

SENATE No. 500

To accompany the petition of Richard I. Furbush that the Metropolitan District Commission be authorized to discharge certain surplus water into certain tributaries of the Concord River. Water Supply.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Nine.

AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO DISCHARGE CERTAIN SURPLUS WATER INTO CERTAIN TRIBUTARIES OF THE CONCORD RIVER.

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 557 of the acts of the year 1947 is hereby
- 2 amended by striking out section 3 and substituting
- 3 therefor the following:—
- 4 *Section 3.* Whenever water stored in the reservoirs
- 5 of the metropolitan water district to meet the an-
- 6 ticipated water supply needs of the district in case
- 7 of extreme drought is subsequently, in the opinion
- 8 of the commission, found to be capable of providing
- 9 a surplus over the actual water supply needs, the
- 10 commission may allocate all or a portion of such
- 11 surplus for discharge into the Sudbury river, the
- 12 Assabet river and the Neponset river as hereinafter
- 13 provided; provided, that no action hereunder shall

14 lower the elevation of water in the Sudbury reservoir,
15 Framingham reservoirs number one and number
16 three or lake Cochituate.

17 The commission may discharge a portion of such
18 surplus as may be approved by the department of
19 public health in any calendar year into the Assabet
20 and/or Sudbury rivers or a tributary thereof through
21 the control works of the district in such quantities
22 and for such period of time and at such points as the
23 department of public health may specify and the
24 water so discharged into the Sudbury river or its
25 tributaries shall be paid for at the rate of ten dollars
26 per million gallons by the city of Marlborough and
27 the towns of Framingham, Ashland and Natick, and
28 the water so discharged into the Assabet river shall
29 be paid for at the rate of ten dollars per million gal-
30 lons by the towns of Hudson, Maynard and West-
31 borough discharging sewage effluent into the Sud-
32 bury river or the Assabet river or their tributaries
33 above the junction of the said rivers in the town of
34 Concord. Such payment shall be apportioned an-
35 nually to the city of Marlborough and the various
36 towns on the basis of their average rates of sewage
37 discharge as estimated by the department of public
38 health and so certified to the commission.

39 In lieu of continuing such payment for surplus
40 water, said towns may make an agreement with the
41 commission to pay a fixed annual sum for a period of
42 years, as insurance against occasional years of
43 drought, for the furnishing by the commission in like
44 manner, in such quantities, and for such period of
45 time and at such points, as the said department of
46 public health may specify, of water whether or not
47 considered by the commission to be surplus, except

48 that the commission shall not be obligated to release
49 a quantity, at its dam No. 1 or at other control works
50 in the watershed of the Sudbury river and Assabet
51 river, which, including that which it is otherwise
52 obligated to release, is in the aggregate more than
53 fifteen million gallons in any calendar day. Such
54 fixed annual sum shall be apportioned to the city
55 of Marlborough and the various towns on the basis
56 of their average rates of sewage discharge, as esti-
57 mated by the department of public health and so
58 certified to the state treasurer by the commission.
59 A copy of such agreement shall be filed by the com-
60 mission with the state treasurer who, thereafter for
61 the period of its duration, shall annually notify the
62 city of Marlborough and each such town of the
63 amount of its apportionment, and the same shall be
64 paid by the town to the commonwealth at the time re-
65 quired for the payment of and as a part of the state
66 tax.

67 Upon the execution of agreements between con-
68 cerns using the waters of the Neponset river for
69 industrial purposes and the commission which are
70 satisfactory to the commission and to the depart-
71 ment of public health, providing for the discharge
72 of objectionable waste into the metropolitan sewerage
73 system for the improvement of the metropolitan
74 parks district instead of into the said Neponset river,
75 and for the discharge of water from the commis-
76 sion's sources into said river, or its use in place of the
77 water of the river, the commission may make avail-
78 able an additional portion of such surplus other than
79 that to be released as aforesaid into the Assabet
80 river and the Sudbury river, not exceeding fifteen
81 million gallons in any calendar day, for discharge

82 into the Neponset river or for use industrially in
83 place of water from said river. Such water shall be
84 made available by any means which the commission
85 may determine to be practicable and which are ap-
86 proved by the department of public health, including
87 the use of existing mains and pipes. The mains and
88 pipes of municipalities using the commission's water
89 shall be made available for the purpose of trans-
90 mitting such water so far as may be without diversion
91 of water from existing municipal use at a charge not
92 in excess of the apportioned cost of maintenance and
93 operation of such municipal mains. Authority to
94 construct any works necessary for the foregoing pur-
95 pose is hereby granted to the commission. To meet
96 the expenditures for the construction of the necessary
97 works, the commission may expend such sums as
98 may hereafter be appropriated therefor by the gen-
99 eral court, but not exceeding, in the aggregate, three
100 hundred thousand dollars. The commission shall
101 be reimbursed for such portion of the cost of con-
102 structing the necessary works as is provided in the
103 terms of the agreements. These agreements shall
104 provide for payment for the water so discharged
105 into said river at the rate of ten dollars per million
106 gallons plus the cost of maintenance and operation.