

HOUSE No. 1753

By Mr. Sisitsky of Springfield, petition of Alan D. Sisitsky, Ronald C. MacKenzie, John A. Businger, Robert S. Creedon, Jr., and another relative to establishing a water quality surveillance fee and the imposition of a water pollution charge for certain water pollution permit holders. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Two.

AN ACT ESTABLISHING A WATER QUALITY SURVEILLANCE FEE AND THE IMPOSITION OF A WATER POLLUTION CHARGE FOR CERTAIN WATER POLLUTION PERMIT HOLDERS.

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 21 of the General Laws is hereby
2 amended by inserting after section 42 the following new
3 section: —

4 *Section 42A. (a)* In order to provide for increased surveil-
5 lance, investigation, monitoring and other activities necessary to
6 provide greater protection of the quality of waters of this
7 commonwealth, an annual surveillance fee shall be payable by a
8 person, company, corporation, but not a city or town or other
9 political subdivision, discharging water borne waste directly or
10 indirectly into any waters of the commonwealth from any
11 manufacturing facility; or from any other commercial establish-
12 ment which may generate a discharge inconsistent with the
13 protection of waters of the commonwealth. The fees shall be
14 for the cost of surveillance of industrial and commercial dis-
15 charges and receiving waters. The cost of necessary surveillance
16 of municipal discharges shall not be financed from revenues so
17 derived but may be provided otherwise by law. In any year,
18 the total surveillance fees assessed on discharges shall not
19 exceed the total amount appropriated to the division and other
20 appropriate agencies of the commonwealth for the surveillance,
21 monitoring and related activities necessary to adequately assess

22 the impact of commercial and industrial waste-water discharges
23 on waters of the commonwealth.

24 (b) On or before February first of each year the division
25 shall inform each such discharger and the state treasurer of the
26 annual surveillance fee due, from each plant location or major
27 manufacturing component and commercial enterprise as pro-
28 vided by rules.

29 (c) On or before March first of each year a discharger shall
30 pay to the state treasurer the amount of surveillance fee due
31 who shall deposit it in the general fund of the commonwealth.
32 The treasurer shall report the total annual amount collected to
33 the governor and the general court on or before April fifteen
34 of each year.

35 (d) The annual surveillance fee shall be based on an adminis-
36 trative fee of fifty dollars and an additional fee set by the
37 division. The additional fee shall be determined on a graduated
38 basis using the volume of discharge to determine a base fee
39 which shall be multiplied by a factor dependent on the strength
40 of organic and inorganic waste constituents to establish the
41 total annual surveillance fee. The maximum annual fee assessed
42 upon any discharge which is in conformance with the division's
43 effluent restrictions shall not exceed nine thousand dollars per
44 manufacturing location. Discharges into a municipal sewerage
45 system shall be assessed only the fifty dollar administrative fee
46 unless such discharge after municipal treatment is or may
47 become injurious to the waters of the commonwealth as set
48 forth in this chapter in which event the assessment will be
49 based upon the same considerations as if the discharge after
50 treatment were being discharged by the manufacturing facility
51 or commercial establishment directly into the waters of the
52 commonwealth. The division shall adopt such rules as are
53 necessary to implement this section.

1 SECTION 2. Chapter 21 of the General Laws is hereby
2 amended by inserting after section 43 the following new
3 section: -

4 Section 43A. The director shall fix and establish reasonable
5 and just pollution charge rates for computing the amounts to
6 be paid by pollution permit holders pursuant to section forty-

7 three of this chapter. The director is authorized to revise such
8 charge rates from time to time thereafter.

9 It is expressly recognized that the authorized discharge of
10 certain wastes which will reduce the quality of receiving waters
11 below the established standard represents an expropriation of a
12 valuable public natural resource for private or limited use and
13 that such discharges are permitted under this chapter for
14 economic reasons in the public interest of providing time
15 during which the degrading effects of such discharges can be
16 abated. The imposition of pollution charges shall have the
17 principal purpose of providing the economic incentive for
18 pollution permit holders to reduce the volume and degrading
19 quality of their discharges during the limited period when such
20 discharges are authorized, thereby raising the quality of the
21 waters in the commonwealth. Such charges shall be for the
22 further purpose of protecting the health, welfare and safety of
23 the general public, protecting, preserving, and benefiting naviga-
24 tion upon the waters of the commonwealth and protecting the
25 general public interest in such waters including recreational and
26 aesthetic interest. The charges are not imposed for revenue
27 purposes and any income received by the commonwealth under
28 this section shall be used solely for purposes of water quality
29 management and pollution control.

30 A pollution charge is the price to be paid per unit of waste
31 discharged into waters of the commonwealth. The charge may
32 vary among different types or classes of wastes to account for
33 variations in the degrading effects of various wastes. The
34 charges may also vary to account for variations in the water
35 quality standards of different classes and the hydrologic condi-
36 tions of different receiving waters. In establishing the charges
37 the director shall attempt to approximate in economic terms
38 the damage done to other users of the waters, both private
39 users and the general public, caused by the degrading effect of
40 various types of waste in varying volumes and frequencies of
41 discharge upon water qualities of the different classes of
42 waters. In determining relative degrading effect the director
43 may employ any scientific or technical criteria or parameters
44 such as biochemical oxygen demand and suspended solids and

45 may express the unit charge in terms of such standards of
46 measurement.

1 SECTION 3. This act shall become effective January first,
2 nineteen hundred and seventy-two.