

SENATE No. 399

The Commonwealth of Massachusetts

PRESENTED BY:

Michael F. Rush

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 relative to regulation of discharge of pharmaceutical and personal care product-laden wastewater into private drinking water wells and municipal drinking water supplies.

PETITION OF:

NAME:

Michael F. Rush

DISTRICT/ADDRESS:

Norfolk and Suffolk

SENATE No. 399

By Mr. Rush, a petition (accompanied by bill, Senate, No. 399) of Michael F. Rush for legislation relative to regulation of discharge of pharmaceutical and personal care product-laden wastewater into private drinking water wells and municipal drinking water supplies. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to regulation of discharge of pharmaceutical and personal care product-laden wastewater into private drinking water wells and municipal drinking 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: The General Laws are hereby amended by inserting after chapter 210, as
2 appearing in the 2010 Official Edition, the following chapter:-

3 Chapter 21P

4 PHARMACEUTICAL AND PERSONAL CARE PRODUCT-LADEN WASTEWATER

5 Section 1. As used in this chapter, the following words shall, unless the context clearly
6 indicates otherwise, have the following meanings:—

7 “Animal waste”, a stockpiled area of manure or leaching ponds of animal excrement from
8 commercial farms who administer subtherapeutic doses of antimicrobials to farm animals.

9 “Discharge”, the accidental or intentional disposal, deposit, injection, dumping, spilling,
10 leaking, pouring, or placing of pharmaceutical laden waste upon or into any land or water such
11 that it may enter the surface or ground waters.

12 “Drinking water protection area”, a recharge area for public water supplies, private
13 drinking water wells, and interim wellhead protection areas; Zones A, B, and C; Zones I, II, and
14 III.

15 “Polypharmaceutical facility”, a hospital, nursing home, hospice, or assisted living
16 facility certified or regulated by the Commonwealth; elderly/senior housing; veterinary hospitals

17 or clinics; and commercial farms where animals are routinely given subtherapeutic doses of
18 pharmaceuticals.

19 “Private drinking water well”, any well used by a person or persons where water is used
20 for human consumption due to the fact that there is no available connection to municipal water
21 supply.

22 “Recharge area”, a land area where precipitation and surface water infiltrates into the
23 ground to replenish groundwater and aquifers used for public drinking water supplies and/or
24 private drinking water wells.

25 “Septage”, the liquid, solid, and semi-solid contents of privies, chemical toilets,
26 cesspools, holding tanks, or other sewage waste receptacles.

27 “Sludge”, the solid, semi-solid, and liquid residue that results from a process of
28 wastewater treatment or drinking water treatment including wastewater residuals.

29 “Treatment works”, any devices, processes and properties, real or personal, used in the
30 collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation, or reuse
31 of waterborne pollutants.

32 Section 2. The following land uses and activities shall be prohibited in a drinking water
33 protection area:

34 (1) construction of a polypharmaceutical facility where wastewater, septage, sludge, or
35 animal waste will result in discharge to a drinking water protection area;

36 (2) construction of treatment works for a polypharmaceutical facility where wastewater,
37 septage, sludge, or animal waste will result in a discharge to drinking water protection area; and

38 (3) storage or disposal of sludge, septage, or animal waste where runoff or leachate will
39 result in a discharge to a drinking water protection area.

40 Section 3. (a) All applicants seeking to construct a polypharmaceutical facility, treatment
41 works, or to store or dispose of sludge, septage, or animal waste must first certify in writing to
42 the municipal board of health or health department that it shall bear full responsibility for
43 discharge to a drinking water protection area should such discharge occur.

44 (b) Any person who violates any provision of this chapter, or who fails to comply with
45 any order by a municipal board of health or department of health for which a penalty is not
46 otherwise provided in any of the general laws, shall be subject to a fine of not less than \$500.00
47 but no more than \$1000.00. Each day's failure to comply with an order by a municipal board of
48 health or health department may constitute a separate violation.

49 (c) If any clause, sentence, subdivision, paragraph, section or part of this act be adjudged
50 by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or
51 invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence,
52 subdivision, paragraph, section or part thereof directly involved in the controversy in which said
53 judgment shall have been rendered.

54 Section 3. This act shall take effect upon passage.