HOUSE DOCKET, NO. 2775 FILED ON: 1/18/2013

HOUSE . . . . . No. 687

The Commonwealth of Massachusetts

PRESENTED BY:

Carolyn C. Dykema

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:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Carolyn C. Dykema	*8th Middlesex*
John V. Fernandes	*10th Worcester*
John J. Mahoney	*13th Worcester*
Anne M. Gobi	*5th Worcester*
Paul McMurtry	*11th Norfolk*
Kay Khan	*11th Middlesex*
Michael Barrett	*Third Middlesex*
Jonathan Hecht	*29th Middlesex*
Denise Provost	*27th Middlesex*
Todd M. Smola	*1st Hampden*
James T. Welch	*Hampden*
Chris Walsh	*6th Middlesex*
Thomas P. Conroy	*13th Middlesex*
James Arciero	*2nd Middlesex*
Cory Atkins	*14th Middlesex*
Thomas A. Golden, Jr.	*16th Middlesex*
Sean Garballey	*23rd Middlesex*

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By Ms. Dykema of Holliston, a petition (accompanied by bill, House, No. 687) of Carolyn C. Dykema and others for legislation to establish a sustainable water resource fund to mitigate water shortages. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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:

SECTION 1. Chapter 40 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 39L the following new section:-

Section 39M. (a)Notwithstanding any general or special law to the contrary, a city, town, water district, wastewater district, stormwater utility or statutory authority created to operate a water distribution or wastewater collection system or stormwater system which accepts this section may collect a reasonable charge to be used exclusively for measures to remedy and offset the impacts on the natural environment of new and/or increased water withdrawals, sewering, wastewater discharges, stormwater discharges or impairment of recharge of groundwater through depletion of ground or surface waters, and to sustain the quantity, quality and ecological health, of waters of the commonwealth. Such measures to remedy and offset these impacts include without limitation, local recharge of stormwater and wastewater, treatment of drinking water, wastewater and stormwater, reductions in combined sewer overflows, maintenance, repair and expansion of stormwater treatment, wastewater treatment and drinking water treatment systems, reuse of water and stormwater, removal of sewer infiltration and inflow, retrofits of existing buildings, facilities and developments with water saving devices or low impact development methods, reductions in water loss from drinking water distribution systems, rebates to promote retrofits with water saving devices, removal of dams, construction of new, redundant water supply sources or interconnections with other drinking water systems, structural improvements to aquatic habitat, development of integrated water resources management plans, public education programs related to water resource management and scientific studies of local surface and ground waters to inform mitigation activities or land acquisition for the protection of public water supply sources or for riparian habitat. The charge shall be assessed in a fair and equitable manner and separate charges may be established for different types of uses, such as residential and commercial uses. The charges may be based on reasonable quantification of new or increased impact on water resources and/or water, wastewater, or stormwater infrastructure,

26 including, but not limited to, a new or increased volume of drinking water to be withdrawn, or an
27 increase in wastewater volume or the volume of stormwater to be discharged.

28 (b) When adopting this section, the city, town, district or statutory authority shall
29 designate the board, commission, or official responsible for assessing, collecting, and expending
30 such charge. Charges assessed pursuant to this section shall be deposited by the designated
31 board, commission, or official in separate accounts classified as "Sustainable Water Resource
32 Funds" for drinking water, wastewater or stormwater. The principal and interest thereon shall be
33 expended at the direction of the designated board, commission, or official without further
34 appropriation. These Funds shall not be used for any purpose not provided in this section. These
35 Funds may also receive monies from public and private sources as gifts, grants, and donations to
36 further water conservation, water return or water loss prevention; from the federal government as
37 reimbursements, grants-in-aid or other receipts on account of water infrastructure improvements;
38 or fines, penalties or supplemental environmental projects. Any interest earned from whatever
39 source shall be credited to and become paid of said Fund.

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