

SENATE No. 386

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 establish a water resources conservation act and efficiency program.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bruce E. Tarr</i>	
<i>Michael R. Knapik</i>	
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>James B. Eldridge</i>	

SENATE No. 386

By Mr. Tarr, petition (accompanied by bill, Senate, No. 386) of Eldridge, Ross, Knapik and other members of the Senate for legislation to establish a water resources conservation act [Joint Committee on Environment, Natural Resources and Agriculture].

The Commonwealth of Massachusetts

—————
In the Year Two Thousand Eleven
—————

An Act to establish a water resources conservation act and efficiency program.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 21 of the General Laws is hereby amended by inserting after Section 17F the
2 following sections:—

3 Section 17G. The Department of Conservation and Recreation, with assistance and
4 support from the Department of Environmental Protection, is authorized and directed to establish
5 a water conservation and water resources protection program. Said program shall be
6 implemented to increase the efficiency of water use, mitigate the environmental impacts of water
7 withdrawals, assess the effectiveness of various water conservation and water resource
8 protection measures in increasing efficiency of water use, and to identify effective measures to
9 protect and conserve water resources and biological resources throughout the Commonwealth.

10 Said program shall include, but not be limited to:

- 11 (1) the establishment and implementation of a program for the installation of water
12 conserving plumbing fixtures in residential, municipal, and state-owned buildings; for

13 conducting water audits of residential, commercial and municipal buildings; for the installation
14 of new, highly accurate water meters in commercial, municipal, and state-owned buildings, and
15 for the development and implementation of landscape practices that eliminate or significantly
16 reduce outdoor water use;

17 (2) technical assistance to municipalities, water districts and water authorities for
18 comprehensive system wide water audits, water use accounting and reporting and intensive leak
19 detection and repair programs;

20 (3) the preparation of model municipal bylaws/ordinances for site development,
21 stormwater management, including stormwater infiltration and recharge, landscape and
22 recreational facility design and irrigation and water conservation;

23 (4) the development of model water conserving rate structures and billing procedures
24 that fully incorporate the cost of producing water and protecting water resources;

25 (5) the development of public education programs, school curricula, and supporting
26 materials relating to water conservation and water resource protection;

27 (6) development of a methodology for estimating long-term water needs that considers
28 the impact of community build-out projections and provides technical assistance to
29 municipalities, water districts, and water authorities in developing water needs estimates; and,

30 (7) directing technical assistance to municipalities, water districts and water authorities
31 in the efficient management, use and protection of water resources consistent with the purpose of
32 this Act.

33 Model bylaws/ordinances, educational materials, technical assistance guidance
34 documents, and other resources generated from said program shall be made available for the
35 benefit of all municipalities of the Commonwealth, water districts, and water authorities.
36 Participation of municipalities, water districts, and water authorities in any or all elements of the
37 program shall be voluntary.

38 All elements of the water conservation and water resource protection program
39 implemented by municipalities and water districts and water authorities shall be assessed as to
40 their effectiveness by the Massachusetts Water Resources Commission, with the assistance of
41 participating municipalities, water districts, water authorities and the Department of
42 Environmental Management, the Department of Environmental Protection, and nongovernmental
43 organizations concerned with water resources. Within five years of the passage of this Act the
44 Water Resources Commission shall file a report with the clerk of the House and Senate
45 identifying the success or failure of all measures developed and implemented under said
46 program. Said report shall include recommendations for implementation of water conservation
47 and water resource protection measures throughout the Commonwealth and an estimate of the
48 funding necessary to implement such measures.

49 Section 17H. The position of Massachusetts Water Conservation Coordinator is hereby
50 established within the Executive Office of Environmental Affairs. The Commonwealth's Water
51 Conservation Coordinator shall be responsible for assisting municipalities, water districts, and
52 water authorities of the Commonwealth as established by the Water Resources Commission. The
53 state water conservation coordinator s hall also be responsible for administering the water
54 conservation and water resources protection program established under Section 17G of this Act.
55 A sum of \$500,000, to be provided in annual increments of \$100,000 per year for five years,

56 beginning in the year immediately following the passage of this Act, is provided for funding of
57 the Water Conservation Coordinator and work of said office, and for the development and
58 administration of the water conservation and water resources protection program established in
59 Section 17G of this Act, including technical assistance to municipalities and water districts and
60 authorities, development of educational programs, curricula, and materials, development of
61 model bylaws, ordinances and regulations, and to conduct required studies and prepare reports.

62 Section 17I. Notwithstanding the provisions of any general or special law to the contrary,
63 the water pollution abatement trust established under the provisions of chapter 29C of the general
64 laws is hereby authorized and directed, subject to the appropriation provided herein, to provide
65 grant, loan and financial assistance to eligible borrowers to finance the costs of water
66 conservation projects, or portions thereof, which have been approved by the department of
67 environmental protection. As used in this section, the term “eligible borrower” shall mean
68 municipalities, water districts, and water authorities. As used in this section, the term “water
69 conservation project” shall mean a project of a type or category which the department has
70 determined shall promote water conservation and increased efficiency of water usage, including,
71 but not limited to, the implementation of programs for the replacement of plumbing fixtures not
72 meeting the 1998 federal water efficiency standards as established by the Federal Energy Act of
73 1992; the conducting of water audits by municipalities, water districts, and water authorities to
74 identify opportunities to reduce water use; the installation of new, highly accurate water meters
75 in commercial, municipal, and state-owned buildings; enhanced municipal ownership and
76 maintenance responsibility for water meters; and the planning and design of other eligible water
77 projects that increase water conservation and the efficiency of water usage. The trust shall
78 provide grant, loan and financial assistance to eligible borrowers for each water conservation

79 project or portion thereof authorized by this section in such manner and under such terms and
80 conditions as shall be determined by the board of trustees of a trust up to a maximum amount of
81 \$2,000,000 per fiscal year of the commonwealth and up to \$10,000,000 in the aggregate.