

SENATE No. 457

The Commonwealth of Massachusetts

PRESENTED BY:

Diana DiZoglio

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 to create a Merrimack River District Commission.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Diana DiZoglio</i>	<i>First Essex</i>	
<i>James M. Kelcourse</i>	<i>1st Essex</i>	<i>1/18/2019</i>
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>	<i>1/30/2019</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/4/2019</i>

SENATE No. 457

By Ms. DiZoglio, a petition (accompanied by bill, Senate, No. 457) of Diana DiZoglio, James M. Kelcourse, Edward J. Kennedy and David Allen Robertson for legislation to create a Merrimack River District Commission. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

An Act to create a Merrimack River District Commission.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately establish a working group commission related to the ongoing problem of Combined Sewer Overflow (CSO) within the Merrimack River and its tributaries. The purpose of this commission is to address the health of the river, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

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 92A1/2 is hereby amended to insert after Section 6 the following:-

2 Section 6A

3 The general court hereby creates and establishes a commission to be known as the
4 Merrimack River District Commission:

5 There shall be a commission established to review the state of health of the Merrimack
6 River and its tributaries in order to improve and restore water quality and to make
7 recommendations to the general court regarding changes that may be appropriate to ensure the
8 present and future health of these public waterways. Notwithstanding any law to the contrary, in

9 conducting this review, the commission shall seek to determine the infrastructure, equipment,
10 communication systems, funding, and necessary programs to establish the baseline health goal
11 for the river for environmental, economic, recreational, and aesthetic purposes. The review shall
12 include, but not be limited to: wastewater from municipal and industrial sources, combined
13 sewer overflow (CSO) discharge standards, discharge flow data collection and distribution,
14 monitoring of water quality standards and criteria, notification system for alerts to the public,
15 optimal research technology, cost and cost-sharing among communities, grant and other funding
16 opportunities as well as anticipated time frames for achieving benchmark goals.

17 The goal of the commission is to address issues of pollution in the Merrimack River in
18 order to make the river as clean as possible so the public can use and enjoy the river with a viable
19 plan to implement the recommendations of the commission.

20 The commission shall be chaired by the director of the Merrimack Valley Planning
21 Commission or a designee. The commission shall include 1 member of the Department of
22 Environmental Protection, 1 member of the Department of Public Health, 1 member of the
23 Department of Emerging Technologies, 1 member of the Massachusetts Emergency
24 Management Agency and 1 member of the Department of Conservation and Recreation to be
25 appointed. Mayors and town managers along the Merrimack River may each designate a member
26 of the commission. All stakeholders who operate or manage sewers and combined sewer
27 overflow locations along the river shall be permitted to appoint 1 member to the commission.
28 Further, the following organizations shall be permitted to appoint 1 member to the commission:
29 The Merrimack River Watershed, Save the Harbor/Save the Bay, Environmental League of
30 Massachusetts, Conservation Law Foundation, Sierra Club, Massachusetts River Alliance, and
31 the Vice Chancellor for Research and Innovation at University of Massachusetts – Lowell or a

32 designee. Members shall receive no compensation for their services but may receive
33 reimbursement for the reasonable expenses incurred in carrying out their responsibilities as
34 members of the commission. The Department of Environmental Protection shall furnish
35 reasonable staff and other support for the work of the commission.

36 The commission shall have the authority to select and contract with independent
37 consultants to assist with leading and managing public hearings, conducting and analyzing data
38 and information, completing a final report and any other activities to satisfy the purpose of the
39 commission's goal of developing and implementing a viable plan to improve the river quality.
40 The state shall fully fund the cost of consultants including all data collection and reports.

41 In addition to reports from any hired consultants, before issuing its recommendations, the
42 commission shall conduct a series of public hearings to receive testimony and collect data from
43 agencies of the commission and environs to better understand the health of the river. The
44 hearings shall be held in locations that provide opportunities for residents from all geographic
45 districts bordering the Merrimack River to attend.

46 Both the experts hired for consultation purposes and the public testimony shall inform the
47 commission's recommendations to the general court.

48 All recommendations of the commission shall be considered a matter of public record so
49 that the information is accessible to local residents, elected and appointed officials, advocates,
50 and the general public at no cost.

51 One copy of the commission's recommendations, together with any proposed legislation,
52 shall be filed with the Clerk of the Senate and one copy shall be filed with the Clerk of the House

- 53 of Representatives within one year of the initiation of the commission and annually if the
- 54 commission endures for longer than one year.