

SENATE No. 1645

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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 mitigating water resource impacts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/28/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/30/2019</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>1/31/2019</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/31/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/31/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/1/2019</i>
<i>Carmin Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/1/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/1/2019</i>

SENATE No. 1645

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 1645) of James B. Eldridge, Carolyn C. Dykema, Mike Connolly, Patrick M. O'Connor and other members of the General Court for legislation to mitigate water resource impacts. Revenue.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1126 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act mitigating water resource impacts.

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 2016 Official Edition,
2 is hereby amended by adding the following 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 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 may include,

11 but not be limited to, the following: local recharge of stormwater and wastewater; redundant
12 water sources; reductions in loss from drinking water systems, treatment of drinking water or
13 interconnections with other systems for the purposes of optimizing water supply sources for
14 environmental benefit; expansion of stormwater treatment and wastewater treatment systems;
15 reuse of water; removal of sewer infiltration and inflow; water conservation; retrofitting of
16 existing buildings and parking lots with low impact development methods; removal of dams;
17 improvements to aquatic habitat; development of integrated water resources management plans,
18 studies and planning to mitigate environmental impacts; and land acquisition for the protection
19 of public water supply sources, siting of decentralized wastewater facilities, stormwater
20 recharge sites or for riparian habitats. The fee, which may be based on retaining within the basin
21 or saving at least one gallon, but no more than ten gallons, for every gallon of increased water or
22 sewer demand, or net impairment of recharge shall be assessed in a fair and equitable manner
23 and separate fees may be established for different types of uses, such as residential and
24 commercial uses.

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

34 the federal government as reimbursements, grants-in-aid or other receipts on account of water
35 infrastructure improvements, or fines, penalties or supplemental environmental projects. Any
36 interest earned from whatever source shall be credited to and become part of said account.

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