

**HOUSE . . . . . No. 00227**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Bradford Hill*

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*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 water resources conservation act and efficiency program.

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PETITION OF:

NAME:

*Bradford Hill*

DISTRICT/ADDRESS:

*4th Essex*

# HOUSE . . . . . No. 00227

By Mr. Bradford Hill of Ipswich, petition (accompanied by bill, House, No. 00227) of Bradford Hill for legislation to establish a water resources conservation and efficiency program. Joint Committee on Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ HOUSE  
□ , NO. 749 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 water resources conservation act and efficiency program.

*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 21 of the General Laws, as appearing in the 2002 Official Edition, is hereby  
2 amended by inserting after Section 17F the following sections:—  
3 Section 17G. The Department of Conservation and Recreation, with assistance and support from  
4 the Department of Environmental Protection, is authorized and directed to establish a water  
5 conservation and water resources protection program. Said program shall be implemented to  
6 increase the efficiency of water use, mitigate the environmental impacts of water withdrawals,  
7 assess the effectiveness of various water conservation and water resource protection measures in  
8 increasing efficiency of water use, and to identify effective measures to protect and conserve

9 water resources and biological resources throughout the Commonwealth. Said program shall  
10 include, but not be limited to:

11 (1) the establishment and implementation of a program for the installation of water  
12 conserving plumbing fixtures in residential, municipal, and state-owned buildings; for  
13 conducting water audits of residential, commercial and municipal buildings; for the installation  
14 of new, highly accurate water meters in commercial, municipal, and state-owned buildings, and  
15 for the development and implementation of landscape practices that eliminate or significantly  
16 reduce outdoor water use;

17 (2) technical assistance to municipalities, water districts and water authorities for  
18 comprehensive system wide water audits, water use accounting and reporting and intensive leak  
19 detection and repair programs;

20 (3) the preparation of model municipal bylaws/ordinances for site development, stormwater  
21 management, including stormwater infiltration and recharge, landscape and recreational facility  
22 design and irrigation and water conservation;

23 (4) the development of model water conserving rate structures and billing procedures that  
24 fully incorporate the cost of producing water and protecting water resources;

25 (5) the development of public education programs, school curricula, and supporting  
26 materials relating to water conservation and water resource protection;

27 (6) development of a methodology for estimating long-term water needs that considers the  
28 impact of community build-out projections and provides technical assistance to municipalities,  
29 water districts, and water authorities in developing water needs estimates; and,

30 (7) directing technical assistance to municipalities, water districts and water authorities in  
31 the efficient management, use and protection of water resources consistent with the purpose of  
32 this Act.

33 Model bylaws/ordinances, educational materials, technical assistance guidance documents, and  
34 other resources generated from said program shall be made available for the benefit of all  
35 municipalities of the Commonwealth, water districts, and water authorities. Participation of  
36 municipalities, water districts, and water authorities in any or all elements of the program shall  
37 be voluntary.

38 All elements of the water conservation and water resource protection program implemented by  
39 municipalities and water districts and water authorities shall be assessed as to their effectiveness  
40 by the Massachusetts Water Resources Commission, with the assistance of participating  
41 municipalities, water districts, water authorities and the Department of Environmental  
42 Management, the Department of Environmental Protection, and nongovernmental organizations  
43 concerned with water resources. Within five years of the passage of this Act the Water Resources  
44 Commission shall file a report with the clerk of the House and Senate identifying the success or  
45 failure of all measures developed and implemented under said program. Said report shall include  
46 recommendations for implementation of water conservation and water resource protection  
47 measures throughout the Commonwealth and an estimate of the funding necessary to implement  
48 such measures.

49 Section 17H. A sum of \$150,000 is hereby provided to the Water Resources Research Center of  
50 the University of Massachusetts to conduct a study and prepare a report on the laws, regulations,  
51 and policies of the Commonwealth dealing with water conservation, water resource protection,

52 drought preparedness, and instream flow. Said report shall identify any inconsistencies or  
53 potential inconsistencies of these laws, regulations and policies with the Federal Clean Water  
54 Act. Said report shall include recommendations for legislative, regulatory, and policy changes  
55 necessary to ensure the preservation of adequate instream flows to protect the native biological  
56 communities of the rivers and streams of the Commonwealth and to ensure an adequate supply  
57 of water to meet the health, safety and economic needs of the public. Said report shall include  
58 recommendations regarding additional water conservation measures needed to improve the  
59 efficiency of residential, commercial, industrial, institutional and agricultural water use in the  
60 Commonwealth, including, but not limited to, more aggressive leak detection and repair  
61 programs, and programs and/or policies to reduce unaccounted for water, including water meter  
62 responsibility for water meters, and the need for tax credits or other financial incentives to  
63 encourage water conservation.

64 Section 17I. The position of Massachusetts Water Conservation Coordinator is hereby  
65 established within the Executive Office of Environmental Affairs. The Commonwealth's Water  
66 Conservation Coordinator shall be responsible for assisting municipalities, water districts, and  
67 water authorities of the Commonwealth as established by the Water Resources Commission. The  
68 state water conservation coordinator shall also be responsible for administering the water  
69 conservation and water resources protection program established under Section 17G of this Act.  
70 A sum of \$500,000, to be provided in annual increments of \$100,000 per year for five years,  
71 beginning in the year immediately following the passage of this Act, is provided for funding of  
72 the Water Conservation Coordinator and work of said office, and for the development and  
73 administration of the water conservation and water resources protection program established in  
74 Section 17G of this Act, including technical assistance to municipalities and water districts and

75 authorities, development of educational programs, curricula, and materials, development of  
76 model bylaws, ordinances and regulations, and to conduct required studies and prepare reports.  
77 Section 17J. The Water Resources Research Center of the University of Massachusetts, in  
78 consultation with the Department of Environmental Protection, the Department of Environmental  
79 Management, the Massachusetts Department of Fisheries, Wildlife and Environmental Law  
80 Enforcement, the United States Fish and Wildlife Service, and the United States Geological  
81 Survey, is authorized and directed to develop a methodology or methodologies for determining  
82 the level of instream flow sufficient to protect aquatic life in Massachusetts rivers and streams  
83 and other surface waters. Said methodology or methodologies shall account for natural annual  
84 variations in hydrology, including flow, depth, velocity, groundwater interaction and other  
85 relevant factors. Upon completion, said methodology or methodologies shall be submitted to the  
86 Department of Environmental Protection, the Department of Environmental Management, and  
87 the Water Resources Commission as a recommendation for establishing instream flow needs  
88 under the Water Management Act (MGL Chapter 21G) and Interbasin Transfer Act (MGL  
89 Chapter 21:8D).

90 No later than two years following the passage of this Act, a methodology or methodologies shall  
91 be completed and adopted by the water resources commission, pursuant to the administrative  
92 procedures act, and a report describing the methodology or methodologies shall be filed with the  
93 clerks of the Senate and House of Representatives. A sum of \$250,000 is hereby authorized for  
94 the development of said methodology or methodologies. Until said methodology or  
95 methodologies are completed, all future instream flow decisions pertaining to new or increased  
96 water withdrawals or interbasin transfers pursuant to the Water Management Act and its  
97 implementing regulations and the Interbasin Transfer Act and its implementing regulations shall

98 consider site specific information, including but not limited to, stream flows and their variability,  
99 groundwater levels and interaction with surface water, water velocity, depth, temperature, water  
100 chemistry, native biota and habitat suitability. Insofar as site-specific information sufficient to  
101 make permitting decisions is unavailable and unobtainable during the permitting period, the  
102 stream flow guidelines of the United States Fish and Wildlife Service Interim Regional Policy  
103 for New England Stream Flow Recommendations shall be used.

104 Section 17K. Notwithstanding the provisions of any general or special law to the contrary, the  
105 water pollution abatement trust established under the provisions of chapter 29C of the general  
106 laws is hereby authorized and directed, subject to the appropriation provided herein, to provide  
107 grant, loan and financial assistance to eligible borrowers to finance the costs of water  
108 conservation projects, or portions thereof, which have been approved by the department of  
109 environmental protection. As used in this section, the term “eligible borrower” shall mean  
110 municipalities, water districts, and water authorities. As used in this section, the term “water  
111 conservation project” shall mean a project of a type or category which the department has  
112 determined shall promote water conservation and increased efficiency of water usage, including,  
113 but not limited to, the implementation of programs for the replacement of plumbing fixtures not  
114 meeting the 1998 federal water efficiency standards as established by the Federal Energy Act of  
115 1992; the conducting of water audits by municipalities, water districts, and water authorities to  
116 identify opportunities to reduce water use; the installation of new, highly accurate water meters  
117 in commercial, municipal, and state-owned buildings; enhanced municipal ownership and  
118 maintenance responsibility for water meters; and the planning and design of other eligible water  
119 projects that increase water conservation and the efficiency of water usage. The trust shall  
120 provide grant, loan and financial assistance to eligible borrowers for each water conservation

121 project or portion thereof authorized by this section in such manner and under such terms and  
122 conditions as shall be determined by the board of trustees of a trust up to a maximum amount of  
123 \$2,000,000 per fiscal year of the commonwealth and up to \$10,000,000 in the aggregate.