

**SENATE . . . . . No. 405**

---

**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:
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>

**SENATE . . . . . No. 405**

---

---

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 405) of James B. Eldridge, Chris Walsh, Louis L. Kafka, Jennifer E. Benson and other members of the General Court for legislation relative to water resource impacts. Environment, Natural Resources and Agriculture.

---

---

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 945 OF 2013-2014.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
\_\_\_\_\_

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:*

1           SECTION 1. Chapter 40 of the General Laws, as appearing in the 2010 Official Edition,  
2 is hereby amended by inserting after section 39L the following new section:

3           Section 39N. (a)Notwithstanding any general or special law to the contrary, a city, town,  
4 water district, wastewater district, stormwater utility or statutory authority created to operate a  
5 water distribution or wastewater collection system or stormwater system which accepts this  
6 section may collect a reasonable fee to be used exclusively for measures to remedy and offset the  
7 impacts on the natural environment of new and/or increased water withdrawals, sewerage,  
8 wastewater discharges, stormwater discharges or impairment of recharge of groundwater through  
9 depletion of ground or surface waters, and to sustain the quantity, quality and ecological health,  
10 of waters of the commonwealth. Such measures to remedy and offset these impacts include

11 without limitation, local recharge of stormwater and wastewater; redundant water sources;  
12 reductions in loss from drinking water systems, treatment of drinking water or interconnections  
13 with other systems for the purposes of optimizing water supply sources for environmental  
14 benefit; expansion of stormwater treatment and wastewater treatment systems; reuse of water;  
15 removal of sewer infiltration and inflow; water conservation; retrofits of existing buildings and  
16 parking lots with low impact development methods; removal of dams; improvements to aquatic  
17 habitat; development of integrated water resources management plans, studies and planning to  
18 mitigate environmental impacts; and, land acquisition for the protection of public water supply  
19 sources, siting of decentralized wastewater facilities, stormwater recharge sites or for riparian  
20 habitat. The fee, which may be based on retaining within the basin or saving at least one gallon,  
21 but no more than ten gallons, for every gallon of increased water or sewer demand, or net  
22 impairment of recharge shall be assessed in a fair and equitable manner and separate fees may be  
23 established for different types of uses, such as residential and commercial uses.

24 (b) When adopting this section, the city, town, district or statutory authority shall  
25 designate the board, commission, or official responsible for assessing, collecting, and expending  
26 such fee. Fees assessed pursuant to this section shall be deposited by the designated board,  
27 commission, or official in separate accounts classified as "Sustainable Water Resource Funds"  
28 for drinking water, wastewater or stormwater. The principal and interest thereon shall be  
29 expended at the direction of the designated board, commission, or official without further  
30 appropriation. These Funds shall not be used for any purpose not provided in this section. These  
31 Funds may also receive monies from public and private sources as gifts, grants, and donations to  
32 further water conservation, water return or water loss prevention; from the federal government as  
33 reimbursements, grants-in-aid or other receipts on account of water infrastructure improvements;

34 or fines, penalties or supplemental environmental projects. Any interest earned from whatever  
35 source shall be credited to and become part of said Fund.

36 (c) A city, town, district, or authority that has accepted this section may in the same  
37 manner revoke its acceptance. Monies remaining in the fund shall be expended in a manner  
38 consistent with this section.