

HOUSE No. 3999

The Commonwealth of Massachusetts

PRESENTED BY:

Kip A. Diggs

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 establishing accountability for stormwater runoff mitigation and watershed restoration.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kip A. Diggs</i>	<i>2nd Barnstable</i>	<i>1/16/2025</i>

HOUSE No. 3999

By Representative Diggs of Barnstable, a petition (accompanied by bill, House, No. 3999) of Kip A. Diggs that the Massachusetts Department of Transportation be authorized to establish a program to mitigate roadway stormwater runoff and contribute to watershed restoration efforts. Transportation.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to establishing accountability for stormwater runoff mitigation and watershed restoration.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to address watershed restoration in the Commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 29 of the General Laws is hereby amended by inserting, after
2 Section 2JJJJJ, the following section:-

3 Section 2KKKKKK. (a) There shall be established and set up on the books of the
4 commonwealth a separate fund, to be known as the Transportation Stormwater Runoff
5 Mitigation and Watershed Restoration Fund. It shall consist of amounts credited to the fund in
6 accordance with this section. The secretary of the Massachusetts Department of Transportation
7 shall be the custodian of the fund.

(b) The fund shall consist of: (i) a portion of permitting fees collected by the Massachusetts Department of Transportation for roadway and highway projects pursuant to section 16H of chapter 83; (ii) contributions from state and federal grants focused on water quality and infrastructure improvement; (iii) revenue from Massachusetts Department of Transportation's capital budget specific to environmental mitigation; (iv) revenue from appropriations or other money authorized by the general court and specifically designated to be credited to the fund; and (v) interest earned on money in the fund. Amounts credited to the fund shall not be subject to further appropriation and any money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

(c) Money in the fund shall be expended to carry out the goals of the comprehensive program established in section 16H of chapter 83 to mitigate roadway stormwater runoff and contribute to watershed restoration efforts in the commonwealth.

(d) The Massachusetts Department of Transportation shall annually, not later than December 31, report on the activity of the fund to the: (i) chairs of the joint committee on environment and natural resources; (ii) chairs of the joint committee on transportation; (iii) house and senate committees on ways and means; and (iv) clerks of the house of representatives and senate.

SECTION 2. Chapter 83 of the General Laws is hereby amended by inserting, after section 16G, the following section:-

Section 16H. (a) For the purposes of this section, the following terms shall, unless the context clearly requires otherwise, have the following meanings:

"Department", the Massachusetts Department of Transportation.

“Passive treatment mechanisms”, structures or systems that use natural or engineered processes to filter and treat stormwater runoff, including but not limited to vegetated swales, retention basins, mechanical drain apparatuses and constructed wetlands.

“Stormwater runoff”, precipitation, snowmelt or surface drainage that flows off roadways, highways and associated infrastructure, carrying pollutants into nearby water bodies.

“Watershed restoration”, actions taken to restore water quality, ecological balance and resilience within a defined watershed area.

(b) The department shall implement a comprehensive program to mitigate roadway stormwater runoff and contribute to watershed restoration efforts. This section shall align with the watershed permit requirements and environmental standards set by the department of environmental protection and ensure compliance with watershed permits established under section 40 of chapter 131.

(c) The department shall establish requirements for this section including: (i) conducting a statewide assessment of all highway and roadway culverts, stormwater drainage systems and discharge points impacting impaired water bodies; (ii) developing and implementing a prioritized plan for retrofitting existing infrastructure with passive treatment mechanisms, focusing on watersheds designated as sensitive or impaired by the department of environmental protection; (iii) allocating a percentage of permitting fees collected for roadway construction projects and other roadway-related activities to fund this program; and (iv) collaborating with municipalities and regional planning agencies to ensure stormwater mitigation efforts complement existing watershed permits and restoration plans.

(d) This section shall be funded by the Transportation Stormwater Runoff Mitigation and Watershed Restoration Fund established in section 2KKKKKK of chapter 29.

(e) The department shall prepare an annual report on the program established in this section that shall include: (i) the number and locations of retrofitted stormwater systems; (ii) improvements made in water quality and reductions in pollutant loads; (iii) all financial expenditures and sources of funding; and (iv) any recommendations for program improvements and expansions. The annual report shall be submitted, not later than December 31, to the: commissioner of the department of environmental protection; chairs of the joint committee on environment and natural resources; chairs of the joint committee on transportation; and clerks of the house of representatives and senate.

(f) The department shall, pursuant to chapter 30A, promulgate rules and regulations to implement the provisions of this section within 12 months of its effective date. The program established in this section shall commence operations no later than 18 months after its effective date.