

SENATE No. 1055

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 adoption 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>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. 1055

By Ms. Spilka, a petition (accompanied by bill, Senate, No. 1055) of Karen E. Spilka, John P. Fresolo, Carolyn C. Dykema and Chris Walsh for legislation to assist public water suppliers and to safeguard adequate water supplies. Municipalities and Regional Government.

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

The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven
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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
2 the 2008 Official Edition, is hereby amended by striking out, in lines 14 through 19, inclusive,
3 the words, “in any city or town from requiring any person engaged in the digging or drilling of
4 private wells to obtain a site permit in accordance with terms and conditions which ensure health
5 and safety and said city or town may charge said person a reasonable fee for said site permit as
6 determined by the city or town” and inserting in place thereof the following words:- “in any
7 city, town or water district from requiring any person engaged in the digging or drilling of
8 private wells, or any person operating such wells, to obtain a site permit and abide by other
9 restrictions on the operation of such wells in accordance with terms and conditions which ensure
10 health, safety and protection of the public water supply, wetlands, waterways and aquatic life,

11 and said city or town may charge said person a reasonable fee for said site permit as determined
12 by the city or town.”

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

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

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

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

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

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

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

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

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

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

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