

HOUSE No. 1022

The Commonwealth of Massachusetts

PRESENTED BY:

Edward R. Philips

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 meeting the Commonwealth's water infrastructure future.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>1/16/2025</i>

HOUSE No. 1022

By Representative Philips of Sharon, a petition (accompanied by bill, House, No. 1022) of Edward R. Philips relative to meeting the Commonwealth's water infrastructure future. Environment and Natural Resources.

The Commonwealth of Massachusetts

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

An Act relative to meeting the Commonwealth's water infrastructure future.

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. To provide for a capital outlay program to rehabilitate, produce and
2 modernize state-aided water infrastructure throughout the Commonwealth, the sums set forth in
3 sections 2, inclusive for the several purposes and subject to the conditions specified in this act,
4 are hereby made available subject to the laws regulating the disbursement of public funds.

5 SECTION 2.

6 1231-1000. For the Commonwealth Sewer Rate Relief Fund established under Section
7 2Z of Chapter 29 of the General Laws.

8 \$78,500,0

9 00

10 1599-0093. For the Massachusetts Clean Water Trust established in section 2 of
11 chapter 29C of the general laws; provided that the trust shall prioritize allocation of the funds to

contract assistance for debt service obligations on loans pursuant to section 6(f) of chapter 29 of the general laws; provided further that the contract assistance shall prioritize municipalities and other water utilities wherein the affordability of water infrastructure is a barrier to infrastructure improvement projects and for whom the receipt of 0% loans and other incentives, which the contract assistance could help obtain, would help to overcome those barriers. Funds not expended in a given year for debt service, shall be redirected to provide principal forgiveness to bring down the debt on prior approved projects or to open solicitation to projects that applied for funding but were not selected on the most recent Intended Use Plan.

.....\$138,000,
000

1599-3032. For costs associated with expanding the capacity of the Massachusetts Water Resources Authority to serve new cities and towns identified in expansion feasibility studies conducted by the authority provided, that the authority shall prioritize expansion opportunities with a focus on increasing housing capacity in the commonwealth and improving drinking water quality for cities and towns with water supplies contaminated by per- and polyfluoroalkyl substances; and provided further, that annually, not later than March 14, the authority shall submit a report to the secretary of the executive office for administration and finance, the secretary of the executive office of housing and livable communities, the house and senate committees on ways and means and the joint committee on housing that shall include: (i) the amount of funds allocated in the current fiscal year's capital improvement program for the purposes contained in this item; (ii) a summary of the authority's outreach efforts, including the cities and towns that are interested in joining the authority's service area; (iii) the timeline and

34 implementation process of proposed expansions; and (iv) barriers to proposed expansions
35 \$2,000,000,000

36 7004-0083. For the HousingWorks infrastructure program established by section 27½
37 of chapter 23B of the General Laws; provided, that not less than \$100,000,000 shall be expended
38 as grants to cities and towns for sewer, septic and water infrastructure upgrades that advance
39 projects that support housing development, preservation or rehabilitation; provided further, that
40 not less than \$50,000,000 shall be expended as grants to cities and towns that (i) are compliant
41 with the multi-family zoning requirement under section 3A of chapter 40A of the General Laws;
42 and (ii) have demonstrated continued effort to advance housing production beyond the minimum
43 multi-family zoning requirement in said section 3A of said chapter 40A, as determined by the
44 secretary of housing and livable communities; provided further, that not less than \$50,000,0000
45 shall be expended as grants to cities and towns that have: (a) accepted sections 3 to 7, inclusive,
46 of chapter 44B of the General Laws; and (b) expended an amount of not less than 10 per cent of
47 revenues available to the city or town under said sections 3 to 7, inclusive, of said chapter 44B
48 on community housing; and provided further, that the executive office of housing and livable
49 communities shall prioritize the awarding of said grants to cities and towns with higher
50 percentages of total revenues available to the city or town under said sections 3 to 7, inclusive, of
51 said chapter 44B expended on community housing
52\$375,000,000

53 XXXX-XXXX. For the 1:1 matching program established by section 31A of
54 chapter 21 of the general laws; provided the department of environmental protection shall
55 prioritize the applications of communities are seeking admission to or additional water supply
56 from a regional water authority because their local sources are impacted by water quality issues,

57 their water supply is located in a stressed basin, or local economic development is significantly
58 constrained by their existing water supply

59\$10,000,000

60 XXXX-XXXX. For the Regional Water Entity Reimbursement Fund established by
61 section 2NNNN of chapter 29 of the general laws; provided the Massachusetts Water Resource
62 Authority shall prioritize the rehabilitation of collection systems.

63\$13,800,0

64 00

65 XXXX-XXXX. For costs associated with the improvement of the Commonwealth's
66 water infrastructure on all levels pursuant to the 2012 Water Infrastructure Finance Committee
67 report; provided that the funds be made available annually for the dedicated purpose of
68 improving water infrastructure; provided further that the funds will be prioritized for the
69 replacement and upgrade of existing water infrastructure and be issued in the form of grants by
70 the Massachusetts Department of Environmental Protection.

71\$200,000,

72 000

73 XXXX-XXXX. For research and data gathering on biosolids pursuant to item
74 2200-7022 of chapter 209 of the acts of 2018; provided that the funds be used, in their entirety,
75 for funding the Biohub project's research into biosolids, per- and polyfluoroalkyl substances
76 (PFAS) binding to and transportation via biosolids, safe biosolid applications, and avoiding
77 landfilling; provided further that the Biohub project continue to pursue answers to the research
78 topics addressed in this item\$200,000

XXXX-XXXX. For creation of a grant program to be administered by the Department of Environmental Protection to provide grants to Publicly Owned Treatment Works and municipal and district sewer collections systems for adaptation planning to protect wastewater infrastructure from storm and flood damage as required by NPDES permits issued by the Environmental Protection Agency and Massachusetts Department of Environmental Protection.\$10,000,000

SECTION 3. Notwithstanding any general or special law to the contrary, there is hereby established an Interbasin Transfer Review Commission, which shall analyze and make recommendations relative to Mass. Gen. Laws Ch. 21, §§8B-8D, and whether the act should be updated to support the development of housing through increased access to water resources.

The Interbasin Transfer Review Commission shall evaluate current processes, practices and standards for regulating interbasin transfers. In conducting this review, the Interbasin Transfer Review Commission shall: (1) assess whether Mass. Gen. Laws Ch. 21, §§8B-8D continues to effectively govern the transfer of water or wastewater outside of its river basin of origin; (2) determine whether amending the current law can be done so in a manner that supports increased housing production while maintaining environmental protections; (3) identify and recommend potential actions for easing any existing administrative burdens or permitting processes to facilitate the sharing of water resources for communities in need; (4) consider whether any changes to its governing law are necessary or recommended to better assist municipalities with the remediation of per- and polyfluoroalkyl substances (PFAS); and (5) consider and make recommendations concerning any other matter deemed relevant by the Interbasin Transfer Review Commission in its review of the current law.

Interbasin Transfer Review Commission shall consist of the following members: the Secretary of the Executive Office of Energy and Environmental Affairs or their designee; the Commissioner of the Division of Conservation and Recreation or their designee; Commissioner of the Department of Environmental Protection or their designee; the Secretary of the Executive Office of Housing and Livable Communities or their designee; and a representative from each of the following organizations: American Council of Engineering Companies of Massachusetts; the Massachusetts Municipal Association; the Massachusetts Water Resources Authority; the Massachusetts Water Resources Authority Advisory Board; the Massachusetts Water Resources Authority Water Supply Citizen's Advisory Committee; the Massachusetts Rivers Alliance, Massachusetts Water Environment Association; Massachusetts Coalition for Water Resources Stewardship; Massachusetts Water Works Association; the National Association of Industrial and Office Parks Massachusetts; Massachusetts Water Resources Authority Wastewater Advisory Committee and two additional regional water or wastewater utilities.

The Interbasin Transfer Review Commission shall be chaired by the Secretary of the Executive Office of Environmental Affairs or her designee. The chairperson, or their designee, shall be responsible for organizing each meeting, notifying the members, formulating the agenda, providing a copy of the minutes following the meeting and such other duties as may be required. The Interbasin Transfer Review Commission shall only make recommendations or take actions by a majority vote of all members present and voting.

The Interbasin Transfer Review Commission shall issue a report with recommendations on or before December 31, 2025 and file the same with the respective House and Senate Clerks as well as the respective Chairs of the Joint Committee on Housing and the Joint Committee on the Environment and Natural Resources.

SECTION 4. Section 25 of chapter 21A of the General Laws, as appearing in section 14 of chapter 259 of the acts of 2014, is hereby amended by striking out the entirety of the first paragraph and inserting in place thereof:-

(a) There shall be a water infrastructure advisory committee to discuss, monitor, and evaluate measures to address: (i) the progress of closing the gap in funding for water, wastewater and stormwater infrastructure; (ii) new sources of funding to be used for closing the gap in funding for water, wastewater and stormwater infrastructure; (iii) costs associated with remediation of per- and polyfluoroalkyl substances (PFAS) in drinking water; (iv) costs associated with removal of lead service lines; (v) costs associated with elimination of combined sewer overflows; (vi) costs associated with reduction of nutrients in effluent discharges, biosolids management, and stormwater management as required by EPA permits and Commonwealth stormwater standards. The advisory committee shall meet at a minimum quarterly or more frequently at the call of the secretary of energy and environmental affairs or their designee, or upon the written request of any two members.”

SECTION 5. Section 25 of said chapter 21A, as so appearing, is hereby further amended by inserting after the third paragraph:-

(d) The advisory committee shall reevaluate and report on the current funding gap, as well as emerging funding needs, for water, wastewater, and stormwater infrastructure at least once every five years.

SECTION 6. Chapter 21A of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting, after section 28, the following new sections:-

Section 29. (a) There shall be a water infrastructure efficiency task force to examine regulatory hurdles to communities implementing water infrastructure improvement projects and water resource management plans, as well as costs and feasibility for compliance with existing and future regulatory mandates under the Safe Drinking Water Act and the Clean Water Act.

(b) The task force shall consist of: 1 representative from the Executive Office of Energy and Environmental Affairs, 1 representative from the Executive Office of Economic Development, 1 representative from the Division of Local Services, and a representative from each of the following organizations: American Council of Engineering Companies of Massachusetts; the Massachusetts Municipal Association; the Massachusetts Water Resources Authority; the Massachusetts Water Resources Authority Advisory Board; the Massachusetts Water Environment Association; Massachusetts Coalition for Water Resources Stewardship; the Massachusetts Water Works Association; and two additional regional water or wastewater utilities.

(c) The task force shall analyze the process and associated requirements around issuing impact statements under section 5 and 5A of Chapter 30A of the General Laws, to ensure that they are comprehensively prepared and include an analysis, not only of the costs, but also the benefits weighed against the costs, associated with any rule, regulation, so-called guidance document, or policy which results in the imposition of additional cost to a city or town, Public Water System or Publicly Owned Treatment Works. At the conclusion of its analysis, the task force shall issue a report of its findings, along with any recommendations to ensure the proper cost/benefit analysis is performed, to the Clerk of the House and the Senate and the Joint Committee on State Administration and the Joint Committee on Municipalities and Regional Government.

SECTION 7. Chapter 74 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting, after section 58, the following new section:-

Section 59. (a) The board of higher education shall establish and maintain, in cooperation with school districts and vocational school authorities, postsecondary technical schools, and the boards of trustees of community colleges, a grant program, subject to appropriate, to support training and education programs that address the workforce shortages necessary to address the Commonwealth's water infrastructure need; provided that, applicable workforce personnel shall be defined as personnel related to the construction, engineering and operating of water infrastructure and its attendant systems. The grant program shall be established with the goals of training students, creating new jobs, retraining and upgrading existing jobs, and retraining existing workers to implement new technologies and to help meet the workforce needs for meeting the Commonwealth's water infrastructure needs.

(b) The grant program shall be developed to address the following components:

(i) identify, support or establish collaborative regional partnerships including, but not limited to, employers, workforce development and education organizations, regional economic development organizations established pursuant to sections 3J and 3K of chapter 23A, and economic development officials where a demand for water infrastructure related workforce personnel exists;

(ii) address critical workforce shortages in the water infrastructure related workforce;

(iii) improve and increase employment opportunities for the water infrastructure related workforce for low-income individuals, women, minorities, and veterans;

(vi) boost industry-relevant instructor capacity for high school and postsecondary programs; and

(vii) direct support for succession planning, worker retention, and upskilling strategies for older and incumbent workers.

(c) Entities eligible to apply to participate in the grant program shall include but not be limited to (i) employers and employer associations; (ii) local workforce investment boards; (iii) institutions of higher education; (iv) public comprehensive high schools and vocational technical high schools; (v) private for-profit and nonprofit organizations providing education and workforce training; (vi) 1-stop career centers; (vii) local workforce development entities; (viii) union training programs; and (ix) any partnership or collaboration among such eligible applicants. Any funds allocated through the grant program shall complement and not replace existing local, state, private or federal funding for training and educational programs.

(d) A grant proposal submitted pursuant to this section shall include but not be limited to:

(i) a plan that defines specific goals for increasing the number of water infrastructure related workforce personnel;

(ii) the evidence-based program or programs the applicant shall use to meet the goals;

(iii) a budget necessary to implement the plan, including a detailed description of any funding or in-kind contributions that an applicant will be providing in support of the proposal;

(iv) any private funding or private sector participation that the applicant anticipates in support of the proposal; and

(v) the proposed number of individuals who would be enrolled, complete training and be placed into employment within the trucking or related industries.

(e) The department of higher education shall, in consultation with the executive office of housing and economic development, executive office of labor and workforce development, department of elementary and secondary education, and entities representing parties who are eligible to participate in the grant program, develop guidelines for an annual review of the progress being made by each grantee. A grantee shall participate in any evaluation or accountability process implemented by or authorized by department of higher education.

(f) The department of higher education shall file an annual report with the chairs of the house and senate committee on ways and means, the chairs of the joint committee on labor and workforce development, and the chairs of the joint committee on economic development and emerging technologies not later than January 1; provided, however, that the report shall include an overview of the activities of the programs, the number of participants in the programs, and the employment outcomes in the programs.

SECTION 8. Notwithstanding any general or special law to the contrary, the ranking process utilized by the Massachusetts Department of Environmental Protection to allocate financial assistance for water infrastructure projects under 31 CMR 44.00 shall be evaluated to ensure that essential repairs and upgrades are not being disadvantaged and are receiving the financial assistance they require. In its evaluation of the program, the Agency shall hold at least two stakeholder meetings with representatives from the American Council of Engineering Companies of Massachusetts; the Massachusetts Municipal Association; the Massachusetts Water Resources Authority; the Massachusetts Water Resources Authority Advisory Board; the

232 Massachusetts Water Environment Association; the Massachusetts Coalition for Water
233 Resources Stewardship; and the Massachusetts Water Works Association; to present its
234 evaluation and receive feedback on any changes needed 31 CMR 44.00 and/or the State
235 Revolving Fund Loan program project ranking and scoring criteria.

236 SECTION 9. Notwithstanding any general or special law to the contrary, unoccupied
237 water, wastewater, and transportation-related structures (Pumping, Equipment, Sub-Stations, and
238 Similar Facilities) shall be exempt from 248 CMR 10.10(15)(c)(19).