

By Mr. Flynn Jr. of Hanover, petition of William J. Flynn, Jr., 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 by
2 Chapter 706 of the Acts of 1975, is hereby further amended by
3 inserting after section 7B the following three sections: —

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

17 *Section 7D.* When there is a complaint that a private or a public
18 water supply has been destroyed or rendered unfit for potable use
19 as a result of maintenance, operations, snow or ice removal, stor-
20 age practices or construction on state owned roads which results in
21 improper drainage, after the effective date of this act, the commis-
22 sioner of the department of environmental quality engineering

23 shall cause to be investigated to determine the extent of damage
24 and report the same to the attorney general for determination of
25 extent of responsibility, if any, of the person so involved.

26 (a) Upon determination that there is responsibility on the part of
27 the commonwealth, the commissioner of the department of public
28 works shall authorize the use of highway funds to:

29 1. replace or repair damage to the water supply in question; or

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

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

32 4. enter into agreements with water departments, water compan-
33 ies, or other water purveyors or other governmental units to assist
34 in extension of public water supply lines or the establishment of a
35 new water supply system.

36 (b) Upon determination that some other person, other than the
37 commonwealth is responsible for said damage to said water sup-
38 ply, the attorney general shall determine the nature and extent of the
39 retribution to be made.

40 *Section 7E.* The word person as used throughout the sections
41 7C and 7D shall include surveyors of highways, road commission-
42 ers, superintendents of streets in towns, commissioners of public
43 works in cities and towns, the chief engineer of the Massachusetts
44 Turnpike Authority, the chief engineer of the state department of
45 public works, the chief administrative office of state agencies and
46 private persons, including corporations and management firms of
47 large apartment complexes, large shopping centers or districts.