

SENATE No. 01055

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

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 passage of the accompanying bill:

An Act to assist public water suppliers and to safeguard adequate water supplies..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>
<i>John P. Fresolo</i>	<i>16th Worcester</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

SENATE No. 01055

By Ms. Spilka, petition (accompanied by bill, Senate, No. 1055) of Walsh, Dykema, Fresolo and other members of the General Court for legislation to assist public water suppliers and to safeguard adequate water supplies [Joint Committee on Municipalities and Regional Government].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ SENATE
□ , NO. 786 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to assist public water suppliers and to safeguard adequate water supplies..

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. Section 16 of Chapter 21 of the General Laws, as appearing in the 2008
2 Official Edition, is hereby amended by striking out, in lines 14 through 19, inclusive, the words,
3 “in any city or town from requiring any person engaged in the digging or drilling of private wells
4 to obtain a site permit in accordance with terms and conditions which ensure health and safety
5 and said city or town may charge said person a reasonable fee for said site permit as determined
6 by the city or town” and inserting in place thereof the following words:- “in any city, town or
7 water district from requiring any person engaged in the digging or drilling of private wells, or
8 any person operating such wells, to obtain a site permit and abide by other restrictions on the

9 operation of such wells in accordance with terms and conditions which ensure health, safety and
10 protection of the public water supply, wetlands, waterways and aquatic life, and said city or town
11 may charge said person a reasonable fee for said site permit as determined by the city or town.”

12 SECTION 2. Section 39J of Chapter 40 of the General Laws, as appearing in 2008
13 Official Edition, is hereby amended by inserting after the words "all related costs of police and
14 fire protection," in line 15, the following words:- “all costs or measures to ensure the long-term
15 sustainability of the water supply,”.

16 SECTION 3. Section 39K of Chapter 40 of the General Laws, as appearing in the
17 2008 Official Edition, is hereby amended by striking out subsection (a) and inserting in place
18 thereof the following new section:

19 (a) Any city or town which accepts the provisions of this section either by a majority
20 vote of the city or town council, or by majority vote at an annual town meeting, may establish a
21 drinking water protection district to include all or part of said city or town, or in conjunction with
22 at least one other city or town sharing a common drinking water resource, including but not
23 limited to an aquifer, a recharge area or a watershed. Said drinking water protection district shall
24 be for the purposes of water conservation, resource management and protection, and resource
25 planning of drinking water supplies in said district including, but not limited to, public wells,
26 private wells, and reservoirs, watersheds and aquifers which may be located in more than one
27 such city or town.

28 The drinking water protection commission shall be composed of two members from
29 each municipality in said drinking water protection district to be appointed by the mayor of a city
30 or the board of selectmen of a town for a term of three years.

31 Each city or town in said drinking water protection district shall adopt a pricing system
32 which charges all users of public or private water supplies within said city, town or water supply
33 district for protection of water resources. Said pricing system shall not impose a charge in excess
34 of ten percent of the annual cost of water as charged by metered service or fixed rate. If service is
35 without meters or if the water supply is private, a flat fee may be charged; provided, however,
36 that such flat fee shall not exceed ten percent of the average annualized residential or commercial
37 metered use whichever is applicable in such city or town; and provided, further, that in a city or
38 town without a public water system a flat fee to be established by a majority vote of an annual
39 town meeting, town council or city council, whichever is applicable shall be charged.

40 Such charges or fees collected under the provisions of this section shall be forwarded
41 to the drinking water protection commission which shall deposit the same in the Drinking Water
42 Protection Fund established under subsection (b).

43 SECTION 4. Subsection (c) of section 39K of said Chapter 40 of the General Laws,
44 as appearing in the 2008 Official Edition, is further amended by inserting after paragraph (8) the
45 following new paragraph:-

46 (9) restrict the siting, establishment and/or operation of private wells located within the drinking
47 water protection district where any such well may adversely affect any public water supplier's
48 ability to provide sufficient water supply to meet the essential potable or fire protection needs of
49 its service population.

50 SECTION 5. Chapter 40 of the General Laws, as appearing in the 2008 Official
51 Edition, is hereby amended by inserting after section 39L the following new section:

52 Section 39M. Establishment of Sustainable Water Resource Fund.

53 Notwithstanding any general or special law to the contrary, a city, town, board of water
54 commissioners, officers performing like duties, or water district having a water supply or water
55 distribution system may collect a reasonable fee to be used exclusively to remedy and offset the
56 impacts of water withdrawals and other activities that deplete streamflow or impair recharge to
57 ground waters, and to sustain the quantity, quality and ecological integrity of waters of the
58 commonwealth. Such measures for water return or preventing water loss include without
59 limitation, local recharge of stormwater and wastewater, reuse of water, removal of infiltration
60 and inflow, and water savings achieved by retrofitting existing development with low impact
61 development methods or water-saving devices. The fee, which may be based on retaining within
62 the basin or saving at least two gallons for every gallon of new water demand, shall be assessed
63 in a fair and equitable manner, and separate uniform fees may be established for residential and
64 commercial uses. All such fees shall be deposited in a separate account classified as a
65 "Sustainable Water Resource Fund." This Fund shall not be used for any purpose not provided in
66 this section.