

By Mr. Wetmore, a petition (accompanied by bill, Senate, No. 1058) of Robert D. Wetmore for legislation to protect water supplies from the adverse effects of deicing chemicals. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE PROTECTION OF 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. Chapter 85 of the General Laws, as most recent-
2 ly amended by Chapter 706 of the Acts of 1975, is hereby fur-
3 ther amended by inserting after section 7B the following new
4 sections: —

5 *Section 7C.* No person shall use sodium chloride, calcium
6 chloride, other chemicals which the department of environ-
7 mental quality engineering has reason to believe may be in-
8 jurious to water supplies, or other chemically treated abra-
9 sives in an area designated as a "water supply area: restrict-
10 ed chemical treatment area" by a municipality, the metro-
11 politan district commission, or municipal water purveyor as
12 being critical for the protection of water supply, either public
13 or private, except under application rates approved by the
14 department of environmental quality engineering. The depart-
15 ment of environmental quality engineering shall consult with
16 the department of public works as to the adequacy of said ap-
17 plication rates in terms of protecting both public safety and
18 water supplies. For the purposes of this section, the term
19 "municipal water purveyor" shall mean any entity, public or
20 private, supplying water to the public for human consumption
21 if such system has at least fifteen service connections or reg-
22 ularly serves an average of at least twenty-five individuals at
23 least sixty days of the year.

24 *Section 7D.* When the Department of Environmental Qual-
25 ity Engineering has received a complaint that a private or

26 public water supply has been destroyed or rendered unfit for
27 potable use as a result of maintenance, operations, snow or ice
28 removal or storage practices, or construction on state-owned
29 roads by the Department of Public Works, the Massachusetts
30 Turnpike Authority, the Massachusetts Bay Transportation
31 Authority, or the Metropolitan District Commission, the com-
32 missioner of the Department of Environmental Quality Engi-
33 neering shall cause to be investigated the extent of the dam-
34 age and report the same to the attorney general for determina-
35 tion of the extent of responsibility of any state agency or any
36 of its agents or departments.

37 (a) Upon determination by the attorney general that there
38 is responsibility on the part of said department, commission,
39 or authorities, said department, commission, or authorities
40 shall expend sums available by appropriation or otherwise to
41 remedy said contamination. Said remedy may include, but
42 need not be limited to, the following:

43 (1) replacing or repairing damage to the water supply in
44 question; or

45 (2) paying damages in lieu of replacement or repair, or

46 (3) purchasing real property in lieu of replacement or re-
47 pair; or

48 (4) entering into agreements with water departments, water
49 companies, or other water purveyors or other governmental
50 units to assist in extension of public water supply lines or the
51 establishment of a new water supply system.

52 (b) Upon determination that a party other than the com-
53 monwealth is responsible for said damage to said water supply,
54 the attorney general shall determine the nature and extent
55 of the retribution to be made.

56 *Section 7E.* The word "person" as used in sections 7 through
57 7D inclusive shall include surveyors of highways, road com-
58 missioners, superintendents of streets in towns, commission-
59 ers or superintendents of public works in cities and towns, the
60 chief engineer of the Massachusetts Turnpike Authority, the
61 chief of the state department of public works, the chief ad-
62 ministrative offices of state agencies, and private persons in-
63 cluding corporations and management firms of large apart-
64 ment complexes, large shopping centers or districts.

1 SECTION 2. Section 7A of said chapter 85 as inserted by
2 chapter 1208 of the Acts of 1973 and as most recently amend-
3 ed by section 198 of chapter 706 of the Acts of 1975, is hereby
4 further amended by striking the section in its entirety and in-
5 serting in place thereof the following new section: —

6 *Section 7A.* No person shall store sodium chloride, calcium
7 chloride or other chemically treated abrasives or other chem-
8 icals which the department of environmental quality engineer-
9 ing believes to be injurious to water supplies, used for the re-
10 moval of snow or ice on roads in such a manner or place as to
11 subject a water supply or ground water supply to the risk of
12 contamination. The department of environmental quality engi-
13 neering, hereinafter called the department, in consultation
14 with the department of public works, may issue regulations
15 as to the place and manner of storage of such chemicals, and
16 may, by specific order, in a particular case regulate the place
17 where such chemicals may be used for the aforementioned
18 purpose of removal of snow or ice from roads. Such regula-
19 tions as to the manner or storage should include, but need not
20 be limited to, a definition of structure for storage facilities
21 which shall be of semi-permanent design, completely water-
22 proof and weather proof, designed to prevent the free entry of
23 rain, sleet or snow, should be sized to house at least fifty per-
24 cent of the anticipated winter need for such chemicals and be
25 sufficiently rigid to withstand exposure to expected annual
26 weather extremes and roofloads without structural failure.
27 Further stipulations as to the size, shape and materials ade-
28 quate for proper protection shall be subject to the discretion
29 of the department. Any person who uses more than one ton
30 of such chemicals in the twelve month period from June first
31 through May thirty-first shall report annually, on or before
32 the first Monday in July, to the department, the amount of
33 such chemicals at the beginning of said period, purchased dur-
34 ing said period, the amount used during said period, and shall
35 specify where said chemicals were used by road section, or
36 other appropriate landmark, and the amount of chemicals on
37 hand at the end of said period. Copies of said report shall also

38 be submitted to the local board of health, water department,
39 conservation commission, and other appropriate municipal
40 agencies in any municipalities in which such chemicals are
41 used, and said report shall be available for public inspection;
42 provided, however, that the department of public works, the
43 Massachusetts Turnpike Authority, the Massachusetts Bay
44 Transit Authority, and the Metropolitan District Commission
45 shall be required to file said report only with the department,
46 and shall not be required to file copies of said report with the
47 aforementioned municipal agencies unless specifically request-
48 ed to do so by said agency. All reports so prepared shall be
49 available for public inspection at any time from any person re-
50 quired to file. The department may require studies by compe-
51 tent professional personnel of the probable impact of proposed
52 new or improved highways and the maintenance thereof by
53 use of such chemicals upon any nearby reservoirs, ponds,
54 streams, lakes, wetlands and the groundwater aquifers asso-
55 ciated with both private and public water supply sources. Esti-
56 mates of such chemicals to be applied on the proposed roads
57 and other paved areas shall be based on the most recent
58 records of chemicals actually applied as reported under the
59 provisions of this section.

1 SECTION 3. Said chapter 85 is hereby further amended by
2 inserting after section 2E the following new section:

3 *Section 2F.* The department shall erect and maintain on all
4 main highways and on all ways leading thereto, and on all
5 main highways between cities and towns, warning signs for
6 those portions of the highways and other ways designated as
7 water supply area: "restricted chemical treatment areas" un-
8 der section 7C of chapter 85 of the General Laws. Said signs
9 shall be of the same size, material and color markings as other
10 warning signs authorized in section 2, and shall conform to the
11 department of transportation manual on Uniform Traffic Con-
12 trol Devices.

1 SECTION 4. Section 5A of chapter 84 of the General Laws
2 as inserted by chapter 319 of the acts of 1945 is hereby amend-
3 ed by inserting after the first paragraph the following new
4 paragraph: —

5 "The selectmen, highway surveyor, highway commissioners
6 or other board or officer having charge of the maintenance of
7 highways in any city or town which accepts this section may
8 enter into agreements with its neighbors for the designation of
9 an area as a "water supply area: restricted chemical treatment
10 area" on the ways and highways maintained by the parties
11 entering into the agreement.

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The Honorable ...

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