

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act promoting awareness of safe recreation in public waterways.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Patricia D. Jehlen	Second Middlesex
Denise Provost	27th Middlesex
David M. Rogers	24th Middlesex
Jason M. Lewis	Fifth Middlesex
Kay Khan	11th Middlesex
Brian M. Ashe	2nd Hampden
James M. Cantwell	4th Plymouth
Paul J. Donato	35th Middlesex
Timothy J. Toomey, Jr.	26th Middlesex
William N. Brownsberger	Second Suffolk and Middlesex
Carl M. Sciortino, Jr.	34th Middlesex
James B. Eldridge	Middlesex and Worcester
Katherine M. Clark	Fifth Middlesex
Cheryl A. Coakley-Rivera	10th Hampden
Peter V. Kocot	1st Hampshire
Cory Atkins	14th Middlesex
Sean Garballey	23rd Middlesex
Tom Sannicandro	7th Middlesex

<i>Jay Livingstone</i>	<i>8th Suffolk</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>

SENATE No.

By Ms. Jehlen, a petition (subject to Joint Rule 12) of Patricia D. Jehlen, Denise Provost, David M. Rogers, Jason M. Lewis and other members of the General Court for legislation to promote awareness of safe recreation in public waterways. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen
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An Act promoting awareness of safe recreation in public waterways.

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. Section 26A of chapter 21 of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by inserting the following definitions:-

3 “CSO discharge”, a discharge of treated, untreated, or incompletely treated sewage,
4 industrial waste, or other waste into, directly or indirectly, a public waterway from a combined
5 sewer system that has exceeded its maximum capacity.

6 “CSO outfall”, a location at which a combined sewer system is designed to produce a
7 CSO discharge.

8 "Combined sewer system", a system so designed or constructed as to allow surface runoff
9 to enter the conduit carrying sewage, industrial waste, or other waste.

10 “Discharge flow data,” measurements consisting of the date and daily flow rate of CSO
11 discharge collected using meters at CSO outfalls and the daily rainfall measured at a proximate
12 location in the same watershed as the outfall.

13 “Discharge notifications,” reports written in plain language and delivered to registered
14 members of the public by electronic mail to notify them of all CSO discharges that occurred in a
15 watershed in the past 24 hours. The notification shall state (1) the volume of all CSO
16 discharges, (2) the location of all discharging outfalls and their operating authority, (3) the
17 approximate time and date when each CSO discharge began and ended, (4) the level of treatment
18 of each CSO discharge, and (5) the geographic area that may be affected by its flow or by

19 potential flooding. Furthermore, the notification shall include the following general information,
20 (1) a list of common primary and secondary contact activities which the department of
21 environmental protection has identified that the waterway can support in dry conditions, (2)
22 information about the public health implications of CSO discharges and what recreational
23 activities are impaired under these circumstances, (3) widely applicable precautionary measures
24 that recreational users can take to avoid health risk including, but not limited to, advisories
25 against primary or secondary contact activities within a certain time period of rainfall or CSO
26 discharge events, and (4) a list of all authorities that operate outfalls in the watershed.
27 Registered notification recipients shall include the two largest circulation newspapers as
28 identified by the department of environmental protection in each watershed containing a CSO
29 outfall, all boards of health as defined in Section 1 of Chapter 111 operated by municipalities in
30 the watershed, and the department of public health.

31 “Level of treatment”, a description in plain language of the measures taken to remove
32 contaminants from sewage before its discharge at a CSO outfall. This description should
33 include, but not be limited to, disinfectant procedures undertaken to remove bacteria, filtration to
34 remove solids, and any nutrient removal procedures.

35 “Watersheds”, the geographic area and natural basin from within which water drains or in
36 natural course would drain into a major water of the commonwealth, as determined by the
37 department of environmental protection.

38 SECTION 2. Section 43 of chapter 21 of the General Laws, as appearing in the
39 2012 Official Edition, is hereby amended by inserting after paragraph (10) the following
40 paragraph:-

41 (11) Permits or variances granted under this section for any CSO outfalls emptying into
42 public waterways shall include the following requirements:

43 (a) The permittee shall install and maintain metering equipment at the outfall to collect
44 discharge flow data. This data shall be collected and made available to the department of
45 environmental protection electronically on a daily basis. The department of environmental
46 protection shall promulgate all necessary regulations to enable the accessibility and prompt
47 collection of this data.

48 (b) Signage shall be installed at a clearly visible site adjacent to the CSO outfall and any
49 public access point to the waterway which the department of environmental protection
50 determines to be affected by CSO discharges at the CSO outfall. The department of
51 environmental protection shall promulgate rules and regulations for the content, placement, and
52 maintenance of CSO outfall signage. This content shall include, but not be limited to,
53 descriptions of the existence of the CSO outfall, associated health risks due to bacterial and
54 chemical contamination following CSO discharges, and appropriate precautions the public
55 should take to ensure safe recreation in and around the waterway. Furthermore, the signage shall

56 use plain language and include pictographic figures clearly communicating these factors to non-
57 English speakers. The department of environmental protection shall coordinate with the
58 department of conservation and recreation to administer placement of signage on department of
59 conservation and recreation lands.

60 SECTION 3. Chapter 21 of the General Laws is hereby amended by inserting after
61 Section 43 the following section:-

62 Section 43A. (a) The department of environmental protection shall establish and maintain
63 a website for reporting to the public any CSO discharges, using the discharge flow data collected
64 under Subsection 11 of Section 43 of this chapter.

65 The website shall have features including, but not limited to, (1) a report of all discharge
66 flow data collected from each CSO outfall permitted under Section 43, updated within 24 hours
67 of receipt of the data from the permittee, (2) past daily CSO discharge monitoring data
68 maintained for a period not less than ten years, (3) an application by which any member of the
69 public may receive discharge notifications by electronic mail related to any particular outfall or
70 set of outfalls, to be delivered at the same time the discharge commences, (4) a record of all past
71 discharge notifications.

72 (b) The department of environmental protection shall issue an annual watershed CSO
73 discharge report by April 15th of each year to the registered recipients of discharge notifications,
74 which shall include an annual summary report of the previous year's CSO discharge volumes
75 and frequencies, the operating authorities of all CSO outfalls in the watershed, and the general
76 information included in the discharge notifications.

77 (c) The department of environmental protection shall have the authority to post any
78 available discharge flow data collected prior to the adoption of the permit requirement to this
79 website.