

HOUSE No. 2139

The Commonwealth of Massachusetts

PRESENTED BY:

David M. Rogers

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 improve water quality and pollution control programs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>

<i>Adrian Madaro</i>	<i>1st Suffolk</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>

HOUSE No. 2139

By Mr. Rogers of Cambridge, a petition (accompanied by bill, House, No. 2139) of David M. Rogers and others relative to the preparation of a water quality and pollution control program report including gap analysis, goals and recommendations for program improvements and comprehensive long-term funding. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act to improve water quality and pollution control programs.

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. The Water Resources Commission, as established under section 8A of
2 Chapter 21A of the General Laws, shall prepare a Massachusetts water quality and pollution
3 control program report for the Commonwealth, including a gap analysis, goals and
4 recommendations for program improvements, and comprehensive long-term funding.

5 The commission shall conduct a baseline review and gap analysis and prepare a report of
6 state and federal water quality and pollution control programs for fresh and coastal waters in the
7 Commonwealth. The gap analysis shall include the following program components: staff
8 capacity and resource needs; goals and measurement; science, monitoring, and standards;
9 program: technical assistance, permitting and compliance; and enforcement and appeals.

10 The report shall set a broad frame for the Commonwealth to: achieve the goals of the
11 Federal Clean Waters Act and measurable outcomes; support science: ecological scale and

12 standards that use current science to address pollutants and other water quality impacts; support
13 programs for an integrated and holistic approach; and, provide for adaptability and managing
14 climate change impacts.

15 Based on findings of the program review and gap analysis, the report shall:

16 1) provide recommendations to meet the goals of the Federal Clean Water Act, in
17 not less than fifteen years from the enactment of this chapter, for all waters of the
18 Commonwealth ranging from restoring heavily impacted and impaired to conserving pristine
19 resources. Recommendations shall set goals and timelines and ways and means for achieving
20 goal related to the following components: scientific research; conducting water quality
21 monitoring, assessment, and reporting; completing water pollution control reports; and,
22 providing compliance and enforcement sufficiently protective to meet program goals.

23 2) provide recommendations related to innovative and alternative ways and means to
24 achieve goals for water quality programs and funding. Examples of such approaches include:
25 green infrastructure as defined in Chapter 259 of the Acts of 2014, AN ACT IMPROVING
26 DRINKING WATER AND WASTEWATER INFRASTRUCTURE; and development and
27 redevelopment that will have multiple benefits such as enhancing public health, quality of life,
28 and property values.

29 3) provide recommendations for function and sustainability of the following
30 program components: staff capacity and resource needs; goals and measurement: science,
31 monitoring water bodies and permittees, and developing standards; program: technical
32 assistance, permitting and compliance; and enforcement and appeals.

33 4) provide a baseline budget analysis to provide current information on what
34 constitutes adequate staffing and funding for a level of service that meets the Commonwealth's
35 needs. The budget analysis should feed back into the funding and revenue proposal.

36 5) provide recommendations and a clear implementation path for each program
37 component, goals; intended outcomes; timeline and schedule of development and
38 implementation; staff training and development; stakeholder opportunities for participation;

39 6) provide recommendations for transparent and effective stakeholder engagement to
40 enable consideration of expertise on the best available science and local conditions. And also
41 provide for meaningful public participation in the process. And also communicating timely
42 information such as results of water quality monitoring and publicly available dashboard for
43 water quality data.

44 7) Provide recommendations of funding sources to ensure secure, predictable and
45 stable revenue streams to meet the needs of the program, including but not limited to
46 appropriations, taxes, fees, and user charges.

47 The commission may establish such advisory committees as are necessary to enhance its
48 work. Such committees may be composed of commission members as well as other individuals
49 selected by the commission. The Commission may contract for consulting expertise as necessary
50 to assist in completing all phases of its work. The commission shall adopt practices and oversight
51 to provide for conducting a fair process and providing objective evaluation and recommendations
52 free from influence.

53 All departments and agencies of the state shall cooperate with the commission and
54 provide information and advice and otherwise assist the commission in its work.

55 The commission may hold public hearings on a regional basis throughout the state, take
56 testimony, and make its investigations at such places as it deems necessary.

57 The chair of the commission shall convene the first meeting of the commission no later
58 than 30 days after the effective date of the law. The commission shall prepare an interim report
59 of findings within 9 months of its first meeting, a final report with specific recommendations for
60 legislation, funding or administrative changes within 12 months of the first meeting, and
61 proposed legislation to carry out its recommendations within report to the Joint Committee on
62 Environment, Natural Resources and Agriculture for review and comment.