

HOUSE No. 2130

The Commonwealth of Massachusetts

PRESENTED BY:

Paul W. Mark

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 public water supply records.

PETITION OF:

NAME:

Paul W. Mark

DISTRICT/ADDRESS:

2nd Berkshire

HOUSE No. 2130

By Mr. Mark of Peru, a petition (accompanied by bill, House, No. 2130) of Paul W. Mark relative to giving local boards of health and health departments access to records concerning public water supply systems maintained by the Department of Environmental Protection. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to public water supply records.

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. The Department of Environmental Protection shall immediately report any
2 violations of standards or regulations regulating the quality of water used for drinking, domestic
3 or culinary purposes to the department of Public Health. If the Department of Public Health
4 ascertains from its own inspection or from the report of the Department of Environmental
5 Protection that there is a violation of those regulations or standards which may endanger the
6 public health, it may order the appropriate part to cease violating the regulation and to take
7 whatever steps are necessary to purify the water. If any such order of the Department of Public
8 Health conflicts with any order of the Department of Environmental Protections, the order of the
9 Department of Public Health shall take precedence. Such an order will be enforceable by the
10 superior court sitting in equity upon the petition of the department of public health.

11 SECTION 2. Within 60 days of enactment, the Department of Environmental Protection
12 shall provide local boards of health with real-time read-only access to all Public Water Supply

13 water quality testing results contained in the eDEP database, or any such successor database
14 system. Said access may be controlled only as is necessary to ensure that proper security
15 measures are followed, such as through the use of password-protected accounts, and/ or log-in
16 through the MA virtual gateway, or VPN. The local boards of health shall have no restriction to
17 read-only access to Public Water Supply monitoring results and related records, except as
18 explicitly provided by the Public Records Law, when such exemptions apply, and when properly
19 cited exemptions are invoked. Database access shall include the ability to download all water
20 quality data in a common and searchable digital format, such as spreadsheet, comma separated
21 variable, or other common database formats. Text based documents shall be made available in a
22 common downloadable format such as pdf.

23 SECTION 3. Within 120 days of enactment, the department shall provide read-only
24 access to all Public Water Supply water quality testing results contained in the eDEP database to
25 the general public and the new media, in a manner similar to that provided to local boards of
26 health.