

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Barry R. Finegold

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 providing for further testing after a combined sewage overflow event.

PETITION OF:

NAME:

Barry R. Finegold

DISTRICT/ADDRESS:

Second Essex and Middlesex

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 489 OF 2023-2024.]

The Commonwealth of Massachusetts

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

An Act providing for further testing after a combined sewage overflow event.

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 2022
2 Official Edition, is hereby amended by inserting after subsection (f) the following subsection:-

3 (f $\frac{1}{2}$) The department, in consultation with the department of public health, shall establish
4 quality assurance project plan standards for the testing of water bodies and waterways for
5 bacteria or other pollutants following a discharge from a permittee’s combined sewage overflow
6 outfall.

7 Testing shall be conducted by the department or its designee, subject to appropriation,
8 using the department’s quality assurance project plan, within a reasonable amount of time after a
9 combined sewage overflow notification as determined by the department based on the time
10 elapsed since the combined sewage overflow and the flow rate of the water body or waterway.

11 Testing shall be conducted at multiple locations downstream from each combined sewage

12 overflow outfall. Testing may be suspended from December to March, inclusive, based on
13 weather conditions as determined by the department.

14 The department shall compile the data from each combined sewage overflow and produce
15 a report annually, not later than January 31. The department, in consultation with the department
16 of public health, shall use this data to create a predictive model for water quality following a
17 combined sewage overflow.

18 The department shall use the data to determine areas with high bacteria content and shall
19 require any permittee with bacteria content over 235 colony forming units per 100 milliliters to
20 develop a combined sewage overflow mitigation plan, which shall be subject to approval by the
21 department. Permittees developing an approved mitigation plan shall be prioritized in
22 competitive applications for funds from the commonwealth related to storm water.

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

26 The department shall, subject to appropriation: (i) require permittees to report the volume
27 of discharge from its outfall; (ii) assist permittees with installing accurate metering equipment to
28 measure discharge from its outfall; and (iii) issue public advisories within timeframes established
29 by subsections (c) and (d).