

**SENATE . . . . . No. 972**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Karen E. Spilka***

*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 assist public water suppliers and to safeguard adequate water supplies.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Karen E. Spilka*

*Second Middlesex and Norfolk*

*Michael J. Barrett*

*Third Middlesex*

**SENATE . . . . . No. 972**

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By Ms. Spilka, a petition (accompanied by bill, Senate, No. 972) of Karen E. Spilka and Michael Barrett for legislation to assist public water suppliers and to safeguard adequate water supplies. Municipalities and Regional Government.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1055 OF 2011-2012.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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An Act to assist public water suppliers and to safeguard adequate water supplies.

*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. Section 39J of Chapter 40 of the General Laws, as appearing in 2010  
2 Official Edition, is hereby amended by inserting after the words "all related costs of police and  
3 fire protection," in line 15, the following words:- "all direct and indirect costs or measures to  
4 ensure the long-term sustainability of the water supply,".

5           SECTION 2. Section 39K of Chapter 40 of the General Laws, as appearing in the 2010  
6 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof  
7 the following new section:

8           (a) Any city or town which accepts the provisions of this section either by a majority vote  
9 of the city or town council, or by majority vote at an annual town meeting, may establish a  
10 drinking water protection district to include all or part of said city or town, or in conjunction with  
11 at least one other city or town sharing a common drinking water resource, including but not  
12 limited to an aquifer, a recharge area, a watershed, or other appropriate hydrologic region. Said  
13 drinking water protection district shall be for the purposes of water conservation, sustainable  
14 resource management and protection, and resource planning of drinking water supplies in said  
15 district including, but not limited to, public wells, private wells, and reservoirs, watersheds and  
16 aquifers which may be located in more than one such city or town.

17 The drinking water protection commission shall be composed of two members from each  
18 municipality in said drinking water protection district to be appointed by the mayor of a city or  
19 the board of selectmen of a town for a term of three years.

20 Each city or town in said drinking water protection district shall adopt a pricing system  
21 which charges all users of public or private water supplies within said city, town or water supply  
22 district for protection of water resources. Said pricing system shall not impose a charge in excess  
23 of ten percent of the annual cost of water as charged by metered service or fixed rate. If service is  
24 without meters or if the water supply is private, a flat fee may be charged; provided, however,  
25 that such flat fee shall not exceed ten percent of the average annualized residential or commercial  
26 metered use whichever is applicable in such city or town; and provided, further, that in a city or  
27 town without a public water system a flat fee to be established by a majority vote of an annual  
28 town meeting, town council or city council, whichever is applicable shall be charged.

29 Such charges or fees collected under the provisions of this section shall be forwarded to  
30 the drinking water protection commission which shall deposit the same in the Drinking Water  
31 Protection Fund established under subsection (b).

32 SECTION 3. Subsection (c) of section 39K of said Chapter 40 of the General Laws, as  
33 appearing in the 2010 Official Edition, is further amended by inserting after paragraph (8) the  
34 following new paragraph:-

35 (9) restrict the siting, establishment and/or operation of private wells located within the  
36 drinking water protection district where any such well may adversely affect any public water  
37 supplier's ability to provide sufficient and sustainable water supply to meet the essential potable  
38 or fire protection needs of its service population.

39 SECTION 4. Chapter 40 of the General Laws, as appearing in the 2010 Official Edition,  
40 is hereby amended by inserting after section 39L the following new section:

41 Section 39M. Establishment of Sustainable Water Resource Fund.

42 Notwithstanding any general or special law to the contrary, a city, town, board of water  
43 commissioners, officers performing like duties, or water district having a water supply or water  
44 distribution system may collect a reasonable fee to be used exclusively to remedy and offset the  
45 impacts of water withdrawals and other activities that deplete streamflow or impair recharge to  
46 ground waters, and to sustain the quantity, quality and ecological integrity of waters of the  
47 commonwealth. Such measures for water return or preventing water loss include without  
48 limitation, local recharge of stormwater and wastewater, reuse of water, removal of infiltration  
49 and inflow, and water savings achieved by retrofitting existing development with low impact  
50 development methods or water-saving devices. The fee, which may be based on retaining within  
51 the basin or saving at least two gallons for every gallon of new water demand, shall be assessed  
52 in a fair and equitable manner, and separate uniform fees may be established for residential and

53 commercial uses. All such fees shall be deposited in a separate account classified as a  
54 "Sustainable Water Resource Fund." This Fund shall not be used for any purpose not provided in  
55 this section.