HOUSE DOCKET, NO. 3254 FILED ON: 1/16/2015

HOUSE . . . . . No. 742

The Commonwealth of Massachusetts

PRESENTED BY:

Denise Provost

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:
Denise Provost	*27th Middlesex*
David M. Rogers	*24th Middlesex*
Mary S. Keefe	*15th Worcester*
Jason M. Lewis	*Fifth Middlesex*
Patricia D. Jehlen	*Second Middlesex*
Timothy J. Toomey, Jr.	*26th Middlesex*

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By Ms. Provost of Somerville, a petition (accompanied by bill, House, No. 742) of Denise Provost and others relative to discharges of certain waste into public waterways. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

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:

SECTION 1. Section 26A of chapter 21 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting the following definitions:-

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

"CSO outfall", a location at which a combined sewer system is designed to produce a CSO discharge.

"Combined sewer system", a system so designed or constructed as to allow surface runoff 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 by electronic
14 mail to registered members of the public to notify them of all CSO discharges that occurred in a
15 watershed in the past 24 hours.

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

20 “Watershed”, the geographic area and natural basin from within which water drains or in
21 natural course would drain into a major water of the commonwealth, as determined by the
22 department of environmental protection.

23

24 SECTION 2. Section 43 of chapter 21 of the General Laws, as so appearing, is hereby
25 amended by inserting after paragraph (10) the following paragraphs:-

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

28 (a) The permittee shall install and maintain metering equipment at the outfall to collect
29 discharge flow data, unless granted a waiver under paragraph 12 of this section. This data shall

30 be collected and made available to the department of environmental protection electronically on
31 a daily basis.

32 (b) Signage shall be installed at a clearly visible site adjacent to the CSO outfall and any
33 public access point to the waterway which the department of environmental protection
34 determines to be affected by CSO discharges at the CSO outfall. The department of
35 environmental protection shall promulgate rules and regulations for the content, placement, and
36 maintenance of CSO outfall signage. This content shall include, but not be limited to,
37 descriptions of the existence of the CSO outfall, associated health risks due to bacterial and
38 chemical contamination following CSO discharges, and appropriate precautions the public
39 should take to ensure safe recreation in and around the waterway. Furthermore, the signage shall
40 use plain language, include pictographic figures clearly communicating these factors to non-
41 English speakers, and include all information required under federal law. The department of
42 environmental protection shall coordinate with the department of conservation and recreation to
43 administer placement of signage on department of conservation and recreation lands.

44 (12) A permittee may petition the department of environmental protection for a waiver
45 from the requirements under (11)(a) of this section. The department of environmental protection
46 shall grant a waiver if the permittee implements a plan that:

47 (a) monitors water quality in the area around the CSO outfall;

48 (b) collects water quality data of sufficient rigor to reveal significant quantities of
49 ecologically harmful discharge around outfall locations; and

50 (c) transmits data to the department of environmental protection, electronically, on a basis
51 frequent enough to facilitate timely public notification of harmful discharges under Section 43A
52 of this chapter.

53 Each waiver shall last for 5 years unless the permittee stops transmitting data to the
54 department of environmental protection which shall automatically terminate the waiver.

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

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

60 The website shall have features including, but not limited to, (1) a report of all discharge
61 flow data collected from each CSO outfall permitted under Section 43, updated within 24 hours
62 of receipt of the data from the permittee, (2) past daily CSO discharge monitoring data
63 maintained for a period not less than ten years, (3) an online application, located in a clearly
64 visible location, by which any member of the public may receive discharge notifications by
65 electronic mail related to any particular outfall or watershed, to be delivered at the same time the
66 discharge commences, (4) a record of all past discharge notifications.

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

72 (c) The department of environmental protection may post any available discharge flow
73 data collected prior to the adoption of the permit requirement to this website.

74 (d) Discharge notifications shall state (1) the volume of all CSO discharges, (2) the
75 location of all discharging outfalls and their operating authority, (3) the approximate time and
76 date when each CSO discharge began and ended, (4) the level of treatment of each CSO
77 discharge, and (5) the geographic area that may be affected by its flow or by potential flooding.
78 Furthermore, the notification shall include the following information, (1) a list of common
79 primary and secondary contact activities which the department of environmental protection has
80 identified that the waterway can support in dry conditions, (2) information about the public
81 health implications of CSO discharges and what recreational activities are impaired under these
82 circumstances, (3) widely applicable precautionary measures that recreational users can take to
83 avoid health risk including, but not limited to, advisories against primary or secondary contact
84 activities within a certain time period of rainfall or CSO discharge events, and (4) a list of all
85 authorities that operate outfalls in the watershed. Registered notification recipients shall include
86 the two largest circulation newspapers in each watershed, as identified by the department of
87 environmental protection, containing a CSO outfall, all boards of health as defined in Section 1
88 of Chapter 111 operated by municipalities in the watershed, and the department of public health.

89 SECTION 4. The department of environmental protection shall promulgate regulations to
90 implement sections 2 and 3 of this bill.