

## Senate Ways and Means' Environmental Bond Bill Summary

For questions: Norman Abbott ([nabbott@mapc.org](mailto:nabbott@mapc.org)), and  
Georgia Barlow ([gbarlow@mapc.org](mailto:gbarlow@mapc.org))

On April 8<sup>th</sup>, the Senate Committee on Ways and Means favorably reported their version of the Environmental Bond Bill or [S.3050, An Act to Build Resilience for Massachusetts Communities](#). The bill would authorize \$3.64 billion in funding, a \$700 million (24%) increase over the bill the Governor filed last year and a \$1.2 billion (50%) increase over the previous environmental bond bill that was signed into law in 2018. Because both the Joint Committee on Environment and Natural Resources as well as the Joint Committee on Bonding, Capital Expenditures and State Assets reported the bill favorably without making any changes, this is the first time the public will get a sense of the Legislature's broader priorities for the bill.

The bill includes potential investments in a number of new and existing programs as well as outside sections that touch on a wide range of policies. However, because this is a bond bill, funding will need to be allocated by the Administration via future capital plans, which are often released in late June of each year. Those plans create a road map for allocated funding for projects and programs over the next five years.

**What comes next:** The bill will head to the Senate for debate next week. Afterwards it will go over to the House for consideration. After both bodies pass their version of a bill, a conference committee will work to draft a compromise version of the bill that both the House and Senate will need to pass again before the Governor can sign the final bill into law. Additionally, because this is a money bill, the Governor can make line item vetoes to the bill. If the Legislature chooses, they can vote to override any of the Governor's vetoes with support of 2/3rds of each chamber's members.

### Key MAPC Line Items

line item		2018 Environmental Bond Bill	MAPC's Request	Governor's Proposal	SWM's Proposal
2000-7088	<b>Municipal Vulnerability Program.</b> Nonprofits can now receive funding.	\$70 million	\$500 million	\$315 million	\$500 million
2000-7087	<b>Capitalizes the Transfer of Development Rights Program</b>	\$30.4 million	Increase over 2018	\$25 million	\$25 million
2200-7029	<b>Funding to Improve Water Infrastructure and Address PFAS</b>	\$0	\$60 million	\$120 million	\$120 million
0640-1008	<b>Funding for the Drinking Water Revolving Fund -</b>	\$60.3 million	Increase over 2018	\$385 million	\$450 million includes a \$50m earmark for Buzzards Bay
2000-7078	<b>MassTrails</b>	\$25 million	\$100 million	Included in a larger line item	\$50 million

**Key MAPC Policy Provisions**

- **Resilience Revolving Loan Fund** (Section 14): This section is similar to language the Governor included in her bill and it creates a new non-budgetary fund administered by the Mass Clean Water Trust, to provide loans to municipalities and public water and wastewater districts for climate resiliency infrastructure projects. It also allows the fund’s advisory board to issue bonds.
- **Residential Flood Disclosure** (Section 62) This section, which mirrors the Governor’s bill, would require EEA and EOHLC to develop a flood disclosure form to inform prospective purchasers and tenants about the flood risks of residential real property. The document may include information about historical flooding and past damage to the property, whether the property is in a flood plain, and details about flood insurance. It would also ensure that residential leases include information about the National Flood Insurance Program, and that rental insurance does not typically cover flood damage.

**Other Notable Funding**

Line Item	Program	Guv Proposed (Millions)	SWM Proposed (Millions)	Funding Office
2000-7086	Dam removal, hazard mitigation for inland flooding and other projects like seawalls, jetties and nature-base solutions	\$93.5	\$93.5	Executive Office
2000-7083	Coastal infrastructure design, construction, acquisition, reconstruction, rehabilitation, retrofitting, repair or removal	\$200	\$200	Executive Office
2000-7068	Tree planting on public and private lands	\$10	\$10	Executive Office
2000-7082	Grants for natural resource conservation and open space preservation and parks, ( <i>MassTrails grants included in this line item in Guv proposal, separate in SWM.</i> )	\$120	\$125.5 <i>\$5.5m earmarked for the Healthy Soils Program</i>	Executive Office
2000-7087	For land acquisition	\$85	\$85 <i>\$25m earmarked to capitalize the Transfer of Development Rights Revolving Fund</i>	Executive Office
2000-7090	For the construction of thermal infrastructure boreholes on publicly owned land.	\$0	\$15	Executive Office
2511-0124	Food Security Grant Program	\$125	\$130	MDAR
2200-7026	Hazardous Material Clean Up	\$42	\$42	DEP
2200-7027	Capital investments in air, water, and land resource protection, climate adaptation and decarbonization	\$27.8	\$27.8	DEP
2200-7028	Solid waste facility closure, monitoring and clean up	\$28.1	\$28.1	DEP

2840-7028	Planning, construction, repair, and/or removal of DCR Properties	\$587.3	\$612.37 <i>\$25m earmarked for wastewater treatment at King's Beach in Lynn</i>	DCR
2890-7036	Planning, construction, repair, and/or removal of DCR Roadways	\$176.6	\$176.6	DCR
2800-7026	Dam removal and maintenance	\$308	\$428 <i>\$120m earmarked for the Amelia Earhart Dam</i>	DCR
2800-1123	DCR land acquisition	\$40	\$40	DCR
2800-7024	Forestry Funding with preference given to areas with heat islands	\$20	\$20	DCR
2300-7031	Ecological restoration capital programs	\$40	\$95 <i>\$50m earmarked for flood mitigation in CT River Valley and \$5m for Assawompset Pond Complex</i>	Fish & Game
1100-2524	Grants to municipalities, RPAs and others for capital investments in climate mitigation	\$50	\$50	Treasurer
7004-4785	For the Mass Housing Finance Agency to capitalize a residential production momentum fund	\$50	\$50	EOHLC

#### New Policies of Note

- **Quabbin Host Community Trust Fund** (Section 3): This new fund, overseen by EEA, will be used to support public safety and the development of municipalities within the Quabbin watershed.
- **Post Consumer Paint Stewardship Program** (Section 11): Establishes requirements that manufacturers submit a stewardship program for postconsumer paint stewardship program plan. The program must be implemented six months after the program is approved. Manufacturers must submit a report each year detailing the results of the program. It also creates a trust fund to administer the program.
- **Massachusetts Plastics Reduction Act** (Section 12): Includes language from existing legislation that would require that:
  - o Retailers only provide carryout bags that are made of recycled paper or a reusable bag. Customers can be charged 10 cents per bag, with 5 cents going to DOR. This money will help fund the Plastics Environmental Protection Fund (Section 12).
  - o The state is barred from procuring single use water bottles that are less than 21 ounces.
  - o The state creates a program to recycle bulk plastic materials.
- **Water Utilities Reports** (Section 13): Adds language that requires water utilities to file quarterly reports with EEA regarding customer service data. Reports will include the number of customers served, the number of disconnections for nonpayment, and other related information.

- **Plastics Environmental Protection Fund** (Section 14): Creates a Plastics Environmental Protection Fund overseen by DEP. The fund can be used to:
  - o Improve the air, water, soil or other environmental conditions for low- and moderate-income communities;
  - o Provide reusable bags at no-cost to low- and moderate-income communities and individuals;
  - o Issue grants to small businesses to assist in the reduction of plastic use within each business;
  - o Provide multilingual, culturally competent educational materials and programming on bag reuse and recycling and other aspects of environmental protection.
- **Labeling Disposable Wipes** (Section 43 and 68): Requires that disposable wipes be labeled with “do not flush” and creates a penalty for that language not being included.
- **Buzzards Bay Watershed Commission** (Section 72): Creates a commission to study revenue sources for essential wastewater infrastructure improvements in the Buzzards Bay watershed area.
- **Definition of Priority Housing** (Section 77): This version of the bill includes a definition of priority housing projects that would occur near coastal areas including being adequately served by utilities, near multiple modes of transportation, and energy efficient. EEA and DEP will be consulted on the development of these regulations.

#### Notable Similarities to S.2542

- **Massachusetts Food Policy Council Seats** (Section 5 -6): Increases the number of seats from 18 to 20 on the Council. One of these seats will be the Director of the Division of Marine Fisheries or a designee and the director of the UMass Center for Agriculture, Food and the Environment or a designee.
- **DCR Stewardship Council** (Section 7): Directs the Council and DCR Commissioner to consider certain DCR lands for potential designation and long-term passive management as a forest reserve as long as it helps contribute the state’s climate mitigation strategy, enhances climate resiliency, or provides opportunities for compatible outdoor recreations opportunities, among other requirements.
- **Resilience Revolving Loan Fund** (Section 14): Creates a new non-budgetary fund, administered by the Mass Clean Water Trust, to provide loans to municipalities and public water and wastewater districts for climate resiliency infrastructure projects. It also allows the fund’s advisory board to issue bonds.
- **Historic Connecticut River Water Trail** (Section 14): Creates an Historic Connecticut River Water Trail Marking Fund to be overseen by EEA to support the maintenance of the trail.
- **Priority Housing** (Section 16): Allows the secretary of EOHLC to establish priority housing projects that do not require environmental impact reports. Minor changes are made to this language from what the Governor filed in her bill.
- **DCR Right of First Refusal** (Section 20 and 24): Gives DCR the right of first refusal to purchase certain forest and recreational land that will potentially be converted for industrial or commercial use.

- **MDAR Right of First Refusal** (Section 22): Gives MDAR the right of first refusal to purchase certain agricultural land that will potentially be converted for industrial or commercial use.
- **Expedited Decision Making** (Sections 25 – 32 and 36): Allows the Governor’s designee to make certain decisions related to certain water adjacent permitting and licensing issues.
- **Chapter 91 Waterways General License Permits** (Section 35): Introduces a new system that aims to streamline the approval process for projects that previously required individual waterways licenses. The general license permit system would apply to housing, marsh restoration, culvert replacements, and invasive vegetation removal in tidelands, ponds, rivers, and streams, among others. Language was added to also include nature-based solutions.
- **Great Ponds Access** (Section 37): Amends the definition of great ponds asserting that the State owns the waters or land below the low water line of a great pond in perpetuity. It also allows the general public to travel between high and low water lines without being charged with trespassing.
- **Sewer & Water Infrastructure Right of Way** (Section 41 and 42): Allows DCR to grant sewer and water infrastructure access to municipalities, sewer and water authorities rights to build sewer, drain, and water supply infrastructure in their rights of way.
- **Waste Facility Access** (Section 44) Allows DEP staff to enter any solid waste disposal facilities without a warrant to investigate, sample or inspect any records, condition, equipment, practice or property relating to activities subject to this section, and may at any time enter such premises for the purpose of protecting the public health or safety, or to prevent damage to the environment.
- **Division of Fish and Wildlife Lands** (Section 48): Allows the Director of the Division of Fisheries and Wildlife to set aside areas under their control as a forest reserve, for the purposes of carbon sequestration, resiliency, outdoor recreation, and/or research purposes.
- **Coastal Construction** (Section 49 – 52): Makes various changes to language governing the removal, fill, dredging or altering of land bordering waters. Changes are primarily to notification of written notice, including adding electronic notification options, language governing failure to hold a hearing and notifying abutters within 1,000 feet of construction instead of 100 feet.
- **BBRS Seats & Responsibilities** (Section 57 – 60) Adds two additional seats to the State Board of Building Regulations and Standards to be appointed by the Governor with expertise in climate risk, climate resiliency and housing development. One of these three seats will replace the seat currently held by an advanced building technology expert. These sections also require the BBRS to address climate impacts for the purposes of reducing exposure and damages to structures and protecting the health, safety and security of the occupants or users of buildings.
- **Residential Flood Disclosure** (Section 62) This section would require EEA and EOHLC to develop a flood disclosure form to inform prospective purchasers and tenants about the flood risks of residential real property. The document may include information about historical flooding and past damage to the property, whether the property is in a flood plain, and details about flood insurance. It would also ensure that residential leases include information about the National Flood Insurance Program, and that rental insurance does not typically cover flood damage.

- **Natural Heritage & Endangered Species Fund Repeal** (Section 65): Removes language that provides DOR with 10% of the Natural Heritage and Endangered Species Fund that comes to the fund via donated tax return.
- **Port Development Commission** (Section 70): Creates a special commission on Commonwealth Port Development to recommend an integrated statewide strategic vision for Massachusetts' ports; a report will be filed 18 months after the bill is signed into law.
- **Connecticut River Valley Commission** (Section 71): Creates a commission on flood risk mitigation and resilience in the Connecticut River Valley. The commission will prepare a plan that identifies and prioritizes regional resilience projects that reduce flood risk in the Connecticut River Valley through 2050. The report will be due 18 months after the bill is signed.
- **Quabbin Payments** (Section 74): Requires MWRA to pay Belchertown, Hardwick, Ludlow, New Salem, Orange, Pelham, Petersham, Phillipston, Shutesbury, Ware and Wendell \$50,000 annually for hosting the Quabbin Reservoir.
- **Resilient Design of Culverts** (section 78): Allows EEA to establish standards and guidance for the design of resilient culverts to expedite the permitting of new municipal or replacement of existing municipal culverts.