

PANORAMIC

**US ENVIRONMENT
(STATE-BY-STATE)**

USA - Massachusetts



LEXOLOGY

US Environment (state-by-state)

Contributing Editors

James M Auslander and Brook J Detterman

Beveridge & Diamond PC

Generated on: February 5, 2026

The information contained in this report is indicative only. Law Business Research is not responsible for any actions (or lack thereof) taken as a result of relying on or in any way using information contained in this report and in no event shall be liable for any damages resulting from reliance on or use of this information. Copyright 2006 - 2026 Law Business Research

Contents

US Environment (state-by-state)

LEGISLATION

- Main environmental regulations
- Soil pollution
- Regulation of waste
- Regulation of air emissions
- Protection of fresh water and seawater
- Protection of natural spaces and landscapes
- Environmental reporting

HAZARDOUS ACTIVITIES AND SUBSTANCES

- Regulation of hazardous products and substances

ENVIRONMENTAL ASSESSMENT

- Activities subject to environmental assessment

REGULATORY AUTHORITIES

- Regulatory authorities

KEY TRENDS AND DEVELOPMENTS

- Recent updates and trends

Contributors

USA - Massachusetts

Beveridge & Diamond PC



Eric Klein

eklein@bdlaw.com

Amandine Fromont

afromont@bdlaw.com

LEGISLATION

Main environmental regulations

What are the main statutes and regulations relating to the environment in your state?

Massachusetts has a comprehensive body of environmental law that covers air, water, waste, land use, and climate change. The framework is primarily set out in state statutes and detailed regulations, enforced by the Massachusetts Department of Environmental Protection (MassDEP) and supplemented by constitutional provisions.

The main statutes and regulations include:

- Environmental review: The [Massachusetts Environmental Policy Act](#) (MEPA) (MGL Chapter 30, [section 61](#) - [62L](#)) require state agencies to evaluate environmental impacts of projects, including greenhouse gas emissions.
- Air quality and climate: The Clean Air Authority (MGL Chapter 111, [section 142A](#) – [142M](#)) and [310 CMR 7.00](#) govern air emissions. The Climate Protection and Green Economy Act (MGL [Chapter 21N](#)) establishes greenhouse-gas reduction mandates.
- Water protection: The Massachusetts Clean Waters Act (MGL Chapter 21, [section 26](#) to [53](#)) sets water quality standards and discharge controls, implemented by [314 CMR 4.00](#) (surface water quality standards), [314 CMR 3.00](#) (surface water discharge permit program) and [314 CMR 5.00](#) (ground water discharge permit program).
- Wetlands and waterways: The Wetlands Protection Act (MGL Chapter 131, [section 40](#)) and [310 CMR 10.00](#) protect wetlands. The waterways licensing framework (MGL [Chapter 91](#)) is implemented through [310 CMR 9.00](#) for tidelands and great ponds.
- Hazardous waste and site cleanup: The Hazardous Waste Management Act (MGL [Chapter 21C](#); [310 CMR 30.000](#)) regulates generation, transport and disposal. The Oil and Hazardous Material Release Prevention and Response Act (MGL [Chapter 21E](#); [310 CMR 40.0000](#), the contingency plan) governs site clean-up.
- Solid waste: Siting and operations of solid waste facilities are regulated by MGL Chapter 111, [section 150A-150B](#), implemented through [310 CMR 16.00](#) (site assignment regulations for solid waste facilities) and [310 CMR 19.00](#) (solid waste management regulations covering the operational aspects).
- Drinking water: Quality standards for public water systems are codified in [310 CMR 22.00](#) under MassDEP's authority.
- Toxics use reduction: The Toxics Use Reduction Act ([MGL Chapter 21I](#)) and [310 CMR 50.00](#) impose planning and reporting obligations on facilities, supported by additional requirements in [301 CMR 40.00](#) (toxics use fees regulation) and [301 CMR 41.00](#) (toxic or hazardous substances list regulation).

Civil enforcement

- MGL Chapter 21 (Water Pollution Control), [section 42](#) enables enforcement of effluent limitations and discharge permits. Violations can result in civil penalties of up to \$50,000 per day per violation. Courts, on the Attorney General's request, may issue injunctions, order corrective action and impose penalties.

- MGL Chapter 21E (Oil and Hazardous Material Release Prevention and Response), [section 11](#) imposes civil penalties of up to \$50,000 for each violation. Strict, joint, and several liability for clean-up costs is enforceable under [section five](#) in addition to penalties.
- MGL Chapter 111, [section 142A](#) (air pollution control) imposes civil penalties of up to \$25,000 per day per violation for breaching permits, emission standards, or regulations. It also authorizes MassDEP to revoke permits and issue compliance or abatement orders.

Criminal enforcement

- MGL Chapter 21 (Water Pollution Control), [section 42](#) (discharges of pollutants) imposes a fine of not more than \$50,000 per day and/or imprisonment for up to one year.
- Under MGL Chapter 21E (Oil and Hazardous Material Release Prevention and Response), [section 11](#) (knowing violations), a criminal violation is punishable by a fine of up to \$50,000 and/or imprisonment for up to two years. Additionally, a person violating any provision of [section seven](#) shall be punished by a fine of not more than \$100,000 and/or by imprisonment in the state prison for up to 20 years or in a jail or house of correction for not more than two and one-half years, or both, for each such violation. Each day such violation occurs or continues is considered a separate violation.
- MGL Chapter 111, [section 142A](#) (air pollution control) imposes penalties of up to \$25,000 per day per violation and imprisonment for not more than one year.

Constitutional and regulatory framework

- [Article 97](#) of the Massachusetts Constitution guarantees the right to clean air and water and the natural and aesthetic qualities of the environment. It restricts the use or disposal of protected open-space lands without a two-thirds legislative vote.
- Environmental justice: Massachusetts Environmental Policy Act (MEPA) regulations ([301 CMR 11.00](#)) require enhanced engagement of environmental justice populations in project reviews to address disproportionate pollution impacts.

Law stated - 19 November 2025

Soil pollution

What are the main characteristics of the rules applicable to soil pollution?

Soil pollution in Massachusetts is primarily governed by the Oil and Hazardous Material Release Prevention and Response Act, commonly referred to as '[Chapter 21E](#)' (MGL Chapter 21E), and its implementing regulations known as the Massachusetts Contingency Plan ([310 CMR 40.0000](#)). These rules establish liability for clean-up, define levels of contamination, and apply retroactively to historic releases.

Persons liable for clean-up:

-

Strict liability: Under MGL Chapter 21E, [section five](#), liability is imposed without fault on specified categories of persons, including current owners or operators of a site, past owners or operators at the time of disposal, and parties who arranged for or transported hazardous materials. The section also includes a catchall for any person who “otherwise caused or is legally responsible” for a release of hazardous materials.

- Joint and several liability: Section five also provides that responsible parties may be held jointly and severally liable, meaning any one liable party can be required to cover the entire clean-up cost.
- Defences: Limited defences are available, including acts of God, acts of war, and releases caused solely by third parties with no contractual relationship to the owner or operator.

Levels of contamination:

- Reportable releases: The Massachusetts Contingency Plan (MCP) establishes thresholds at which a release of oil or hazardous material must be reported to the Massachusetts Department of Environmental Protection (MassDEP), including numerical concentration standards and certain ‘reportable conditions’.
- Risk-based standards: The MCP requires clean-up to achieve a ‘permanent solution’ or ‘temporary solution’ that ensures no significant risk of harm to health, safety, public welfare, or the environment. These standards are risk-based, considering site-specific exposure and pathways.
- Tier classification: Sites are classified into Tier I or Tier II based on the complexity and severity of contamination. Tier I sites require greater oversight and direct MassDEP involvement.

Retroactivity:

Historic releases: Retroactive liability for cleanup of oil or hazardous material releases is implied in MGL Chapter 21E, [Section 5\(a\)](#). The statute applies to current owners or operators, past owners or operators at the time of disposal, generators or arrangers of disposal, and transporters who selected the disposal site.

Successor liability: Purchasers of contaminated property may inherit liability, although the statute allows for liability protection if due diligence is undertaken through an ‘All Appropriate Inquiry’ or compliance with the Brownfields Covenant Not to Sue under MGL Chapter 21E [section 3A\(j\)\(1\)](#).

Law stated - 19 November 2025

Regulation of waste

What types of waste are regulated and how?

Massachusetts regulates multiple categories of waste through a comprehensive statutory and regulatory framework. The core provisions are found in the Solid Waste Management Act (MGL Chapter 111, [section 150A](#)), the Hazardous Waste Management Act (MGL [Chapter 21C](#)), and related regulations under the Code of Massachusetts Regulations (CMR). These

rules define waste, establish permitting and authorization requirements and set obligations for individuals and companies.

Definition and types of waste:

- Solid waste: Primarily regulated under [310 CMR 19.000](#), which covers permitting requirements for landfills, transfer stations, and other waste facilities, design and operational standards for waste facilities, waste bans, and special waste handling, including emergency amendments for infectious disease outbreaks. Under the regulations, 310 CMR 19.006 defines solid waste as any 'useless, unwanted or discarded solid, liquid or contained gaseous material resulting from industrial, commercial, mining, agricultural, municipal or household activities that is disposed or is stored, treated, processed or transferred pending such disposal', with certain exceptions such as hazardous wastes, sludge or septage which is land applied, wastewater treatment facility residuals and sludge ash unless the wastewater treatment residuals and/or sludge ash are co-disposed with solid waste.
- Hazardous waste: Governed by MGL [Chapter 21C](#) and [310 CMR 30.000](#), hazardous waste includes substances that are toxic, corrosive, ignitable, or reactive. 310 CMR 30.010 defines hazardous waste as 'a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed'. 310 CMR 30.130 contains list of hazardous wastes.
- Construction and demolition debris: Covered under 310 CMR 19.000 (solid waste facility regulations), these materials are regulated for disposal and recycling purposes, with specific handling requirements. 310 CMR 19.006 defines construction and demolition waste.
- Medical and infectious waste: [105 CMR 480.000](#) outlines the minimum requirements for the management of medical or biological waste.

Authorization requirements include:

- Solid waste facilities: Facilities handling solid waste, such as a landfill, transfer station, incinerator, composting site, or recycling centre, require a site assignment from the local Board of Health in accordance with MGL Chapter 111, [section 150A](#) and a permit from the Massachusetts Department of Environmental Protection (MassDEP) under [310 CMR 19.000](#).
- Hazardous waste generators: Must obtain an EPA identification number and comply with generator standards under 310 CMR 30.300 to 30.394, including accumulation limits and manifesting requirements.
- Transporters: 310 CMR 30.400 outlines the requirements for transporters of hazardous waste, including manifest requirements, reporting and record keeping.

The rules for the control of waste and associated activities include:

The storage and transport of hazardous waste is regulated under 310 CMR 30.500. Key requirements include:

- Packaging: Waste must be stored in containers that are compatible with the waste type and prevent leaks or spills.
- Labelling: Containers must be clearly labelled with the words 'Hazardous Waste,' the contents, and the accumulation start date.
- Marking and documentation: Vehicles transporting hazardous waste must display appropriate placards and carry a hazardous waste manifest.
- Security and containment: Storage areas must be secure, with secondary containment systems to prevent environmental release.

Treatment, Storage, and Disposal Facilities (TSDFs) are regulated under 310 CMR 30.800; TSDFs must meet stringent licensing and operational standards:

- Licensing: Facilities must obtain a MassDEP license, which includes public participation and environmental review.
- Financial assurance: TSDFs must demonstrate financial capacity to cover closure, post-closure care and potential cleanup.
- Closure plans: Facilities must submit and follow approved plans for safe closure and site remediation.
- Operating standards: Includes waste analysis, personnel training, emergency preparedness, and recordkeeping.

The rules place certain obligations on people and companies. Generators must classify their waste, ensure proper storage, use manifests for hazardous waste shipments, and report to MassDEP. Facility operators are responsible for maintaining compliance with permits, recordkeeping, monitoring, and reporting requirements. Individuals must comply with recycling and disposal bans and cannot dispose of restricted items in municipal waste streams.

Massachusetts incorporates federal [Resource Conservation and Recovery Act](#) (RCRA) provisions into its state regulations. It is authorized by the Environmental Protection Agency to implement RCRA hazardous waste programs. Facilities must comply with federal confidentiality and notification rules for international shipments.

Materials that can be legitimately reused or recycled are not considered waste if they meet beneficial use criteria under 310 CMR 19.060. This reflects circular economy principles, supporting diversion from landfills.

Law stated - 19 November 2025

Regulation of air emissions

What are the main features of the rules governing air emissions?

Air emissions in Massachusetts are regulated under both state and federal authority. The core framework is set out in the Massachusetts Clean Air Act provisions (MGL Chapter 111, [section 142A](#) to [142M](#)) and implemented through regulations under [310 CMR 7.00](#). These rules cover permitting, control of contaminants, emission limits, ambient

concentration standards and complementary measures relating to energy efficiency and building performance.

License requirements include:

- Air permits: Any facility emitting air pollutants must obtain an approval or permit from the Massachusetts Department of Environmental Protection (MassDEP) under MGL Chapter 111, [section 142B](#).
- Plan approvals: New construction or modification of emission units requires a 'plan approval' demonstrating compliance with emission standards under 310 CMR 7.02(1).
- Operating permits: Major sources must obtain Title V operating permits, consistent with federal Clean Air Act requirements, administered through 310 CMR 7.00 Appendix C.

Massachusetts adopts national ambient air quality standards for ozone, particulate matter (PM10, PM2.5), carbon monoxide, sulphur dioxide, nitrogen dioxide, and lead. Hazardous air pollutants are regulated in line with federal standards, incorporated into 310 CMR 7.00. Greenhouse gases are regulated under MGL [Chapter 21N](#) and implemented through sector-specific rules, including 310 CMR 7.71 (Reporting of Greenhouse Gas Emissions).

Existing facilities must comply with the requirements of 310 CMR 7.02(8)(d) through (g) unless subject to more stringent requirements that have been established by plan approval, state regulation or federal requirement. 310 CMR 7.29 governs emissions standards for power plants, requiring stringent NOx, SO2, mercury, and CO2 limits. 310 CMR 7.41 outlines large entity reporting requirement and 310 CMR 7.54 regulates large combustion emission units.

Rules on energy efficiency of buildings include:

- Building energy codes: Massachusetts has adopted a Stretch Energy Code under MGL Chapter 143, [section 94\(o\)](#), requiring higher efficiency standards for new buildings.
- Energy efficiency requirements: While air statutes focus on emissions, building codes under the Board of Building Regulations and Standards integrate efficiency to reduce indirect emissions.

Rules on energy audits for buildings are:

Under MGL Chapter 25A, [section 11](#), the Massachusetts Department of Energy Resources (DOER) oversees energy management services that include energy audits for residential, commercial, and municipal buildings. These audits are typically delivered through utility-sponsored energy efficiency programs, which assess energy consumption, identify cost-effective improvements, and support implementation through incentives or performance contracts.

While these audits are not part of air permitting regulations, they play a critical role in reducing greenhouse gas emissions indirectly by lowering energy demand.

Law stated - 19 November 2025

Protection of fresh water and seawater

How are fresh water and seawater, and their associated land, protected?

Massachusetts regulates fresh water, seawater, and related land areas through a combination of constitutional provisions, statutes, and regulations. The framework governs ownership, authorization for use, limits on withdrawals, and discharge controls, ensuring both public rights and environmental protection.

[Article 97](#) of the Massachusetts Constitution guarantees the right to clean air and water and protects natural resources, including water bodies. Coastal waters, tidelands, and great ponds are held in trust for the public under MGL [Chapter 91](#).

Types of activities subject to [Chapter 91 authorization](#) are as follows:

- Structures: Placement or construction of any structure, regardless of size, whether permanent or seasonal.
- Filling: Placement of any unconsolidated materials that is confined or expected to remain in place in a waterway, except for material placed by natural processes.
- Dredging: Removal of materials, including but not limited to rocks, bottom sediments, debris, sand, refuse, plant or animal matter, in any excavating, cleaning, deepening, widening, or lengthening of any waters.
- Change in use: Any use of the authorized premises or structures for a purpose unrelated to the authorized use, whether express or implied.
- Structural alteration: Any change in the dimensions of a structure or fill from the specifications contained in the existing authorization.
- Demolition or removal of structures - Approval is required for removal of any unauthorized structure or fill that was previously not authorized or for which there is not a current and valid grant or license.

Licenses for use of tidelands and waterways are required under MGL Chapter 91 and implementing regulations at [310 CMR 9.00](#). The four types of [Chapter 91 licenses](#) are:

- MassDEP waterways license: All activities subject to the jurisdiction of Chapter 91 require a standard Waterways license unless they are eligible for one of the other three authorizations listed below.
- MassDEP waterways permit: Activities not involving work on structures or fill may apply for a MassDEP Waterways Permit. These activities include beach nourishment, dredging, disposal involving subaqueous placement or unconsolidated materials, burning of rubbish or other material upon the water, and lowering the water level of any great pond except for purposes described in 310 CMR 9.15(2)(e).
- License or permit amendment: Applicants may apply to amend a valid waterways license or permit, issued pursuant to the 1999 regulations to renew a license of permit term in accordance with the provisions of 310 CMR 9.25(2), delineate a reconfiguration zone within a marina in accordance with 310 CMR 9.39(1)(b) and authorize a structural alteration or change in use that is not exempt pursuant to 310 CMR 9.05(3).

•

Harbourmaster annual permit: The placement on a temporary basis of moorings, floats, rafts held by bottom anchor and associated ramps may be authorized by an annual permit from the local Harbourmaster. This provision only applies to bottom-anchored moorings, floats or rafts.

Additionally, The Water Management Act (MGL [Chapter 21G](#)) requires registration or permits for withdrawals exceeding 100,000 gallons per day. Regulations at [310 CMR 36.00](#) impose conditions to protect water resources and ecological health. [314 CMR 3.00](#) and [314 CMR 5.00](#) require surface water and ground water discharge permit respectively.

The Wetlands Protection Act (MGL Chapter 131, [section 40](#); [310 CMR 10.00](#)) requires permits ('orders of conditions') for activities that may alter wetlands, floodplains, rivers, or coastal areas.

Septic systems are regulated under [310 CMR 15.000](#), commonly referred to as Title 5. They govern the siting, design, construction, inspection, maintenance, and repair of on-site sewage disposal systems.

The rules for the protection of associated land include:

- Floodplains and riverfronts: The [Rivers Protection Act](#) establishes a 200-foot riverfront area subject to regulatory oversight.
- [301 CMR 20.00](#) (Coastal Zone Management Program) protects coastal resources, including dunes, salt marshes and estuaries.

Law stated - 19 November 2025

Protection of natural spaces and landscapes

What are the main features of the rules protecting natural spaces and landscapes?

Massachusetts protects natural spaces and landscapes through constitutional guarantees, state statutes, and regulatory programs. The framework recognises wetlands, coastal zones, wildlife habitats, forests, and scenic areas, applying different levels of protection depending on ecological significance. These rules also regulate private property rights where conservation or environmental interests are at stake.

Types of natural spaces and landscapes protected are as follows:

- Wetlands and floodplains: The Wetlands Protection Act (MGL Chapter 131, [section 40](#); [310 CMR 10.00](#)) safeguards wetlands, floodplains, riverfronts, and coastal resources such as salt marshes and barrier beaches.
- Coastal zones: [301 CMR 20.00](#) (Coastal Zone Management Program) provides regulations to protect dunes, estuaries and tidal flats.
- The Massachusetts Endangered Species Act (MESA), codified under MGL [Chapter 131A](#), and implemented through [321 CMR 10.00](#), provides comprehensive protection for endangered, threatened and special concern species as well as their habitats, including Priority Habitat and Significant Habitat areas.

•

Forests and open space: The Massachusetts [Chapter 61](#) laws are designed to promote the long-term conservation of forests (Chapter 61), agricultural and horticultural lands (Chapter 61A), recreational and open space lands (Chapter 61B).

- Scenic and recreational landscapes: [Article 97](#) of the Massachusetts Constitution preserves lands acquired for natural resource purposes and requires a two-thirds legislative vote for their disposal.

Forms and classes of protection include:

- Regulatory permits: Under MGL Chapter 131, section 40, activities altering protected areas require permits or 'orders of conditions' from local conservation commissions, subject to Massachusetts Department of Environmental Protection (MassDEP) oversight.
- Designation of priority habitats: Under MGL Chapter 131A, areas designated as 'priority habitat' or 'significant habitat' receive heightened protection, with restrictions on development and mandatory conservation measures.
- State reservations and parks: Lands managed by the Department of Conservation and Recreation (MGL Chapter 21, [section 1](#)) are protected for ecological and recreational purposes.
- Conservation restrictions: Landowners may establish binding restrictions under MGL Chapter 184, [sections 31](#) to [33](#), permanently limiting development to conserve open space or historic landscapes.

Effect on private rights:

- Permit obligations: Landowners seeking to build or alter land in protected areas must obtain approval from conservation commissions and comply with conditions to minimise harm.
- Restrictions on development: In wetlands or endangered species habitats, private development may be denied or significantly altered to meet statutory requirements.
- Tax and easement incentives: Programs such as Chapter 61 tax reductions or conservation restrictions compensate landowners for limiting use of their property.
- Constitutional limits: Article 97 restricts conversion of public open space, ensuring private or municipal land cannot be repurposed for development without legislative approval.

Law stated - 19 November 2025

Environmental reporting

Are there any notable environmental reporting requirements?

Massachusetts imposes a range of environmental reporting obligations across air, water, waste, and energy sectors. These requirements apply to both private companies and public entities, and in some cases align with broader environmental, social and governance (ESG) objectives.

Emissions reporting provisions include:

- Air emissions: Under MGL Chapter 111, [sections 142A to 142M](#) and 310 CMR 7.12, facilities must file annual source registration reports detailing air pollutant emissions.
- Greenhouse gases (GHGs): MGL [Chapter 21N](#) mandates reporting of GHG emissions. Regulations at [310 CMR 7.71](#) (Mandatory Greenhouse Gas Reporting) require large emitters, electricity importers and retail sellers of electricity to report annually.

Waste and toxics reporting requirements are as follows:

- Hazardous waste: Generators must prepare manifests and submit biennial reports under 310 CMR 30.331.
- Toxics Use Reduction Act (TURA): Facilities meeting thresholds under MGL [Chapter 21I](#) and [310 CMR 50.00](#) must file annual toxics use reports and prepare reduction plans, detailing chemical usage, by-products and releases.
- Solid waste: The operator shall submit to the Massachusetts Department of Environmental Protection (MassDEP), no later than 15 February of each calendar year, an annual report summarising the facility's operations for the previous calendar year or portion of a calendar year that waste is handled at the facility (310 CMR 19.130).

Water reporting requirements include:

- Wastewater discharges: Facilities holding permits under the Clean Waters Act (MGL Chapter 21, [sections 26 to 53](#); [314 CMR 3.00](#)) must file discharge monitoring reports (DMRs) with data on effluent quality and compliance with permit limits.
- Water withdrawals: Under the Water Management Act (MGL [Chapter 21G](#); [310 CMR 36.00](#)), permit holders must report annual withdrawal volumes and conservation measures.

ESG-related reporting requirements:

- Climate disclosures: While Massachusetts does not currently mandate corporate ESG reporting broadly, state reporting duties on GHGs, toxics use and energy performance serve as sector-specific ESG indicators.
- Procurement and investment: Some public authorities integrate environmental reporting into procurement and investment policies, indirectly supporting ESG objectives.

Law stated - 19 November 2025

HAZARDOUS ACTIVITIES AND SUBSTANCES

Regulation of hazardous products and substances

What are the main features of the rules governing hazardous products and substances?

Massachusetts regulates hazardous products and substances primarily under the Hazardous Waste Management Act (MGL [Chapter 21C](#)), the Oil and Hazardous Material Release Prevention and Response Act (MGL [Chapter 21E](#)) and the Toxics Use Reduction

Act (MGL [Chapter 21I](#)). These rules define hazardous materials, govern their manufacture, storage, use, and disposal, and set conditions for marketability and use within the state.

Definition of hazardous products and substances:

- Hazardous waste: Defined under MGL Chapter 21C, [section 2](#) and [310 CMR 30.000](#) as any waste that may pose a substantial hazard to human health or the environment because it is toxic, corrosive, flammable, reactive, or otherwise dangerous.
- Hazardous material: Under MGL Chapter 21E, [section 2](#), this includes any chemical substance designated by Massachusetts Department of Environmental Protection (MassDEP) that poses a present or potential hazard to health, safety, or the environment when released, but expressly excludes oil.
- Toxics: The Toxics Use Reduction Act (MGL Chapter 21I, [section 2](#)) defines toxic or hazardous substances by reference to federal EPCRA Section 313 lists and substances identified by MassDEP.

Massachusetts does not have a stand-alone product approval regime for all hazardous products. Instead, it regulates substances through use, storage, and disposal permits.

- Transport and storage: Hazardous materials may only be transported by licensed carriers under MGL Chapter 21C, [section 5](#) and [7](#) and must comply with packaging, labelling and manifest requirements under 310 CMR 30.310-30.324.
- Facility authorization: Facilities generating, storing, treating, or disposing of hazardous waste require a MassDEP license under MGL Chapter 21C, section 5 and 7 and 310 CMR 30.800.
- Notification: Under MGL Chapter 21E, [section 7](#), owners and operators of sites where hazardous materials are handled must notify MassDEP in case of releases or threats of release.

Control and reporting obligations are as follows:

- Use reduction and planning: Facilities meeting thresholds must submit annual reports and toxics use reduction plans under MGL Chapter 21I, [section 10–11](#) and [310 CMR 50.00](#).
- Inventory and right-to-know: Facilities storing hazardous chemicals above thresholds must comply with the Massachusetts Toxics Use Reduction Act, providing information to MassDEP, local emergency planning committees and the public.
- Clean-up liability: Any release of hazardous substances triggers liability under MGL Chapter 21E, [section 5](#), which is strict, joint and several.

Marketability limits include:

- Restricted substances: Certain hazardous products may be restricted from sale or subject to labelling obligations under additional state-specific laws, such as restrictions on mercury-added products and lead paint.
- Consumer protection: The Attorney General may also act under [Chapter 93A, section 4](#) (consumer protection law) where hazardous substances are misrepresented or marketed without compliance.

ENVIRONMENTAL ASSESSMENT**Activities subject to environmental assessment****Which types of activities are subject to environmental assessment?**

Environmental assessments in Massachusetts are governed by the Massachusetts Environmental Policy Act (MEPA), codified at MGL Chapter 30, [sections 61](#) to [62L](#) and implemented through regulations at [301 CMR 11.00](#).¹ MEPA requires state agencies to evaluate and disclose environmental impacts of proposed projects, programs, or plans before making permitting or funding decisions.

Types of activities subject to environmental assessment:

- Projects requiring state agency action: Any project that requires a permit, financial assistance, or land transfer from a state agency may trigger MEPA review under MGL Chapter 30, [section 62A](#)).
- Industrial and infrastructure projects: Large-scale industrial facilities, energy plants, pipelines, roads, and rail projects are commonly subject to review under 301 CMR 11.00.
- Non-industrial projects: Housing, commercial development, water supply projects, and landfills can also require environmental assessments if they meet thresholds under 301 CMR 11.03.
- Programs and plans: State-level policies, such as resource management plans or transportation improvement programs, may undergo review if they significantly affect the environment.

Features of the environmental assessment process are:

- Thresholds: Projects meeting specific thresholds (e.g., alteration of wetlands, water withdrawals, air emissions, traffic generation) must file an Environmental Notification Form (ENF) under 301 CMR 11.03.
- Levels of review:
 - ENF – initial disclosure to determine scope.
 - Final Environmental Impact Report – detailed study of impacts and mitigation measures.
 - Expanded Environmental Notification Form – used for certain mid-level projects.
- Scope of impacts: Assessments cover air, water, land use, traffic, greenhouse gas emissions, environmental justice impacts, and climate resilience under 301 CMR 11.07.

MEPA applies not only to industrial projects but also to non-industrial developments and state programs that could cause environmental impacts.

MEPA review itself does not grant approval or a license. Instead, it is a disclosure and mitigation process. State agencies cannot issue permits or financial assistance until the Secretary of Energy and Environmental Affairs certifies compliance with MEPA.

Once MEPA review is complete, agencies incorporate mitigation requirements identified in the Environmental Impact Report into subsequent permits or approvals.

Law stated - 19 November 2025

REGULATORY AUTHORITIES

Regulatory authorities

Which authorities are responsible for the environment in your state and what is the scope of each regulator's authority?

Environmental governance in Massachusetts is divided among several state agencies, each with distinct statutory responsibilities. These authorities regulate permits, enforce compliance, and administer subsidies or incentive programs. Enforcement powers include both civil and criminal sanctions under Massachusetts General Laws.

Massachusetts Department of Environmental Protection ([MassDEP](#))

- MassDEP is the primary environmental regulator, administering statutes such as the Clean Air Act, the Clean Waters Act, the Hazardous Waste Management Act, the Oil and Hazardous Material Release Prevention and Response Act and the Solid Waste Act.
- The department grants several permits such as air permits, water discharge, hazardous waste licenses, solid waste facility permits, wetlands permits and greenhouse gas reporting compliance.
- It may issue administrative orders, impose civil penalties, and refer cases for criminal prosecution under the relevant statutes.

Executive Office of Energy and Environmental Affairs ([EEA](#))

- EEA oversees statewide environmental policy, climate initiatives, land conservation and the Massachusetts Environmental Policy Act (MEPA) review process.
- The Secretary of EEA certifies Environmental Impact Reports under MEPA and administers grants for conservation, climate resilience, and renewable energy programs.
- While EEA does not directly impose sanctions, it sets binding conditions through MEPA certification that agencies must enforce in their permitting.

Department of Conservation and Recreation ([DCR](#))

- DCR manages state parks, forests, reservations and watershed lands. It protects natural landscapes and drinking water reservoirs.
- The department issues licenses and leases for recreational use of state lands and provides grants for municipal open space and recreation planning.
-

It enforces land-use restrictions and may impose penalties for unauthorized use of protected lands.

Department of Agricultural Resources ([MDAR](#))

- MDAR regulates pesticide use, farmland conservation and nutrient management to prevent agricultural pollution.
- The department issues pesticide applicator licenses, regulates fertilizer use, and provides subsidies under agricultural preservation programs.
- It may suspend or revoke licenses and impose penalties for misuse of pesticides or violations of agricultural regulations.

Local Conservation Commissions and Boards of Health ([BOH](#))

- Conservation Commissions administer the Wetlands Protection Act at the municipal level and issue orders of conditions for projects affecting wetlands. Boards of Health regulate local solid waste, septic systems and health-related environmental issues.
- They issue local permits under the Wetlands Protection Act, septic system approvals, and site assignments for solid waste facilities.
- They can issue enforcement orders, fines, and refer violations to MassDEP or courts.

Law stated - 19 November 2025

KEY TRENDS AND DEVELOPMENTS

Recent updates and trends

What are the most noteworthy recent trends and developments in environmental law in your state? What developments are expected in the coming year?

N/A

Law stated - 19 November 2025