SENATE DOCKET, NO. 1027 FILED ON: 1/17/2013

SENATE . . . . . No. 945

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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 mitigate water resource impacts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James B. Eldridge	*Middlesex and Worcester*
Michael J. Barrett	*Third Middlesex*
Kay Khan	*11th Middlesex*
Lori A. Ehrlich	*8th Essex*
Sean Garballey	*23rd Middlesex*
Sal N. DiDomenico	*Middlesex and Suffolk*
Katherine M. Clark	*Fifth Middlesex*
Denise Andrews	*2nd Franklin*
Jennifer E. Benson	*37th Middlesex*
James Arciero	*2nd Middlesex*
David M. Rogers	*24th Middlesex*

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By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 945) of James B. Eldridge, Michael Barrett, Kay Khan, Lori A. Ehrlich and other members of the General Court for legislation relative to water resource impacts. Municipalities and Regional Government.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act to mitigate water resource impacts.

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

Chapter 40 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 39L the following section:-

Section 39M. Establishment of Sustainable Water Resource Fund.

Notwithstanding any general or special law to the contrary, a city, town, board of water or sewer commissioners, officers performing like duties, or water or sewer district may collect a reasonable fee to be used exclusively to offset and remedy impacts of water withdrawals, sewering, stormwater runoff, or impairment of recharge of groundwater on the natural environment through depletion of ground or surface waters, and to sustain the quantity, quality and ecological integrity of waters of the commonwealth. Such measures for water return, water loss prevention, or to comply with federal, state, or local stormwater requirements, shall include without limitation, local recharge of stormwater and wastewater, reuse of water, removal of infiltration and inflow, water savings achieved by retrofitting existing development with low impact development methods or water-saving devices, dam removal and land acquisition only for 1) wellhead protection of a public water supply or 2) for siting a decentralized wastewater treatment facility.

The fee, which may be based on retaining within the basin or saving at least one gallon, but no more than ten gallons, for every gallon of increased water or sewer demand, or net impairment of recharge shall be assessed in a fair and equitable manner, and separate uniform fees may be established for residential and commercial uses.

All such fees shall be deposited in a separate account classified as a "Sustainable Water Resource Fund." This Fund shall not be used for any purpose not provided in this section. The Fund may also receive monies from public and private sources as gifts, grants, and donations to further water conservation, water return or water loss prevention; from the federal government as reimbursements, grants-in-aid or other receipts on account of water infrastructure improvements; or fines, penalties or supplemental environmental projects. Any interest earned from whatever source shall be credited to and become part of said Fund.