

HOUSE No. 2099

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 providing for the establishment of sustainable water resource funds.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>1/11/2023</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/6/2023</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>2/24/2023</i>
<i>Simon Cataldo</i>	<i>14th Middlesex</i>	<i>2/24/2023</i>

HOUSE No. 2099

By Representative Philips of Sharon, a petition (accompanied by bill, House, No. 2099) of Edward R. Philips and others relative to the establishment of sustainable water resource funds. Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2152 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act providing for the establishment of sustainable water resource funds.

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. Chapter 40 of the General Laws, as appearing in the 2018 Official Edition,
2 is hereby amended by inserting after section 39M the following new section:-

3 Section 39N. (a) Notwithstanding any general or special law to the contrary, a city, town,
4 water district, wastewater district, stormwater utility or statutory authority created to operate a
5 water distribution or wastewater collection system or stormwater system which accepts this
6 section may collect a reasonable fee to be used exclusively for measures to remedy and offset the
7 impacts on the natural environment of new and/or increased water withdrawals, sewerage,
8 wastewater discharges, stormwater discharges or impairment of recharge of groundwater through
9 depletion of ground or surface waters, and to sustain the quantity, quality and ecological health,
10 of waters of the commonwealth. Such measures to remedy and offset these impacts include

11 without limitation, local recharge of stormwater and wastewater; redundant water sources;
12 reductions in loss from drinking water systems, treatment of drinking water or interconnections
13 with other systems for the purposes of optimizing water supply sources for environmental
14 benefit; expansion of stormwater treatment and wastewater treatment systems; reuse of water;
15 removal of sewer infiltration and inflow; water conservation; retrofits of existing buildings and
16 parking lots with low impact development methods; removal of dams; improvements to aquatic
17 habitat; development of integrated water resources management plans, studies and planning to
18 mitigate environmental impacts; and, land acquisition for the protection of public water supply
19 sources, siting of decentralized wastewater facilities, stormwater recharge sites or for riparian
20 habitat. The fee, which may be based on retaining within the basin or saving at least one gallon,
21 but no more than ten gallons, for every gallon of increased water or sewer demand, or net
22 impairment of recharge shall be assessed in a fair and equitable manner and separate fees may be
23 established for different types of uses, such as residential and commercial uses.

24 (b) When adopting this section, the city, town, district or statutory authority shall
25 designate the board, commission, or official responsible for assessing, collecting, and expending
26 such fee. Fees assessed pursuant to this section shall be deposited by the designated board,
27 commission, or official in separate accounts classified as "Sustainable Water Resource Funds"
28 for drinking water, wastewater or stormwater. The principal and interest thereon shall be
29 expended at the direction of the designated board, commission, or official without further
30 appropriation. These Funds shall not be used for any purpose not provided in this section. These
31 Funds may also receive monies from public and private sources as gifts, grants, and donations to
32 further water conservation, water return or water loss prevention; from the federal government as
33 reimbursements, grants-in-aid or other receipts on account of water infrastructure improvements;

34 or fines, penalties or supplemental environmental projects. Any interest earned from whatever
35 source shall be credited to and become part of said Fund.

36 (c) A city, town, district, or authority that has accepted this section may in the same
37 manner revoke its acceptance. Monies remaining in the fund shall be expended in a manner
38 consistent with this section.