**[insert date]**

VIA ELECTRONIC MAIL

The Honorable Michael J. Rodrigues, Chair

Senate Committee on Ways & Means

State House, Room 212

Boston, MA 02133

The Honorable Cindy Friedman, Vice Chair

Senate Committee on Ways & Means

State House, Room 313

Boston, MA 02133

**Re: Testimony of the Massachusetts Water Resources Authority Advisory Board in Opposition to S.2812: An Act Relative to the Quabbin Watershed and Regional Equity**

Dear Chairman Rodrigues and Vice Chair Friedman:

**Introduction**

On behalf of the ratepayers of **[Community Name]**, a member community of the Massachusetts Water Resources Authority (MWRA), **[Community Name]** stands in opposition to S.2812, "An Act Relative to the Quabbin Watershed and Regional Equity." We share many of the apprehensions raised by the MWRA Advisory Board and are similarly deeply concerned by the proposed legislation's disregard for environmental justice principles, unnecessary interference with the MWRA's established governance structure, and most importantly the significant burdens this legislation would place on our residents and businesses - the ratepayers who ultimately pay for the service provided by MWRA.

**Unfair Burdens and Environmental Justice Concerns**

As a community served by the MWRA, we stand firmly against the proposed per-gallon tax on Quabbin Reservoir water. This scheme is a blatant attack on the very principle of public water. Unlike profit-driven private utilities, the MWRA, like all public systems, functions as a non-profit entity. Its sole purpose is to deliver clean water, not line the pockets of shareholders.

This tax saddles MWRA ratepayers with unfair and regressive charges. The heaviest burden would fall on low-income families already struggling to make ends meet. This isn't just an economic issue; it's a shocking environmental justice issue. The MWRA serves communities with the highest concentration of minority, non-English speaking, and low-income residents in the state. This tax disproportionately impacts these very citizens, blatantly widening existing inequalities. It's a direct assault on those who may need the greatest protection to access this essential resource.

This proposal is more than bad policy; it's a moral failing. We urge the committee to reject this scheme and ensure equitable access to clean water for all residents of the Commonwealth.

**Unfair Expansion of PILOT Payments and Existing Benefits**

The legislation’s proposed change to include submerged land in the PILOT payment calculation is not only patently unfair to ratepayers but sets a dangerous precedent for other public lands making similar payments statewide. This expansion would significantly increase the financial burden on organizations holding land in public trust, including the MWRA, which already pays the highest possible PILOT rates within these communities; furthermore, it sets aside the [public trust doctrine](https://www.dropbox.com/scl/fi/8ecl12v5fiv09kcwpzvxs/BC-Law_Public-Trust-Doctrine.pdf?rlkey=ww5m311p1k9nk8uov45urrqoz&st=g8vledm0&dl=0) that underpins the state’s land laws, which holds submerged lands to be wholly in the public domain.

Additionally, the bill disregards the “duplicate” payments received by certain towns that gained land from the Quabbin creation. While these towns received a one-time payment to offset lost tax revenue through 1938 legislation, they subsequently began receiving annual PILOT payments, and an extra (duplicate) payment for the land they inherited “…the sum of which shall not be less than fifty thousand annually,” through legislation in 1985. This extra payment (valued in the same manner as other PILOT payments) continues to this day for six communities despite the explicit language in the 1938 legislation stating otherwise. This creates a situation where towns receive additional payments for the same land beyond the PILOT payments that MWRA pays at the highest tax rate in each community.

It’s important to acknowledge that Quabbin communities already benefit significantly beyond PILOT payments. The Division of Water Supply Protection provides valuable grants and training programs directly enhancing water protection within these communities. Additionally, the Quabbin Reservoir attracts visitors, potentially boosting local economies through tourism and increased spending at local businesses.

**Unnecessary Interference with MWRA Governance**

We are particularly grateful that the amended version has addressed concerns regarding the MWRA Board of Directors' size and makeup. However, we urge the committee to exercise caution with any future modifications to the Board's structure as outlined in the Enabling Act.

The current composition of the MWRA Board of Directors represents a triumph of balanced governance. It fosters collaboration between diverse viewpoints, ensuring no single group dominates decision-making. This careful equilibrium has demonstrably served both ratepayers and the MWRA system well. Each member, whether appointed by the Governor, the City of Boston, the Advisory Board, or representing an MWRA host community, brings a unique perspective to the table. This collaborative approach safeguards the interests of all stakeholders and ensures the continued success of the MWRA. We strongly believe that altering this delicate balance for reasons outside the MWRA's core mission would be a grave misstep, potentially jeopardizing the stability and effectiveness of this critical public authority.

**Expanding Feasibility Study Beyond Appropriate Scope**

While we support evaluating water system expansion for communities near the Quabbin Reservoir, the bill’s inclusion of 70 additional communities across four river basins significantly expands the scope beyond a feasibility study for delivering water from the Quabbin to communities in need. This shift towards a broader economic development study falls far outside the MWRA’s core mission and saddles ratepayers with an estimated $2.5 million cost burden. Focusing on the feasibility of serving the 12 initially proposed communities, with an estimated cost of $375 thousand, is a far more responsible and cost-effective approach before considering such a vast expansion. Moreover, a comprehensive economic development study is beyond the MWRA’s expertise and mandate.

**Conclusion**

For the reasons outlined above, we urge the committee to reject S.2812. The proposed water tax, unfair expansion of PILOT payments, and unnecessary interference with the MWRA's governance and core mission create significant burdens on consumers, set dangerous precedents, and ultimately undermine the well-being of both Quabbin communities and ratepayers. Instead, pursuing a focused water delivery feasibility study for the communities directly surrounding the Quabbin Reservoir would be a far more responsible and effective approach.

Sincerely,

**[Name]**

**[Title]**

cc: John Sanchez, MWRA Advisory Board Chair

Matthew A. Romero, MWRA Advisory Board Executive Director

Fred Laskey, MWRA Executive Director

Sean Navin, MWRA Director of Public Affairs