

Summary of Proposed Regulation

314 CMR 16.00: Notification Requirements to Promote Public Awareness of Sewage Pollution

Background: In January 2021, the Legislature passed, and the Governor signed into law Chapter 322 of the Acts of 2020, an Act Promoting Awareness of Sewage Pollution in Public Waters (the “Act”). The Act requires MassDEP to promulgate regulations to implement the Act by January 12, 2022. The proposed regulation will establish requirements and procedures for notifying the public of sewage discharges and overflows into the surface waters of the Commonwealth to protect and preserve public health.

Proposed Regulations: MassDEP is proposing the new regulation 314 CMR 16.00: *Notification Requirements to Promote Public Awareness of Sewage Pollution*. The regulation will require permittees to issue public advisory notifications for discharges of certain types of untreated or partially treated wastewater, including discharges that fall into the categories of combined sewer overflows (CSOs), sanitary sewer overflows, and blended wastewater. The regulation describes the types of discharge events requiring notification. The regulation requires notifications to be issued within two hours of the discovery of discharge to specific local, state, and federal government agencies, as well as to any individual who has subscribed to receive such notifications. The regulation also requires notifications to be sent to news organizations that report on local news in nearby communities and be published on permittees’ websites. Follow-up reporting to MassDEP will be required on a monthly basis. Permittees with CSOs will also be required to maintain signage at CSO discharge locations and to develop a public notification plan for review and approval by MassDEP.

The regulation will also require municipal boards of health or health departments to issue public health warnings under certain circumstances. The statute requires that MassDEP coordinate with the Massachusetts Department of Public Health (DPH) on a standard for these public health warnings. MassDEP has consulted with DPH on the development of the draft regulation, with particular focus on the requirements for local health entities.

Stakeholder Outreach: MassDEP held three stakeholder meetings. Approximately 20 representatives of the regulated community attended the first meeting; approximately 20 proponents of the legislation, who represent environmental advocacy groups, recreational user groups, and environmental justice groups attended the second meeting; and approximately 100 stakeholders attended the third meeting, which included all of the stakeholders together. MassDEP also met with the Massachusetts Rivers Alliance, the Act’s major proponent, and participated on a panel discussion about the Act that was hosted by the Massachusetts Coalition of Water Resources Stewardship, a group representing the regulated community. Once the regulation is promulgated, but before the provisions go into effect, MassDEP will conduct additional outreach to local boards of health/health departments, environmental justice groups, and additional groups that recreate in the Commonwealth’s surface waters.