

**HOUSE . . . . . No. 785**

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**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>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>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/1/2013</i>
<i>Carlo Basile</i>	<i>1st Suffolk</i>	
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	
<i>David M. Rogers</i>	<i>24th Middlesex</i>	
<i>Eugene L. O'Flaherty</i>	<i>2nd Suffolk</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.