

# SENATE . . . . . No. 3154

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## The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court  
(2025-2026)

SENATE, July 9, 2026.

The committee on Environment and Natural Resources, to whom was referred the petitions (accompanied by bill, Senate, No. 606) of Barry R. Finegold for legislation relative to further testing after a combined sewage overflow event; and (accompanied by bill, Senate, No. 608) of Patricia D. Jehlen relative to combined sewer overflows, report the accompanying bill (Senate, No. 3154).

For the committee,  
Rebecca L. Rausch

**SENATE . . . . . No. 3154**

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

An act relative to combined sewer overflows.

*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 43A of chapter 21 of the General Laws, as appearing in the 2024  
2 Official Edition, is hereby amended in subsection (a) by inserting after the second sentence the  
3 following sentence:-

4           “Combined sewer system overflow”, a discharge or release from a combined sewer  
5 system directly or indirectly into water bodies and waterways of the commonwealth.

6           SECTION 2. Said Section 43A of said chapter 21, as so appearing, is further amended in  
7 subsection (a) by inserting after the sixth sentence the following sentence:-

8           “Untreated combined sewer system overflow”, a discharge or release as a result of a  
9 combined sewer system overflow that is not treated through at least the removal of solids and  
10 treatment to deactivate bacteria.

11           SECTION 3. Said section 43A of said chapter 21, as so appearing, is hereby further  
12 amended by inserting after subsection (f) the following subsection:-

13           (f<sup>1</sup>/<sub>2</sub>) (i) The department, in consultation with the department of public health, shall  
14 establish quality assurance project plan standards for the testing of water bodies and waterways  
15 for bacteria or other pollutants following a discharge from a permittee's combined sewer system  
16 overflow outfall.

17           (ii) Subject to appropriation, testing shall be conducted by the department or its designee,  
18 using the department's quality assurance project plan, within a reasonable amount of time after a  
19 combined sewer system overflow notification as determined by the department based on the time  
20 elapsed since the combined sewer system overflow and the flow rate of the water body or  
21 waterway. Testing shall be conducted at multiple locations downstream from each combined  
22 sewer system overflow outfall. Testing may be suspended during the months of December to  
23 March, inclusive, based on weather conditions as determined by the department.

24           (iii) Annually, not later than November 1, the department shall compile the data from  
25 each combined sewer system overflow and produce a report. The department, in consultation  
26 with the department of public health, shall use this data to create a predictive model for water  
27 quality following a combined sewer system overflow. The report and the water quality  
28 predictions shall be provided to the joint committee on environment and natural resources and  
29 the clerks of the senate and house of representatives. The department shall publish the report and  
30 the water quality predictions on its website.

31           (iv) The department shall use the data compiled pursuant to paragraph (iii) to determine  
32 areas with high bacteria or pollutant content and shall require any permittee with bacteria content  
33 to develop a combined sewer system overflow mitigation plan, which shall be subject to

34 approval by the department. Permittees with an approved combined sewer system overflow  
35 mitigation plan shall be prioritized in state storm water funding.

36 SECTION 4. Said section 43A of said chapter 21, as so appearing, is hereby further  
37 amended in subsection (g) by striking out the first 2 paragraphs and inserting in place thereof the  
38 following paragraph:-

39 The department shall: (i) require permittees to report to the department the volume of  
40 discharge from an outfall; (ii) assist permittees with installing accurate metering equipment to  
41 measure discharge from an outfall; and (iii) issue public advisories within the timeframes  
42 established by subsections (c) and (d).

43 SECTION 5. Said section 43A of said chapter 21, as so appearing, is hereby further  
44 amended in subsection (k) by adding the following words:- Said regulations shall include: (i) a  
45 threshold for high bacteria or pollutant content; (ii) standards for the quality assurance project  
46 plan required by this section; and (iii) a definition of a 25-year, 24-hour storm event.

47 SECTION 6. Said section 43A of said chapter 21, as so appearing, is hereby further  
48 amended by adding the following subsection:-

49 (l) There shall be no untreated combined sewer system overflow during or following a  
50 25-year, 24-hour storm event or smaller storm event in any of the Massachusetts Water  
51 Resources Authority sewer service areas.

52 SECTION 7. Sections 1 to 4, inclusive, shall take effect on January 1, 2027.

53 SECTION 8. Section 5 shall take effect on January 1, 2028.

54 SECTION 9. Section 6 shall take effect on January 1, 2030.