

**HOUSE . . . . . No. 01156**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Denise Provost*

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 passage of the accompanying bill:

An Act establishing a Mystic River water quality commission.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex, Suffolk, and Essex</i>
<i>Martha M. Walz</i>	<i>8th Suffolk</i>
<i>William N. Brownsberger</i>	<i>24th Middlesex</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>

# HOUSE . . . . . No. 01156

By Ms. Denise Provost of Somerville, petition (accompanied by bill, House, No. 01156) of Carl M. Sciortino and others for legislation to establish a Mystic River water quality commission (including members of the General Court) to make an investigation and study of the conditions of said river for fishing, boating and swimming. Joint Committee on Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ HOUSE  
□ , NO. 807 OF 2009-2010.]

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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An Act establishing a Mystic River water quality commission.

*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. Notwithstanding any general or special law or regulation to the contrary, a special
- 2 commission, hereafter referred to as the Mystic River Watershed Water Quality Commission, is
- 3 hereby established for the purpose of making an investigation and study relative to improving the
- 4 conditions necessary to, and determining the feasibility of, bringing the water quality in the
- 5 Mystic River watershed to a level that supports fishing, boating, swimming and wildlife.
- 6 Definitions:

7 The following words as used in this chapter shall, unless a different meaning is plainly required  
8 by the context or specifically prescribed, have the following meanings:

9 (1) “The Mystic River watershed”, includes, but is not limited to: the Mystic River, the Upper  
10 and Lower Mystic Lakes, the Aberjona River, Horn Pond, Horn Pond Brook, Mill Brook,  
11 Alewife brook and its tributaries, Winter Brook, the Malden River, Chelsea Creek, Island End  
12 River and Belle Isle Marsh.

13 (2) “Contact recreational potential”, shall mean swimming, kayaking, canoeing, rowing,  
14 boating, fishing, bird and wildlife viewing.

15 While the water quality of the Mystic River watershed has improved, and is often good, the  
16 existence of contaminated sediments and waterborne pollutants make the development of the  
17 contact recreational potential of the Mystic River watershed problematic, therefore:

18 The Mystic River Watershed Water Quality Commission shall study the water quality of the  
19 Mystic River watershed including, but not limited to:

20 (a) the collection of existing data concerning sediment volume and quality;

21 (b) identification of additional data, technologies, and engineering or environmental solutions  
22 necessary, with an estimate of the approximate cost, to determine where removal of toxic  
23 sediments from the Mystic River watershed would be appropriate;

24 (c) the collection of existing data concerning bacteria, viruses, toxins, turbidity, dissolved  
25 oxygen, and all other water quality and environmental parameters that may affect human  
26 exposure to water within the Mystic River watershed;

27 (d) the collection of existing data concerning water flow, flooding, and wet-weather discharges,  
28 including but not limited to the impacts of sanitary sewer overflows (SSO) and combined sewage  
29 overflows (CSO), and an evaluation of their impact on water quality, and an evaluation of human  
30 exposure to such waterborne sewage and toxics, and identification of additional data, various  
31 technologies, engineering or environmental solutions necessary, with an estimate of the  
32 approximate cost to reduce such discharges into the waters of the Mystic River watershed during  
33 flooding events;

34 (e) the collection of existing data on water flow and flooding and the collection of existing data  
35 concerning the impacts of flooding and flood waters on the water quality of the Mystic River  
36 watershed, including, but not limited to the impacts of upstream flood mitigation on downstream  
37 communities, and operation of the Amelia Earhart dam;

38 (f) identification of sites for the development of public access including swimming and boating  
39 areas within the Mystic River watershed, taking into account current uses, public transportation,  
40 and any environmental factors, including current port uses;

41 (g) collection of existing data concerning the impacts of water quality on fish and other aquatic  
42 and marine life, including, but not limited to fish, shell fish, crustaceans, birds, mammals and  
43 aquatic plants; this shall include data on the reproductive success of anadromous and  
44 catadromous species as well as those species whose entire lifespan occurs within the waters of  
45 the Mystic River watershed;

46 (h) identification of additional data, technologies, and engineering or environmental solutions  
47 necessary, with an estimate of the approximate cost, to improve water quality that may impact

48 fish, birds, mammals and other aquatic and marine organisms found in and around the Mystic  
49 River watershed;

50 (i) identification of lands and waters within the watershed that may be preserved or restored for  
51 the purpose of preserving and increasing biodiversity and viewing fish, wildlife and birds.

52 The Mystic River Watershed Water Quality Commission shall be co-chaired by the house and  
53 senate chairs of the joint committee on environment, natural resources and agriculture, and  
54 consist of:

55 1 member of the house of representatives appointed by the speaker of the house;

56 1 member of the senate appointed by the senate president;

57 1 member appointed by the senate minority leader;

58 1 member appointed by the house minority leader;

59 1 representative of the Environmental Protection Agency selected by the Governor from 3  
60 nominations recommended by the Environmental Protection Agency

61 1 representative from the department of conservation and recreation;

62 1 representative from the department of environmental protection;

63 1 representative from the Massachusetts Water Resources Authority appointed by the secretary  
64 of environmental affairs from 3 recommendations made by the Massachusetts Water Resources  
65 Authority;

66 1 environmental water quality expert from a college or university appointed by the Secretary of  
67 the Executive Office of Energy and Environmental Affairs;

68 1 representative of the division of fisheries and wildlife;

69 1 representative from the environmental justice communities in the Mystic River watershed,  
70 appointed by the Secretary of the Executive Office of Energy and Environmental Affairs;

71 and 1 representative from the Mystic River Watershed Association appointed by the Secretary of  
72 Energy and Environmental Affairs from 3 recommendations from the Mystic River Watershed  
73 Association.

74 All members shall serve without compensation for service on the commission. Said commission  
75 may consult individuals and entities outside of its membership for research, advice, support and  
76 other functions necessary and appropriate to accomplish the commission's objectives. Said  
77 commission shall submit a report, including legislative recommendations, if any, to the joint  
78 committee on environment, natural resources and agriculture and the house and senate  
79 committees on ways and means by February 1, 2012.