

Federal, State and Local Environmental and Land Use Laws and Regulations

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ENVIRONMENTAL REVIEW

PLANNING AND LAND USE

Laws	Common Abbr.	Legal Citation	Administering Body	Summary of pertinent aspects of the law	Areas of Relevance (see above)								
					1	2	3	4	5	6	7	8	9
National Environmental Policy Act	NEPA	42 USC §4331 et seq.	U.S. Environmental Protection Agency	Requires federal agencies to file a detailed statement of anticipated environmental impacts (Environmental Impact Statement) of proposed actions and alternatives. Must be made available to the public and government agencies.	✓	✓	✓	✓	✓	✓	✓		✓
Massachusetts Environmental Policy Act	MEPA	MGL Ch.30 §61-62H	Executive Office of Environmental Affairs/MEPA Unit	Requires state agencies to evaluate anticipated impacts of state-funded and state-permitted projects and alternatives in an Environmental Impact Report. The EIR must address all types of impacts from water quality to habitat to air quality.	✓	✓	✓	✓	✓	✓	✓		✓
Coastal Zone Management Program (State and Federal)	CZMA	16 USC 1451 et seq.	National Oceanic and Atmospheric Administration and Massachusetts Coastal Zone Management Office	Voluntary program designed to help states address water quality, preservation of natural areas, coastal hazards, and harbor planning via inventories, plans, implementation. Massachusetts has a comprehensive program for preservation and restoration of significant coastal resource areas and assisting coastal conservation commissions through regional coordinators.	✓	✓	✓	✓	✓				
Massachusetts Zoning Act and Local Zoning Ordinances		MGL Ch.40A and local ordinances	Planning Board and Zoning Board of Appeals	Massachusetts Zoning Act allows municipalities to establish zones with limited uses to prevent incompatible uses in close proximity. The plan/design of local zoning districts and accompanying ordinances regulates activities therein.	✓	✓							
Local Master Plan		Local plan, authorized by MGL Ch.41 §81D	Planning Board	Plan describing a municipality's goals regarding residential, commercial, and industrial development potential as well as potential for open space protection, using such tools as zoning changes.	✓	✓			✓	✓	✓		
Massachusetts Subdivision Control Law and Local Subdivision Control		MGL Ch. 41 §81K-81GG and local ordinances	Planning Board and Zoning Board of Appeals	The Massachusetts Subdivision Control Law regulates design standards of subdivisions to protect public health, safety, and welfare. Towns with subdivision bylaws may have more stringent requirements for activities or performance standards than the state laws demand.	✓	✓	✓	✓	✓	✓	✓		
Massachusetts open space tax classifications	Chapter 61	MGL Ch.61; Ch.61A; and Ch.61B	Selectmen or City Council and Conservation Commission	Provides reductions in real estate taxes to landowners who keep their properties in forestry, agriculture/horticulture, or open space and recreational use. The municipality has the right of first refusal to purchase such land before it can be converted to residential, commercial, or industrial use.	✓	✓		✓					
Massachusetts Conservation Restriction Laws		MGL Ch.184 §31-33; Ch.40 §5(70); Ch.44 §7(3)	Held by government agency or nonprofit organization	Establishes Preservation, Agricultural Preservation, and Watershed Preservation Restrictions through deed restrictions, covenants, easements, or restrictions in perpetuity or for a stated number of years. Designed to keep parcels in predominantly natural, open, or scenic condition. Requires approval by the Secretary of EOA.	✓	✓	✓	✓	✓	✓			



Federal Law



State Law



Local Law

PLANNING AND LAND USE

WATER RESOURCES

Laws	Common Abbr.	Legal Citation	Administering Body	Summary of pertinent aspects of the law	Areas of Relevance (see above)										
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Local Open Space and Recreation Plan	OSP	Local Open Space and Recreation Plan	Conservation Commission	Plan identifying important local natural resources and a program for their protection and management. Approval by Div. of Conservation Services makes community eligible for open space acquisition funds.	✓	✓	✓	✓	✓	✓					
Mass. Historical Commission regulations		MGL Ch. 9 §26-27c and 950 CMR 71.00	Historical Commissions	Govern the protection of properties included in the State Register of Historic Places.		✓									
Historic District Bylaws		MGL Ch.40C	Hist. Dist. Comms., Historical Comms.	Program officially designating historic districts and reviewing new development and renovations to ensure compatibility with districts.		✓									
Massachusetts Wetlands Protection Act	WPA	MGL Ch.131 §40	Conservation Commission and Mass. Department of Environmental Protection (DEP)	Gives local conservation commissions review authority over all activities within 100 feet of designated wetlands and 200 feet of perennial streams and rivers. The commission must protect 8 statutorily defined wetlands values and functions (e.g., water quality and habitat value).		✓	✓	✓	✓	✓					
Local wetland bylaws/ordinances		local ordinances	Conservation Commission	Local bylaws may impose more stringent requirements and restrictions on activities in and around wetlands and floodplains.		✓	✓	✓	✓	✓					
Massachusetts Coastal and Inland Wetlands Restriction Acts		MGL Ch.130 §105; MGL Ch. 131 §40A	Mass. DEP/ Wetlands Conservancy Program	Places restrictive orders limiting development on priority wetland sites identified by the Mass. Department of Environmental Protection.	✓	✓	✓	✓	✓	✓					
Mass. Chapt. 91 Waterways Program & Great Ponds	Chapter 91	MGL Ch. 91	Mass. DEP	Regulates activities in great ponds, tidelands, and some navigable rivers and streams to protect public lands, promote water-dependent uses, and protect water quality and habitat.	✓	✓	✓	✓	✓						
Federal Clean Water Act: Section 404 Permit	CWA	33 USC §1251 et seq.	U.S. Army Corps of Engineers	Requires permits for discharging fill into a wetland or waterway to prevent pollution of surface waters.		✓	✓		✓						
Federal Clean Water Act: Section 401: Water Quality Certification	Section 401 Certification	33 USC §1251 et seq.	Mass. DEP and U.S. Environmental Protection Agency	Applies to all Section 404 applicants and other Clean Water Act permit applicants. It links federal law to state law by requiring the state to certify that issuance of a federal permit will not violate state water quality standards. Cumulative effects are considered.		✓	✓		✓						
Federal Clean Water Act: National Pollution Discharge Elimination System	NPDES	33 USC §1362 et seq.	Mass. DEP; U.S. Environmental Protection Agency	Permits for the discharge of point-source effluents into surface waters are jointly signed. The state conducts or oversees monitoring.		✓			✓	✓			✓		
Federal Clean Water Act: Massachusetts Stormwater Management Policy		33 USC §	Mass. DEP	Requires development projects that need a permit under the Massachusetts Wetlands Protection Act or 401 Water Quality Certification to meet certain performance standards so as to minimize nonpoint source pollution.		✓	✓		✓						
Massachusetts Clean Water Act		MGL Ch. 21 §25-53	Mass. DEP/ Div. of Watershed Mgmt.	Follows federal guidelines. Provides loans for municipal wastewater treatment plants.		✓			✓	✓			✓		
Massachusetts water quality classification and standards		314 CMR 4.00	Mass. DEP	Federal law requires state designation of the water quality of every reach of every stream. Designation is based on water's potability, swimmability, and fishability. Outstanding Resource Waters (ORWs), e.g., reservoirs and certified vernal pools, are given special protection.			✓	✓	✓	✓					

WATER RESOURCES

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Massachusetts Title 5	Title 5	MGL Ch. 111 §127; 310 CMR 15.00	Local Board of Health; Mass. DEP	Establishes minimum standards for siting, construction, and up-grading of on-site sewage disposal systems. Regulates type of soil, setbacks, and design standards.		✓	✓		✓	✓		✓		
Mass. Watershed Protection Act	Cohen Bill	313 CMR 11.00	Metropolitan District Commission; Mass. Water Resources Authority	Applies land use controls to Quabbin Reservoir, Wachusett Reservoir, and the Ware River, which contributes to them. Requires DEP to establish standards for all water supply watersheds.	✓	✓			✓	✓				
Federal Safe Drinking Water Act		42 USC §300f et seq.	U.S. Environmental Protection Agency	Mandates monitoring and treatment of municipal surface water supplies.					✓	✓				
Massachusetts water supply law		MGL Ch. 111 §5G	Mass. DEP	DEP may order a municipality, district, or person maintaining a water supply to provide treatment facilities that it determines are necessary to insure delivery of safe water supply to consumers. Aquifer regulations require designation of “well head” & “Zone II Recharge” areas in which activities and density may be limited.					✓	✓				
Local water supply and aquifer protection bylaws		Local bylaws and ordinances	Local Board of Health, Planning Board, and Board of Selectmen	Municipalities can enact laws to provide additional protection for water resources.	✓	✓			✓	✓				
Mass. Water Management Act		MGL Ch. 21G	Mass. DEP and Mass. Department of Environmental Mgt.	Regulates new withdrawals of over 100,000 gallons per day for “consumptive” uses. Requires DEP to track and allocate water use on a watershed basis.		✓					✓			
Mass. Inter-Basin Transfer Act		MGL Ch. 21 §8B-D	EOEA/Water Resources Commission	Regulates the transfer of surface, ground-, and wastewater from one watershed to another through a permitting system.			✓	✓		✓				
Federal Endangered Species Act	ESA	16 USC §1536 a-d	U.S. Fish and Wildlife Service	Prohibits sale and traffic of federally listed threatened and endangered species. Gives protection from federal actions to federally listed species and their habitats.				✓						
Massachusetts Endangered Species Act	MESA	MGL Ch. 131A	Mass. Natural Heritage and Endangered Species Program	Prohibits the taking of state-listed “special concern,” “threatened,” or “endangered” species and prohibits the destruction of designated “significant habitat.” Requires all state agencies to review projects for possible impacts on state-listed species.		✓		✓						
Mass. Areas of Critical Environmental Concern	ACEC	MGL Ch. 30 §61 et seq. 301 CMR 11.00	Executive Office of Environmental Affairs	This program requires heightened review and protection under MEPA for all state permits and activities within ACECs and provides for the development and implementation of management plans.		✓	✓	✓	✓	✓			✓	
Department of Transportation Act	DOT Act	49 USC §303	U.S. Department of Transportation/ Office of Intermodalism	Prohibits the use of public park land, recreation areas, wildlife and waterfowl refuges, and historic sites for a transportation project unless there is no “prudent and feasible” alternative and harm to the area is minimized as much as possible.	✓	✓		✓				✓		
Intermodal Surface Transportation Efficiency Act	ISTEA and TEA21	49 USC §5501 et seq.	U.S. Department of Transportation	Requires all forms of transportation to be developed in an inter-connected manner that reduces energy consumption and air pollution; requires improvements in public and pedestrian transportation.									✓	

WILDLIFE AND HABITAT

TRANSPORTATION

Federal Law
 State Law
 Local Law

	Laws	Common Abbr.	Legal Citation	Administering Body	Summary of pertinent aspects of the law	Areas of Relevance (see above)									
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DEVELOPMENT	Scenic Roads Act		MGL Ch. 40 §15c	Local Planning Board	Provides for increased protection of the environmental, aesthetic, and historic value of local roads. Conservation commissions recommend roads for designation to town meeting or city council.		✓								
	Comprehensive Environmental Response, Compensation, and Liability Act	CERCLA, Superfund	42 USC §9601 et seq.	U.S. Environmental Protection Agency	Authorizes the federal government to take remedial actions and recover costs, or permit private parties to take such actions, in response to an existing or threatened release of hazardous substances into land, water, or air under federal jurisdiction.	✓	✓			✓			✓	✓	
WASTE MANAGEMENT	Resource Conservation and Recovery Act	RCRA	42 USC §6901 et seq.	U.S. Environmental Protection Agency	Authorizes the EPA to identify particular wastes as “hazardous” and to regulate their treatment, storage, and disposal so as to protect public health and the environment.					✓			✓		
	Massachusetts Hazardous Waste Management Act	21C	MGL Ch. 21C	Mass. DEP	Requires DEP to license landfills and any other facilities that store, transport, dispose of, or treat wastes that pose a potential hazard to public health or the environment (including groundwater supplies).					✓			✓		
	Massachusetts Hazardous Waste Facility Siting Act	21D	MGL Ch. 21D, Ch. 40A §9, Ch. 16 §19	Mass. DEP	Sets out the required steps for siting any facility that treats, processes, or disposes of hazardous waste. This includes review of the proposal by the Hazardous Waste Facility Siting Council, submission of a project impact report, and a siting agreement with the host community.					✓			✓		
	Massachusetts Oil and Hazardous Material Release Prevention and Response Act	21E (Mass. Superfund Law)	MGL Ch 21E	Mass. DEP	Establishes liability of various parties for releases or threats of release of hazardous materials or oils to the environment. Authorizes DEP to take response actions and recover costs, or to permit private response actions. Releases and threats of release subject to 21E and types of response actions are described in the Massachusetts Contingency Plan (310 CMR Ch.40.0000).					✓			✓		
	Mass. Solid Waste Facility Siting Act and regulations		MGL Ch. 111 §150A & §150A1/2	Local Board of Health; Mass. DEP	Provides for a state Solid Waste Master Plan. Regulates the placement and maintenance of landfills and other waste disposal and handling facilities. Mandates recycling.					✓			✓		
AIR QUALITY	Local health codes		Local bylaws and ordinances	Local Board of Health	Communities may establish additional standards that supplement state rules.		✓			✓	✓		✓		
	Federal Clean Air Act	CAA	42 USC §7401 et seq.	U.S. Environmental Protection Agency	Regulates emissions standards for air pollutants from stationary and vehicular sources. Requires each state to develop and implement a plan for meeting federal air quality standards.										✓
	Massachusetts Clean Air Act		MGL Ch. 111 §2B and C.	Mass. DEP	Allows DEP to issue orders to enforce air pollution statutes or regulations under its jurisdiction. Authorizes DEP to declare an air pollution emergency after public hearings, and then to place restrictions on emissions of potentially dangerous air contaminants from any source.										✓

 Federal Law  State Law  Local Law