

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Paul W. Mark

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 healthy soil performance guidelines.

PETITION OF:

NAME:

Paul W. Mark

DISTRICT/ADDRESS:

*Berkshire, Hampden, Franklin and
Hampshire*

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act establishing healthy soil performance guidelines.

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 128 of the General Laws, as appearing in the 2022 Official Edition,
2 is hereby amended by inserting after Section 124 the following section:-

3 Section 125. The department shall promulgate regulations relative to post-construction
4 soil performance guidelines that shall include but not be limited to soil depth and quality, carbon
5 storage capacity, storm water runoff, water quality, fertilizer and nutrient input mitigation, and
6 compaction or infiltration capacity. The department may limit the scope of those regulations
7 regionally as appropriate. The department shall work in conjunction with the University of
8 Massachusetts Amherst Extension to ensure any regulations of the department relative to soil
9 guidelines are consistent with the program’s published information, educational materials and
10 other public outreach programs. Said regulations shall also be consistent with healthy soils
11 practices, as defined by Section 7A of Chapter 128.

12 The department may establish fines for violations of regulations promulgated under this
13 subsection which shall not exceed \$250 for a first offense, \$500 for a second offense and \$1000

14 for a third or subsequent offense. A person aggrieved by the assessment of a fine under this
15 subsection may appeal that fine by filing a notice of appeal with the division of administrative
16 law appeals within 10 days of the receipt of the notice of the fine. An appellant shall be granted a
17 hearing before the division of administrative law appeals under chapter 30A. The hearing officer
18 may affirm or, if the aggrieved person demonstrates by a preponderance of evidence that the fine
19 was erroneously issued, vacate or modify the fine. A person aggrieved by a decision of the
20 hearing officer may file an appeal in the superior court under said chapter 30A.

21 SECTION 2. Section 64 of said Chapter 128, as so appearing, is hereby amended by
22 striking the definition of “Lawn” and inserting after the definition of “Fertilizer material”, the
23 following new definitions:-

24 “Functional turf”, turf that is located on private property or on recreational use areas or
25 other space that is regularly used for civic, community, or recreational purposes which may
26 include but not be limited to residential lawns, playgrounds, sports fields, parks, golf courses,
27 picnic grounds, cemeteries and amphitheaters.

28 “Utility turf”, turf that is established primarily to fulfill ecological or practical functions
29 which may include but not be limited to stabilizing soil, preventing erosion from wind or water,
30 sequestering carbon, mitigating heat island effect, vegetative buffer strips from watersheds
31 capturing and filtering urban pollutants and for community planning and safety purposes.

32 And, by inserting after the definition of “Ton”, the following definition:-

33 “Turf”, a natural living ground cover that produces a dense canopy of contiguous plant
34 coverage and an interconnected subsurface root network comprised of any of the grass plants of

- 35 the Poaceae family or living plants in other taxa serving a similar purpose as often found in
- 36 lawns and commercial green spaces.