

SENATE NO. 1200

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 16 of chapter 21 of the General Laws is hereby amended by striking the
2 phrase following the words "appropriate local authority" in its entirety and replacing with the
3 following phrase:- in any city, town or water district from requiring any person engaged in the
4 digging or drilling of private wells, or any person operating such wells, to obtain a site permit
5 and abide by other restrictions on the operation of such wells in accordance with terms and
6 conditions which ensure health, safety and protection of the public water supply, wetlands,
7 waterways and aquatic life, and said city or town may charge said person a reasonable fee for
8 said site permit as determined by the city or town.

9 SECTION 2. Section 39J of chapter 40 of the General Laws, as so appearing, is hereby
10 amended by inserting after the words "all related costs of police and fire protection," in line 15,
11 the following words:- "all costs or measures to ensure the long-term sustainability of the water
12 supply,".

13 SECTION 3. Chapter 40 is hereby amended by inserting after section 39L the following new
14 section:

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

16 Notwithstanding any general or special law to the contrary, a city, town, board of water
17 commissioners, officers performing like duties, or water district having a water supply or water
18 distribution system may collect a reasonable fee to be used exclusively to remedy and offset the
19 impacts of water withdrawals and other activities that deplete streamflow or impair recharge to
20 ground waters, and to sustain the quantity, quality and ecological integrity of waters of the
21 commonwealth. Such measures for water return or preventing water loss include without
22 limitation, local recharge of stormwater and wastewater, reuse of water, removal of infiltration
23 and inflow, and water savings achieved by retrofitting existing development with low impact
24 development methods or water-saving devices. The fee, which may be based on retaining within
25 the basin or saving at least two gallons for every gallon of new water demand, shall be assessed
26 in a fair and equitable manner, and separate uniform fees may be established for residential and
27 commercial uses. All such fees shall be deposited in a separate account classified as a
28 "Sustainable Water Resource Fund." This Fund shall not be used for any purpose not provided
29 in this section.

30 SECTION 4. Section 39K of chapter 40 of the General Laws is hereby amended by striking
31 subsection (a) in its entirety and replacing it with the following:

32 Section 39K. (a) Any city or town which accepts the provisions of this section either by a
33 majority vote of the city or town council, or by majority vote at an annual town meeting, may

34 establish a drinking water protection district to include all or part of said city or town, or in
35 conjunction with at least one other city or town sharing a common drinking water resource,
36 including but not limited to an aquifer, a recharge area or a watershed. Said drinking water
37 protection district shall be for the purposes of water conservation, resource management and
38 protection, and resource planning of drinking water supplies in said district including, but not
39 limited to, public wells, private wells, and reservoirs, watersheds and aquifers which may be
40 located in more than one such city or town.

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

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

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

57 SECTION 5. Section 39K of said chapter 40 of the General Laws is further amended by
58 adding, in subsection (c), the following:- (9) restrict the siting, establishment and/or operation of
59 private wells located within the drinking water protection district where any such well may
60 adversely affect any public water supplier's ability to provide sufficient water supply to meet
61 the essential potable or fire protection needs of its service population.