

Summary of S.2021

An Act improving drinking water and wastewater infrastructure

The bill combines reform with increased commitments from the Commonwealth to improve our existing partnerships with cities and towns, increase municipal options while incentivizing best management practices and deal sensibly and realistically with the challenges in water and wastewater infrastructure.

Financing and Increased Incentives

- Provides that the Massachusetts Clean Water Trust will be the successor to the Water Pollution Abatement Trust. Increases the contract assistance ceiling from \$88M to \$138M per fiscal year and requires the Massachusetts Clean Water Trust to commit 80% of that limit and report to the legislature in any year that threshold is not satisfied.
- Authorizes low interest financial assistance to local governmental units for water infrastructure projects and establishes criteria for the loan process. Requires the Massachusetts Clean Water Trust to create a sliding scale interest rate, from 0% to 2%, on loans for qualifying projects or systems.
- Requires municipalities to establish sewer or water enterprise funds, or a separate restricted account, prior to receiving subsidies or additional financial assistance (less than 2% loans or principal forgiveness) from the Massachusetts Clean Water Trust for projects appearing on the Department of Environmental Protection's intended use plan for 2016 or after.

Reforms

- Requires the Department of Environmental Protection to promulgate regulations for criteria for additional financial assistance, including principal forgiveness. Gives consideration to projects that:
 - ❖ Are pursuant to a regional wastewater management plan adopted by a regional planning agency
 - ❖ Connect to MWRA or regional entity
 - ❖ Use green infrastructure and/or effectively combine green infrastructure with wastewater infrastructure and drinking water infrastructure projects
 - ❖ Use regional water resources to offset by 100% the impact of local water sources
 - ❖ Are related to disaster or declaration of emergency
 - ❖ Are intended to provide public water supply to consumers whose groundwater or public or private wells are impacted by contamination
 - ❖ Are innovative water projects utilizing new technology
- Requires the Board of the Massachusetts Clean Water Trust, in consultation with the Division of Local Services, and with input from a stakeholder group, to establish and publish guidelines for best management practices in water management.
- Requires that the Department of Environmental Protection, subject to appropriation, administer a matching grant program for communities seeking to join the Massachusetts Water Resources Authority or any other regional system.
- Defines "regional system" as a system established by mutual agreement of two or more municipalities to provide drinking water or wastewater services, or both, through shared facilities, sources or distribution networks.
- Requires the MWRA to consult with the DEP and file a report within 2 years from the date of this act including but not limited to the following: (1) the number of towns that have applied for a matching grant under said

section 31A; (2) the total grant funding awarded by the department under said section 31A; and (3) the change in rates paid by members of the Massachusetts Water Resources Authority, if any.

- Gives the board of sewer commissioners (CHERRY VALLEY SEWER DISTRICT) the authority to join with any other government body, company or entity if the purpose of that furthers the interest of the inhabitants of the district.
- Allows payment to contractors based on the performance or revenues gained from the contracts services, which are aimed at energy and water cost savings. (adds water conservation/water meters/equipment to energy management contracts).
- Provides a city and town by local option, the approval of local body, and a vote at the ballot to levy a water infrastructure surcharge up to 3 percent (based on Community Preservation Act model).

Technical Assistance

- Appropriates \$3,000,000 to the Department of Environmental Protection for planning or technical assistance grants for developing comprehensive water pollution abatement plans, integrated water asset management plans or plans for identifying green infrastructure opportunities.
 - ❖ Raises the cap on the planning grant from \$15,000 to \$30,000.
 - ❖ Includes regional planning agencies with public entities who may apply to the division for a planning or a technical assistance grant.
 - ❖ The division shall give preference to planning and technical grants applied for jointly by two or more public entities.
 - ❖ Requires the department to develop a watershed permitting approach, addressing nitrogen management measures.

System Performance

- Requires the Department of Environmental Protection to promulgate regulations requiring interruption devices on newly installed or renovated irrigation systems. Provides an exemption for irrigation systems operating on agricultural lands. Requires inspection of devices every three years.

Impact Fees

- Authorizes cities and towns to collect reasonable fees to be used exclusively for measures to remedy and offset the impacts on the natural environment of new or increased water withdrawals, sewerage, wastewater discharges, and stormwater discharges and to sustain the quantity, quality, and ecological health of the Commonwealth's waters.
- Gives a city or town the ability to vote on whether to collect the fee. This vote will be done by the city council and approval of the mayor, in a town by a vote of the town meeting or by a vote of a governing body of any water district.
- Provides up to a 25% reduction in the fee for persons who have or will install low flow fixtures
- Establishes the Regional Water Entity Reimbursement Fund to be administered by the State Treasurer to reimburse the Massachusetts Water Resources Authority for its costs in providing cities and towns financial assistance through interest free grants and loans to rehabilitate their water collection systems. (subject to appropriation)
- Provides an equal amount of money for non-MWRA communities in districts for costs incurred to rehabilitate collection systems and reduce inflow infiltration tributary to their respective wastewater treatment facilities.

Green Infrastructure

- Defines Green Infrastructure and give examples of Green Infrastructure Projects
 - ❖ Adds assisting a public entity with the removal, curtailment or mitigation of infiltration and inflow issues as a “Green infrastructure project.” Adds energy and water efficiency and renewable energy as a “Green infrastructure project.”

Nitrogen Removal

- Requires nitrogen removal a prerequisite only for new outfalls in the Cape and Islands Ocean Sanctuary (Buzzards Bay), the Cape Cod Bay Ocean Sanctuary, and the Cape Cod Ocean Sanctuary.
- Provides that the Department of Environmental Protection will continue to maintain their authority under existing regulations to require nitrogen removal in areas outside these ocean sanctuaries if water quality dictates nitrogen removal is required.

Other Provisions

- Amends the Ocean Sanctuaries Act to give towns near coastal embayments an alternative wastewater disposal option by creating a Department of Environmental Protection approval process for the discharge of municipally treated wastewater into ocean sanctuaries.
- Adds a provision that the proposed discharge and outfall structure will not adversely impact marine fisheries or interfere with fishing grounds or the normal operation of fishing vessels.