

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>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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 member of the senate appointed by the senate president;

1 member appointed by the senate minority leader;

1 member appointed by the house minority leader;

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

1 representative from the department of conservation and recreation;

1 representative from the department of environmental protection;

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

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

1 representative of the division of fisheries and wildlife;

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

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