MASSACHUSETTS
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March 15, 2022

Senate Chair Rebecca Rausch
Acting Interim House Chair Mindy Domb
Joint Committee on Environment, Natural Resources and Agriculture
Massachusetts State House
24 Beacon Street
Boston, MA

Dear Chairs Rausch and Domb:

We, the undersigned organizations, write to express our support for House Bill 4144, *An Act Relative to Further Testing After a CSO Event*. This bill is the vital next step in addressing the growing problem of Combined Sewer Overflows (CSOs) in our waterways. It requires both accurate reporting of sewage volume, and testing of bacterial content after a CSO. From that data, we can assess how to best allocate our resources to reducing sewer overflows in Massachusetts' rivers, streams, lakes, and the ocean.

CSOs occur in areas where sewer pipes are combined with stormwater pipes. During heavy rains, the capacity of the pipe is overwhelmed, forcing sewage either to be backed up into streets and homes, or to be released into a river. These heavy rains used to be few and far between; now, due to climate change, they occur more and more often. As a result, millions of gallons of sewage are released into our waterways every year. Last year, for example, 925 million gallons of sewage were released into the Merrimack River.

CSOs affect the Merrimack, Connecticut, Mystic, Charles, Chicopee, Nashua, and Taunton rivers. Many environmental justice communities are located along these rivers, and some even get their drinking water from the rivers; these include Lawrence, Lowell, and Springfield. The Mystic and Charles flow into Boston Harbor; the Taunton River flows into Narragansett Bay; the Chicopee and Nashua Rivers flow into the Connecticut and Merrimack Rivers respectively, and both of these rivers flow directly into the Atlantic Ocean, literally making CSOs an even more widespread problem.

The bill passed in the previous session, *An Act promoting awareness of sewage pollution in public waters*, was an important first step in addressing CSOs. But while it accomplishes the important task of notifying the public of sewage releases, it does not require the data needed to assess the extent of the CSOs, and identify the largest sources of bacteria. *An Act Relative to Further Testing After a CSO Event* takes the next step in both gathering data and assessing the damage. It will accomplish two main objectives:

1. Requires wastewater treatment plants to report volume of CSOs. Subsection (g) of section 43A of chapter 21 requires that sewer treatment plants alert the public of CSOs, but does not require that the volume discharged be reported. As the law has been enacted, it has become clear that this is a

vital piece of information. The quantity of sewage in the river makes a huge difference in potential public health impacts. On the Merrimack for example, CSO events can be as small as 2,000 gallons and as large as ***120 million*** gallons. Yet they are treated the same way under the sewage notification law. The public should be informed when a massive quantity of sewage is released, as the threat to public health is significant.

2. Puts into place a formal testing system to measure the amount of contamination that enters our rivers due to CSOs. We rely on a patchwork of data, gathered by various non-profits, municipalities, and government agencies. This gives us an incomplete picture of CSO contamination in the rivers. H.4144 would remedy that by authorizing DEP or its designee to establish a formal testing procedure and program, subject to appropriations. DEP would likely need to add a staff member to oversee collection, and our organizations estimate that a water testing program would cost roughly $15,000 per river, or $105,000 total.

The data gathered from the water testing program is essential to understand the threat to the public from CSOs. Already, for example, Merrimack River Watershed Council's program is showing that bacteria from CSOs may take more than 48 hours to clear the river. More data is needed to confirm those findings. Swimmers and other recreational users need to know this to make informed decisions about their use if the river.

Ultimately, the goal is to fix the problem and eliminate CSOs. This bill works toward that goal by providing accurate information about the extent of bacteria contamination, and where it's coming from. It offers a roadmap to identify the worst contaminators, so that the state and federal government can direct resources to upgrade the infrastructure and stop CSOs.

Therefore, we urge you to report this bill favorably out of committee and shepherd it through the process to reach the House floor. We thank you for all of your hard work.

Respectfully,

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