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CONTACT:

Brian McGahie, Staff Director
Representative Linda Dean
Campbell
(617) 722-2380

Lucas Schaber, Legislative Aide
Representative Denise Provost
(617) 722-2263

MA House Passes Bill to Alert Residents of Sewage Overflows into Waterways

(BOSTON) – The Massachusetts House of Representatives has passed a bill to require public notification when untreated sewage overflows into a waterway. The legislation, sponsored by Representative Linda Dean Campbell (D-Methuen), Representative Denise Provost (D-Somerville), and Senator Pat Jehlen (D-Somerville) is urgently needed to protect residents across the Commonwealth from unknowingly coming into contact with contaminated waters when swimming or boating in the state’s rivers.

The bill, [H.4921](#), would require sewage system operators to issue a public advisory within 2 hours of a sewage discharge and every 8 hours thereafter until the discharge has ended. A final advisory would be required within 2 hours of the conclusion of the discharge. The advisories would be made available online; sent via email or text message to subscribed members of the public; submitted to the 2 largest local news organizations; and distributed to the local board of health, all affected municipalities, the state Department of Public Health, and the state Department of Environmental Protection.

The bill has been worked on for over 6 years and is a priority for state legislators, local officials, and environmental advocates, who cite its urgency to protect both public health and the well-being of the environment. It is formally endorsed by more than 80 bipartisan state legislators, over 140 local officials from communities statewide, and 46 leading state environmental organizations.

“State government has a responsibility to ensure residents are notified in a timely manner of sewage discharges so that they can avoid serious health repercussions,” **said Representative Campbell.** “This legislation is the first step, and an important one, in the process of eliminating CSOs. Notification will bring needed attention to this issue and allow our Commonwealth and local cities and towns to apply for federal grant money to upgrade infrastructure.”

“Passage of this bill could not be more timely,” **said Representative Provost**. “As more people venture into our rivers and ponds during the heat of summer, they deserve to be informed about the lurking health hazards from germ-laden sewer outfalls. Especially given the scientific uncertainty about the infectiousness of solid waste containing excreted coronavirus, we should be enabling the people of Massachusetts to make informed decisions about when it’s safe to go in the water.”

“Combined Sewage Overflows may not be the first thing on many people’s minds when they head to one of the Commonwealth’s many beautiful waterways, but right now, public health is on all of our minds and people are taking advantage of their local outdoor recreation sites, rivers, lakes, and beaches,” **said Senator Jehlen**. “We need this notification system so everyone can make informed decisions, protect their health, and safely enjoy our natural resources.”

“Massachusetts river ways should serve as an asset, not a liability,” **said Representative Smitty Pignatelli, House Chairman of the Joint Committee on the Environment, Natural Resources, and Agriculture**. “Millions of gallons of sewer discharge is spilled from pipes annually without the public being notified, and we have recently found out that sewer discharge can be a potential source of COVID-19. This can cause detrimental harm to our public health and our environment, and it is our responsibility to make sure that residents of Massachusetts have an opportunity to protect themselves from possible exposure. I want to sincerely thank Reps. Campbell and Provost for their steadfast leadership on this issue, and to Speaker DeLeo and Chairman Michlewitz for recognizing that all residents of the Commonwealth have a right to know what’s in their water.”

“Protecting our waterways from the environmental damage caused by Combined Sewer Overflows is an issue I have been very passionate about for a long time,” **said Representative Jim Kelcourse (R-Amesbury)**. “In the last year, I made two trips to Washington, D.C. to meet with EPA officials, and spent four days kayaking 117 miles down the Merrimack River to raise awareness of this serious problem. I’m thrilled the House is taking action today to pass this legislation, which will ensure the public is kept fully informed of untreated sewage discharges and the associated health risks.”

“I’m very happy to see our bipartisan efforts come to fruition with this much needed notification system,” **said Representative Lenny Mirra (R-West Newbury)**. “But it’s just a first step and I look forward to working on a solution to CSO’s and cleaning up the river so that it can be properly enjoyed by all.”

Sewage discharges often occur during heavy storms in communities whose wastewater and storm water drainage systems are combined. When storm water floods the system, overflow channels carry excess rain and sewage directly into nearby waterways. The resulting discharges, known as combined sewer overflows or CSOs, carry harmful pathogens such as fecal coliform and bacteria that can cause dysentery, hepatitis, and other gastrointestinal diseases. CSOs also cause algae blooms, which can be toxic to people and deprive water bodies of oxygen, killing fish and other marine life. For residents who use the river for boating and swimming, the risk of exposure is particularly high. **Recent research also suggests that sewage**

discharges may be a source of exposure to COVID-19, making timely public notification all the more critical.

Under existing state law, publicly regulated sewage treatment systems are required to notify the state Department of Environmental Protection (DEP) of a sewage discharge immediately after it occurs, but no later than 24 hours. Exactly who is notified after that varies depending on state and federal permits, but residents and local public officials very rarely make the notification list. **This makes it difficult for residents to make informed decisions to protect themselves and their families from exposure to harmful pathogens.**

Massachusetts currently discharges the most sewage of any state in New England. In 2018, outfalls along the state's major rivers and waterbodies discharged an estimated 3.4 billion gallons of sewage. According to DEP, five sewage treatment systems along the 117-mile Merrimack River reported hundreds of discharges totaling more than 800 million gallons. As climate change increases the frequency of severe storms in coming years, these figures may climb.

In addition to requiring public advisories, the legislation directs sewage system operators to work with DEP to install metering equipment to detect and measure discharges. The bill also allows DEP to require that operators install signage at outfall locations and public access points to waterways, such as boat ramps and swimming areas, to inform the public of the health risks of CSOs and provide instructions on how to subscribe for the advisories.

Other provisions of the bill require DEP to publish sewage discharge information on its website, issue an annual public report on sewage discharge activity, and work with the state Department of Public Health to establish standards for when local boards of health must issue public warnings related to sewage discharges, for example by using reverse 911 emergency calls.

“We are delighted to see this legislation moving forward and we appreciate Speaker DeLeo, Chair Michlewitz, Chair Pignatelli, Chair Campbell, Chair Jehlen, Rep. Provost and the House Ways and Means Committee's attention to this issue, and their leadership in protecting both the environment and public health,” **said Gabby Queenan, Policy Director for the Massachusetts Rivers Alliance.** “COVID-19 has put a particular spotlight on the importance of having safe, accessible outdoor spaces in our communities. As long as three billion gallons of sewage continue to flow into our rivers every year in Massachusetts, we should strive to do better for the residents of the Commonwealth. This bill is the first critical step in the right direction.”

“This bill is an important step towards improving transparency and accountability, and ultimately ending sewage discharges in our rivers,” **said Matthew Thorne, Executive Director of the Merrimack River Watershed Council.** “The Merrimack River has changed from an industrial river to a recreational river, and we need our infrastructure to keep up with the public health needs of the millions of residents and visitors who swim, fish, boat and enjoy its waters every year. The Merrimack is a major economic engine for the region and the public deserves to be told when sewage releases may impact their health. We are very eager to see the installation of metering equipment to detect and measure discharges, and the reports that will be sent out to the public in a timely fashion.”

“Sewage overflows are a serious problem for our rivers and ocean,” **said Deb Markowitz, State Director, The Nature Conservancy in Massachusetts.** “This pollution will only increase as climate change results in more severe storms. Sewage in our water is a human health concern, and it also can harm delicate ecosystems. As an organization based in science, we believe that communities have a right to know when their waters are impacted by sewage overflows so they can make safe and informed decisions.”

“Our rivers and beaches are some of the best parts of living in Massachusetts,” **said Ben Hellerstein, State Director, Environment Massachusetts.** “Everyone deserves clean water for swimming or boating. At the very least, if the water isn't clean, we should have the right to know.”

“We are glad to see this critical bill moving through the legislature towards the Governor's Desk, passage of this bill is urgently needed to warn our residents to stay away from unhealthy conditions when there is sewage in our waters,” **said Sierra Club Massachusetts Water Resource Lead, Robert Kearns.** “Especially during the Covid-19 pandemic, Massachusetts residents are getting out to enjoy nature and water activities in our state and local parks and riverways. This bill will protect the public while they engage in those healthy and physically distanced activities.”

“We applaud the House for acting on CSO notification. It's high time for this public safety bill to be passed,” **said Casey Bowers, Assistant Vice President for Government Relations, Environmental League of Massachusetts.**

The legislation now goes to the Senate.

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