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[Senate, June 29, 1982 — Substituted by amendment by the Senate (Buckley), as amended (Kirby), as a new text of House Bill, No. 6396, amended.]

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## The Commonwealth of Massachusetts

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

1 SECTION 1. Notwithstanding the provisions of section two of  
2 chapter nine hundred and eighty-four of the acts of nineteen  
3 hundred and seventy-three or any other law to the contrary,  
4 the city of Brockton through its department of public works,  
5 or through its legal counsel, may negotiate with and purchase  
6 or take by eminent domain under the provisions of chapter  
7 seventy-nine of the General Laws from the owners of record  
8 by deed approved as to form by the attorney general, land in  
9 the town of Kingston, consisting of 300 acres more or less, as  
10 identified by plans recorded in the Plymouth county registry  
11 of deeds, plan book 3495, page 500. Said negotiation and sub-  
12 sequent purchase or taking may include all water rights con-  
13 nected therewith. The purpose of said negotiation and pur-  
14 chase or taking of land and water rights is to provide an ade-  
15 quate long term water supply to the residents of the city of  
16 Brockton, and the residents of the towns of Avon, Abington,  
17 Hanson, Pembroke and Whitman served by the Brockton de-  
18 partment of public works. After the land has been acquired  
19 for the stated purpose of long term water supply, the city  
20 shall, within one year, commence the utilization of water from  
21 the site for delivery to the residents served by said department  
22 of public works upon the approval by the department of en-  
23 vironmental quality engineering of the quality of such water.  
24 The department of public works may erect on said property  
25 proper dams, pumps, pipes, buildings and related appurten-  
26 ances as may be necessary for the establishment of the afore-  
27 mentioned system of water works, and may further make ex-  
28 cavations and remove materials as deemed necessary after  
29 proper approval has been granted by the department of envi-  
30 ronmental quality engineering and the environmental impacts,

31 if any, have been identified and minimized. Said department  
32 of public works may further negotiate for and obtain through  
33 purchase of agreement or by eminent domain under the provi-  
34 sions of said chapter seventy-nine all such easements and  
35 rights of ways as may be necessary for the installation and  
36 maintenance of pipes, conduits and related appurtenances as  
37 may be necessary for the provision of said water to said resi-  
38 dents.

39 No work shall begin nor water be taken until an environ-  
40 mental impact statement has been completed and plans for  
41 such work have been approved by the Massachusetts Environ-  
42 mental Protection Agency and the Department of Environ-  
43 mental Quality Engineering. Any such environmental impact  
44 report shall set forth the maximum amounts of water to be  
45 pumped from said property including, but not limited to, Pine  
46 Brook so-called.

1 SECTION 2. After an environmental impact report has been  
2 prepared by the city of Brockton under the provisions of sec-  
3 tions sixty-one to sixty-two H, inclusive, of chapter thirty of  
4 the General Laws, and provided, that any adverse impacts are  
5 minimized, the department of public works of the city of  
6 Brockton may, for the purpose of increasing storage capacity,  
7 excavate and remove materials within the boundaries of Silver  
8 Lake situated in the towns of Halifax, Kingston, Pembroke and  
9 Plympton. The Department of Environmental Quality Engi-  
10 neering shall monitor said excavation and removal of any  
11 materials from said Silver Lake.

1 SECTION 3. The amount of water to be withdrawn from the  
2 property, both groundwater and surface water, shall be at  
3 rates and period of time as determined by the commissioner  
4 of said department of environmental quality engineering, who  
5 shall, at least annually, review such determination.