

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Dylan A. Fernandes

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:

Dylan A. Fernandes

DISTRICT/ADDRESS:

Plymouth and Barnstable

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 792 OF 2023-2024.]

The Commonwealth of Massachusetts

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

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:

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

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

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

9 “Eutrophication”, a condition of coastal or freshwaters of having elevated nutrient
10 concentrations.

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

14 “Nutrient dense”, the label which the executive office shall give to fertilizers and liquids
15 that have levels of nitrogen and Phosphorus the executive office deems too great to be advisable.

16 “Nutrient pollution”, excess amounts of nutrients which can lead to eutrophication.

17 “Ocean acidification”, the decrease of pH levels in the ocean driven by an increase in
18 carbon dioxide dissolved in the water.

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

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

24 SECTION 2. Chapter 21N of the General Laws, as appearing in the 2020 Official
25 Edition, is hereby amended by adding, after section 11, the following section:-

26 Section 12: The establishment of a blue communities program

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

32 (b) The executive office may delegate certain initiatives within the blue communities
33 program to certain executive departments, divisions, or offices, including but not limited to, the
34 department of environmental protection, the division of ecological restoration, the division of
35 marine fisheries, and the office of coastal zone management. The executive office may also
36 integrate certain initiatives within the blue communities program with already existing programs,
37 including but not limited to, the green communities division, the municipal vulnerability
38 preparedness grant program, and municipal recycling programs.

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

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

42 (2) adopt five of the following nine initiatives:

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

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

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

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

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

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

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

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

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

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

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

70 (d) The executive office shall establish a fund to be known as the Blue Communities
71 Fund, which shall be used to finance this program and all or a portion of the costs of studying,
72 designing, constructing, and implementing ocean acidification mitigation programs. The

73 executive office may integrate this fund with the Global Warming Solutions Trust Fund
74 established in section 3 of chapter 209 of the acts of 2018. Funds shall be appropriated annually
75 by the state and include, among other sources, monies obtained from:

76 (1) offshore wind contributions;

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

78 (3) sales tax on fertilizers; and

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

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

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

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

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