

SENATE No. 1256

By Mr. Wetmore, a petition (accompanied by bill, Senate, No. 1256) of Robert D. Wetmore for legislation to restrict the use of sodium chloride and other chemicals on certain roads. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-three.

AN ACT RESTRICTING THE USE OF SODIUM CHLORIDE AND OTHER
CHEMICALS ON CERTAIN ROADS.

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 85 of the General Laws, as most recently amended
2 by Chapter 706 of the Acts of 1975, is hereby further amend-
3 ed by inserting after section 7B the following three sec-
4 tions: —

5 *Section 7C.* No person shall use sodium chloride, calcium
6 chloride or chemically treated abrasives or other chemicals
7 which the department has reason to believe may be injurious
8 to water supplies for the purpose of removal of snow or ice
9 in certain areas, appraised and assessed by the United States
10 Geological Survey (USGS) studies or other appropriate
11 geologic and/or hydrologic study endorsed by the depart-
12 ment of environmental quality engineering or the state
13 geologist and deemed to be significant to public or private
14 water supplies where sodium in said supplies occurs in excess
15 of fifteen milligrams per liter, except under application rates
16 approved by the department of environmental quality engi-
17 neering in consultation with the department of public works,
18 or city or town departments of public works where appro-
19 priate.

20 *Section 7D.* When there is a complaint that a private or a
21 public water supply has been destroyed or rendered unfit for
22 potable use as a result of maintenance, operations, snow or
23 ice removal, storage practices or construction on state owned
24 roads, and including roads maintained and operated by the

25 Massachusetts Turnpike Authority, which results in improper
26 drainage, after the effective date of this act, the commissioner
27 of the department of environmental quality engineering shall
28 cause to be investigated to determine the extent of damage
29 and report the same to the attorney general for determina-
30 tion of extent of responsibility, if any, of the person so in-
31 volved; provided, however, that said commissioner is hereby
32 authorized and directed to apply the provisions of this section
33 to the sodium contamination of the well fields owned and oper-
34 ated by the West Warren Water District.”

35 (a) Upon determination that there is responsibility on the
36 part of the commonwealth, the commissioner of the depart-
37 ment of public works shall authorize the use of highway
38 funds to:

39 1. replace or repair damage to the water supply in ques-
40 tion; or

41 2. pay damages in lieu of replacement or repair; or

42 3. purchase real property in lieu of replacement or repair;
43 and

44 4. enter into agreements with water departments, water
45 companies, or other water purveyors or other governmental
46 units to assist in extension of public water supply lines or
47 the establishment of a new water supply system.

48 (b) Upon determination that some other person, other
49 than the commonwealth is responsible for said damage to
50 said water supply, the attorney general shall determine the
51 nature and extent of the retribution to be made.

52 *Section 7E.* The word person as used throughout the sec-
53 tions 7C and 7D shall include surveyors of highways, road
54 commissioners, superintendents of streets in towns, commis-
55 sioners of public works in cities and towns, the chief engineer
56 of the Massachusetts Turnpike Authority, the chief engineer
57 of the state department of public works, the chief adminis-
58 trative officer of state agencies and private persons, including
59 corporations and management firms of large apartment com-
60 plexes, large shopping centers or districts.