a) For the purposes of this act, the following definitions shall apply:

2 “Department”, the department of environmental protection.

3 “NSA” or “NSAs”, nitrogen-sensitive areas, as designated by the department.

4 (b) Notwithstanding any general or special law to the contrary, the department of
5 environmental protection shall not require existing septic systems regulated under Title 5 of the
6 environmental code to be upgraded to incorporate Best Available Nitrogen Reducing
7 Technology unless and until:

8 (1) the department has approved for general use one or more systems that reliably achieve
9 nitrogen reductions below 10 mg/l;

10 (2) the department certifies that a remote monitoring technology is available and
11 affordable for general use;

12 (3) a regional Responsible Management Entity has been established and is available to
13 affected municipalities; and

14 (4) the property in question is sold or the septic system on the property must be replaced.

15 (c) Any municipality with a Comprehensive Wastewater Management Plan (CWMP) or
16 Targeted Watershed Management Plan (TWMP) approved through the Massachusetts
17 Environmental Policy Act Office review process which sets forth the municipality's
18 implementation plan to address nitrogen reductions in its nitrogen-sensitive areas shall be
19 considered to be in compliance with Title 5 of the state environmental code and shall not need to
20 obtain a Watershed Permit for the duration of said plan.

21 (d) Any municipality within which two or more NSAs are located for which there are no
22 approved Comprehensive Wastewater Management Plans or Targeted Watershed Management
23 Plans shall be eligible to apply for a Watershed Permit that encompasses more than one NSA.
24 The department shall evaluate such application without prejudice and evaluate such an
25 application on the same merits as applications for Watershed Permits encompassing a single
26 NSA.

27 (e) Any municipality that has achieved at least 75% of the required nitrogen reductions
28 for a certain NSA, as determined by the Massachusetts Estuaries Project's present watershed and
29 target threshold watershed loads shall be considered to be in compliance with Title 5 of the state
30 environmental code and shall not be required to obtain a Watershed Permit for that NSA. The
31 department may require documentation of such reductions from the municipality.

32 (f) No Watershed Permit shall require annual reporting, but the department may impose a
33 quinquennial reporting requirement. Any time frame for achieving 75% of nitrogen reduction in

34 a NSA may be extended to 30 years at the request of the municipality, provided that the town can
35 show reasonable progress toward the 75% goal.

36 SECTION 2. Chapter 29C of the General Laws is hereby amended by inserting, after
37 section 20, the following section:-

38 Section 21. Watershed Management Loan Program

39 There shall be a watershed management loan program administered by the department of
40 environmental protection. The program shall offer zero-interest loans to eligible loan applicants.

41 Eligible loan applicants shall be municipalities in which there exist any nitrogen sensitive
42 areas, as designated by the department of environmental protection.

43 Eligible loan applicants may apply for multiple loans under this program, provided,
44 however, that a loan applicant may not apply for more than 15 loans.

45 Funding distributed pursuant to this section shall not exceed 250 thousand dollars per
46 loan.

47 The terms of repayment for loans distributed pursuant to this section shall not be less than
48 50 years from the date of disbursement of the loan funding. In the event that a loan applicant
49 secures multiple loans from the department of environmental protection, the date due for full
50 repayment of any loan shall not be within 20 years of any other date due for full repayment of
51 another loan.

52 The department shall give preference to loan applicants with more nitrogen sensitive
53 areas within the borders of the municipality, in the case of limited available funds.

The department shall promulgate regulations for the administration of this section.