

HOUSE No. 785

The Commonwealth of Massachusetts

PRESENTED BY:

Denise Provost

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 establishing a Mystic River water quality commission.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/14/2013</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/14/2013</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/31/2013</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>	<i>1/30/2013</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>	<i>1/31/2013</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>1/30/2013</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>1/14/2013</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/1/2013</i>
<i>Carlo Basile</i>	<i>1st Suffolk</i>	<i>1/14/2013</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>1/14/2013</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/14/2013</i>
<i>Eugene L. O'Flaherty</i>	<i>2nd Suffolk</i>	<i>1/14/2013</i>

HOUSE No. 785

By Ms. Provost of Somerville, a petition (accompanied by bill, House, No. 785) of Denise Provost and others for legislation to establish a Mystic River water quality commission (including members of the General Court) to make an investigation and study of the conditions of said river for fishing, boating and swimming. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1156 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act establishing a Mystic River water quality commission.

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. Notwithstanding any general or special law or regulation to the contrary, a
2 special commission, hereafter referred to as the Mystic River Watershed Water Quality
3 Commission, is hereby established for the purpose of making an investigation and study relative
4 to improving the conditions necessary to, and determining the feasibility of, bringing the water
5 quality in the Mystic River watershed to a level that supports fishing, boating, swimming and
6 wildlife.

7 Definitions:

8 The following words as used in this chapter shall, unless a different meaning is plainly
9 required by the context or specifically prescribed, have the following meanings:

10 (1) "The Mystic River watershed", includes, but is not limited to: the Mystic River, the
11 Upper and Lower Mystic Lakes, the Aberjona River, Horn Pond, Horn Pond Brook, Mill Brook,
12 Alewife brook and its tributaries, Winter Brook, the Malden River, Chelsea Creek, Island End
13 River and Belle Isle Marsh.

14 (2) “Contact recreational potential”, shall mean swimming, kayaking, canoeing, rowing,
15 boating, fishing, bird and wildlife viewing.

16 While the water quality of the Mystic River watershed has improved, and is often good,
17 the existence of contaminated sediments and waterborne pollutants make the development of the
18 contact recreational potential of the Mystic River watershed problematic, therefore:

19 The Mystic River Watershed Water Quality Commission shall study the water quality of
20 the Mystic River watershed including, but not limited to:

21 (a) the collection of existing data concerning sediment volume and quality;

22 (b) identification of additional data, technologies, and engineering or environmental
23 solutions necessary, with an estimate of the approximate cost, to determine where removal of
24 toxic sediments from the Mystic River watershed would be appropriate;

25 (c) the collection of existing data concerning bacteria, viruses, toxins, turbidity, dissolved
26 oxygen, and all other water quality and environmental parameters that may affect human
27 exposure to water within the Mystic River watershed;

28 (d) the collection of existing data concerning water flow, flooding, and wet-weather
29 discharges, including but not limited to the impacts of sanitary sewer overflows (SSO) and
30 combined sewage overflows (CSO), and an evaluation of their impact on water quality, and an
31 evaluation of human exposure to such waterborne sewage and toxics, and identification of
32 additional data, various technologies, engineering or environmental solutions necessary, with an
33 estimate of the approximate cost to reduce such discharges into the waters of the Mystic River
34 watershed during flooding events;

35 (e) the collection of existing data on water flow and flooding and the collection of
36 existing data concerning the impacts of flooding and flood waters on the water quality of the
37 Mystic River watershed, including, but not limited to the impacts of upstream flood mitigation
38 on downstream communities, and operation of the Amelia Earhart dam;

39 (f) identification of sites for the development of public access including swimming and
40 boating areas within the Mystic River watershed, taking into account current uses, public
41 transportation, and any environmental factors, including current port uses;

42 (g) collection of existing data concerning the impacts of water quality on fish and other
43 aquatic and marine life, including, but not limited to fish, shell fish, crustaceans, birds, mammals
44 and aquatic plants; this shall include data on the reproductive success of anadromous and
45 catadromous species as well as those species whose entire lifespan occurs within the waters of
46 the Mystic River watershed;

47 (h) identification of additional data, technologies, and engineering or environmental
48 solutions necessary, with an estimate of the approximate cost, to improve water quality that may
49 impact fish, birds, mammals and other aquatic and marine organisms found in and around the
50 Mystic River watershed;

51 (i) identification of lands and waters within the watershed that may be preserved or
52 restored for the purpose of preserving and increasing biodiversity and viewing fish, wildlife and
53 birds.

54 The Mystic River Watershed Water Quality Commission shall be co-chaired by the house
55 and senate chairs of the joint committee on environment, natural resources and agriculture, and
56 consist of:

57 1 member of the house of representatives appointed by the speaker of the house;

58 1 member of the senate appointed by the senate president;

59 1 member appointed by the senate minority leader;

60 1 member appointed by the house minority leader;

61 1 representative of the Environmental Protection Agency selected by the Governor from
62 3 nominations recommended by the Environmental Protection Agency

63 1 representative from the department of conservation and recreation;

64 1 representative from the department of environmental protection;

65 1 representative from the Massachusetts Water Resources Authority appointed by the
66 secretary of environmental affairs from 3 recommendations made by the Massachusetts Water
67 Resources Authority;

68 1 environmental water quality expert from a college or university appointed by the
69 Secretary of the Executive Office of Energy and Environmental Affairs;

70 1 representative of the division of fisheries and wildlife;

71 1 representative from the environmental justice communities in the Mystic River
72 watershed, appointed by the Secretary of the Executive Office of Energy and Environmental
73 Affairs;

74 and 1 representative from the Mystic River Watershed Association appointed by the
75 Secretary of Energy and Environmental Affairs from 3 recommendations from the Mystic River
76 Watershed Association.

77 All members shall serve without compensation for service on the commission. Said
78 commission may consult individuals and entities outside of its membership for research, advice,
79 support and other functions necessary and appropriate to accomplish the commission's
80 objectives. Said commission shall submit a report, including legislative recommendations, if any,
81 to the joint committee on environment, natural resources and agriculture and the house and
82 senate committees on ways and means by February 1, 2012.