

HOUSE No. 778

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act establishing a two-year moratorium on new and expanded commercial water extraction, storage and bottling operations in the Commonwealth of Massachusetts ..

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. DEFINITIONS.

2 Commercial water is defined herein to refer to any water that is extracted, withdrawn,
3 taken, stored, pumped, piped, transported, or used in the Commonwealth for the purposes of
4 producing a commercial drinking water product or water beverage that is consumed usually from
5 a bottle or other vessel instead of from a plumbed drinking water tap, faucet or pipe which is
6 supplied from a public or private water supplier and which is subject to federal and state drinking
7 water laws and regulations. Commercial water as defined herein shall not include commercial
8 alcoholic and non-alcoholic drinking products and beverages that include water such as “soda,”
9 “pop,” “tonic,” “seltzer” and other carbonated or sweetened beverages that are sold
10 commercially.

11 SECTION 2. Notwithstanding any general or special law to the contrary, there shall be a
12 two-year moratorium, effective immediately, that the Secretary of Energy and Environmental
13 Affairs shall administer and the Attorney General shall enforce, on new and expanded

extractions and water uses, from any source of water in the Commonwealth of Massachusetts, for the purposes of commercial water storage, bottling or transport.

SECTION 3. Commercial water extraction, storage or bottling operations that use public or private sources of water shall be subject to water use restrictions during the moratorium if the public or private water supplier or location serving a commercial water extraction, storage or bottling operation is subject to voluntary or mandatory water use restrictions on the water supplier's customers and other water users, including but not limited to water use activities by residents, businesses, farms, horticulture, and silviculture.

SECTION 4. No publicly owned municipal, county and state lands may be used for the development, operation, transmission or expansion of commercial water extraction, storage or bottling operations, including but not limited to Article 97 lands, land held by land trusts, conservation commissions, public water suppliers or a state, county, regional or municipal department, agency, or other authority for the benefit of its citizens or for the preservation of land, water, fisheries, aquatic habitat, wildlife, agriculture, livestock, grazing or other natural features.

SECTION 5. This moratorium may be extended pending public review and submittal of reports of significant findings to the Legislature's Joint Committee on Environment, Natural Resources, and Agriculture resulting from the cooperative federal and state Massachusetts Index Streamflows Task Force and the Basin Stress Reclassification Task Force that are directed by the Massachusetts Water Resources Commission which are responsible for evaluations of river basin stress and water availability in stress-designated and heretofore unassessed river basins in the Commonwealth.