[INSERT DATE]

The Honorable Anne Gobi

The Honorable Smitty Pignatelli

Joint Committee on Environment, Natural Resources and Agriculture

State House, Room 473F

Boston, MA 02133

**RE: Comments on SB 420; HB 2115/SB 425; SB 423; HB 2915/SB 456; HB 463/SB 462; HB 2137; HB 2116**

Dear Chairs Gobi and Pignatelli and Members of the Committee:

I am a member of Massachusetts Water Works Association (MWWA) and I was unable to attend the public hearing regarding various water-related bills that was held in Lenox on October 30th. I wish to submit the following written testimony for the Committee’s consideration as you deliberate on the bills that could impact the Commonwealth’s public water systems.

* Senate Bill 420: Our profession is **opposed** to An Act relative to streamflow standards, filed by Senator Eldridge. SB 420 changes the intent of the Water Management Act (WMA) by tipping the required statutory balance between competing uses and placing aquatic habitat benefit over all else. The Commonwealth convened a stakeholder group in 2010 as part of the “Sustainable Water Management Initiative,” to look at issues related to water management and safe yield. This process concluded in 2014 with the promulgation of revised regulations which incorporate what the advocates are looking for in this bill, including streamflow criteria, minimization of existing withdrawals and mitigation of increased water withdrawals. While we have many issues and concerns with these new regulations there is certainly no need to move this additional legislation forward and we respectfully ask the Committee to give SB420 an **adverse report**.
* House Bill 2115/Senate Bill 425: Our profession has **concerns** about HB 2115/SB 425, An Act relative to drought management, filed by Representative Dykema and Senator Eldridge. This legislation would codify the Drought Task Force in statute, would mandate updates to the Massachusetts Drought Plan within six months and would require uniform restrictions upon all users in a drought region. The Executive Office of Energy and Environmental Affairs (EEA) is already in the process of revising the plan. The proponents of the bill are looking for private wells to be regulated with the same non-essential outdoor water use restrictions as public water supply customers. Private well control is presently managed through local Boards of Health. Development, implementation and enforcement related to private well use will provide an undue hardship on any local public agency tasked with this unfunded mandate. Further, restrictions on non-essential use have revenue implications that will impact customers’ rates and future investment in updating aging infrastructure. MWWA believes that water systems should have their own drought plan and that drought restrictions are best left up to the water system based on local water resource conditions. We respectfully request that the Committee send HB 2115/SB 425 to **study** until EEA completes the updates to the state plan.
* House Bill 2915/Senate Bill 456: Our profession has **concerns** regarding **HB 2915/SB 456,** An Act ensuring safe drinking water at schools and early childhood programs, filed by Representative Erlich and Senator Lovely. While we understand the importance of protecting children from exposure to lead and appreciate the intent behind the legislation, the bill as currently written is problematic. MWWA is submitting detailed comments on the bill, but in short, the industry is concerned with redefining what constitutes an elevated level of lead at 1 part per billion. Further, we are concerned with the language which would have the Public Water System replace the private portion of the service line at schools at the Public Water System’s cost. There are public/private property issues that could come into play and also there are issues of ratepayer funds potentially being used to replace lines at a private schools or daycare facilities which would not be appropriate. We respectfully request that the Committee send HB 2915/SB 456 to **study** until the US Environmental Protection Agency concludes their review and revisions to the federal Lead & Copper Rule. We believe an actual study of the matter undertaken by a cross-section of stakeholders and experts would be highly beneficial and would allow creation of a plan to address this matter that is realistic and effective.
* Senate Bill 423: We also wish to comment on SB 423, An Act improving municipal water infrastructure, filed by Senator Eldridge. While we appreciate the intent to increase needed funding for infrastructure improvements, we have **concerns** about the imposition of fees on local ratepayers that would then be sent to a state fund where only a portion of the money collected would be returned to the Public Water System that collected it. If the Committee finds that this bill has merit to move forward, we would request that 100% of the revenue collected remain with the utility that collected it.
* House Bill 463/Senate Bill 462: Our profession **supports** HB 463/SB 462, An Act to assist municipal and district ratepayers, filed by Representative Roy and Senator Moore. This legislation establishes a mechanism through which the costs, benefits and financial impacts of proposed environmental rules must be identified and described before the rules can take effect. The act fills a missing gap in the rule-making process by requiring environmental agencies to consider the costs and benefits of their proposals. By doing so, public funds at the local and state level can be used more efficiently and effectively to derive maximum benefits for each dollar expended. We respectfully ask the Committee to give this bill a **favorable** report.
* House Bill 2116: Our profession **supports** HB 2116, An Act providing for the establishment of sustainable water resource funds filed by Representative Dykema which would create a statewide legal framework that will support communities that have already established local “water banks” and will encourage other cities and towns to do so, in a fair and economically responsible manner. It will allow cities and towns to collect a reasonable fee to be used for measures to remedy and offset environmental impacts and to deposit the funds into a separate municipal account for drinking water, wastewater or stormwater. We respectfully ask the Committee to give this bill a **favorable** report.
* House Bill 2137: Our profession **supports** HB 2137, An Act to protect the rights of municipalities and districts, filed by Representative Peisch. This bill relates to the Water Management Act (WMA) Registrations issued by the Commonwealth in 1986 to water systems who registered their water use upon passage of the Water Management Act. The agreement at the time of passage of the Act was that Registrations would be grandfathered water rights, not subject to the same conditions that new users needing permits would have. This bill amends Section 2 of MGL 21G, further clarifying the definitions for the permit program and the registration statement to be consistent with the regulations. HB 2137 also amends Section 5 of MGL 21G, making it clear that all properly filed WMA Registration statements shall entitle the registrants to their registered water use volumes without conditions and stipulates that no regulations may be promulgated that would allow the imposition of conditions. Water systems that only have Registered volumes have not seen their water use increase in over 30 years and many have seen substantial decreases; it is not necessary to condition these users. Those holding both Registrations and Permits are governed by the Permit conditions and do not need to be further controlled by Registration conditions. We respectfully request the Committee give HB 2137 a **favorable** report.
* Our profession **supports** HB 2117, An act relative to municipal assistance for clean water and economic development infrastructure, filed by Representative Dykema. Over the next several decades**,** much of our water infrastructure network is going to need upgrading or replacement. In Massachusetts alone, the Water Infrastructure Finance Commission (WIFC) found there is a substantial gap in funds available versus need. The estimated gap in investments is $10.2 billion for drinking water. The WIFC recommended that the state create a new trust fund and that at least $200 million per year be deposited into this new Trust Fund. HB 2117 would authorize the Commonwealth to secure a 30-year $1 Billion bond to fund a new Water Infrastructure Improvement Trust Fund. HB 2117 creates the new trust fund under the existing structure of the Clean Water Trust. The mechanism for distributing the money in the Water Infrastructure Improvement Fund would be based on a “Chapter 90-like” model. We respectfully request the Committee give HB 2117 a **favorable** report.

Should you have any questions on any of the above bills, I would urge you to reach out to MWWA’s executive director, Jennifer Pederson at 978-263-1388. Thank you for your consideration on these important issues.

 Sincerely,

 [INSERT NAME]

 [INSERT TITLE]

cc: [YOUR LOCAL STATE REPRESENTATIVE]

 [YOUR LOCAL STATE SENATOR]