

SENATE No.

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 providing for the establishment of sustainable water resource funds.

PETITION OF:

NAME:

James B. Eldridge

DISTRICT/ADDRESS:

Middlesex and Worcester

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1293 OF 2023-2024.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act providing for the establishment of sustainable water resource funds.

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

1 Chapter 40 of the General Laws, as appearing in the 2018 Official Edition, is hereby
2 amended by inserting after section 39M 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 or increased water withdrawals, sewerage, wastewater
8 discharges, stormwater discharges or impairment of recharge of groundwater through depletion
9 of ground or surface waters, and to sustain the quantity, quality and ecological health, of waters
10 of the commonwealth. Such measures to remedy and offset these impacts include without
11 limitation, local recharge of stormwater and wastewater; redundant water sources; reductions in

12 loss from drinking water systems, treatment of drinking water or interconnections with other
13 systems for the purposes of optimizing water supply sources for environmental benefit;
14 expansion of stormwater treatment and wastewater treatment systems; reuse of water; removal of
15 sewer infiltration and inflow; water conservation; retrofits of existing buildings and parking lots
16 with low impact development methods; removal of dams; improvements to aquatic habitat;
17 development of integrated water resources management plans, studies and planning to mitigate
18 environmental impacts; and, land acquisition for the protection of public water supply sources,
19 siting of decentralized wastewater facilities, stormwater recharge sites or for riparian habitat. The
20 fee, which may be based on retaining within the basin or saving at least one gallon, but no more
21 than ten gallons, for every gallon of increased water or sewer demand, or net impairment of
22 recharge shall be assessed in a fair and equitable manner and separate fees may be established for
23 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.