HOUSE . . . . . No. 4685

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 28, 2022.

The committee on Environment, Natural Resources and Agriculture to whom was referred the petition (accompanied by bill, House, No. 4144) of Tram T. Nguyen and others relative to further testing after combined sewage overflow events, reports recommending that the accompanying bill (House, No. 4685) ought to pass.

For the committee,

MINDY DOMB.

FILED ON: 4/6/2022

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The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act relative to further testing after a CSO event.

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 43A of chapter 21 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after subsection (f) the following subsection:-

(f½) The department, in consultation with the department of public health, shall establish quality assurance project plan standards for the testing of water bodies and waterways for bacteria or other pollutants following a discharge from a permittee's combined sewage overflow outfall.

Subject to appropriation, testing shall be conducted by the department, or its designee, using the department's quality assurance project plan, within a reasonable amount of time after a combined sewage overflow notification as determined by the department based on the time elapsed since the combined sewage overflow and the flow rate of the river. Testing shall be conducted at multiple locations downstream from each combined sewage overflow outfall. Testing may be suspended December through March based on weather conditions as determined by the department.

The department shall compile the data from each combined sewage overflow and produce a report in November of each year. The department, in consultation with the department of public health, shall use this data to create a predictive model for post-combined sewage overflow water quality.

The department shall use the data to determine areas with high bacteria content and shall require any permittee with bacteria content over 235 colony forming units per 100 milliliters to develop a combined sewage overflow mitigation plan, which the department shall be in charge of approving. Permittees developing an approved mitigation plan shall be prioritized in state storm water funding.

SECTION 2. Subsection (g) of said section 43A of said chapter 21, as so appearing, is hereby further amended by striking the first 2 paragraphs and inserting in place thereof the following paragraph:-

Subject to appropriation, the department shall: require permittees to report the volume of discharge from its outfall; assist permittees with installing accurate metering equipment to measure discharge from its outfall; and issue public advisories within timeframes established by subsections (c) and (d).