

**SENATE . . . . . No. 458**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Diana DiZoglio***

*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 relative to notification of potential water pollution in the Merrimack River.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Diana DiZoglio</i>	<i>First Essex</i>	
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>1/31/2019</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/4/2019</i>

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By Ms. DiZoglio, a petition (accompanied by bill, Senate, No. 458) of Diana DiZoglio, Andres X. Vargas and David Allen Robertson for legislation relative to notification of potential water pollution in the Merrimack River. Environment, Natural Resources and Agriculture.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act relative to notification of potential water pollution in the Merrimack River.

*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: Chapter 21 of the General Laws is hereby amended by adding after Section  
2 26A the following:

3 SECTION 26B:

4 (a) The director shall review reports from wastewater management and sewer district  
5 management commissions and agencies along the Merrimack River related to effluent and other  
6 agents associated with Combined Sewage Overflow (CSO) systems for the years 2012 – 2018 to  
7 determine a relationship between known pollutants and effluent in the Merrimack River as  
8 related to weather and climate conditions due to CSOs.

9 (b) This information shall form the foundation for a reliable and uniform system of  
10 prenotification to alert communities along the river to potential swimming and boating hazards.

11 (c) The department of environmental protection shall develop a color-coded system  
12 of warning and safety flags to be displayed at public beaches, popular boat launches, and areas  
13 along the Merrimack River known to be places of water recreation for people and their pets.

14 (d) The flag system shall be of standard size, shape, color and definition for the  
15 purpose of notifying the public that there may be pollutants in the water.

16 (e) The director is authorized to establish and operate a program encouraging the  
17 display of notification flags and conspicuous signs indicating the meaning of each flag.

18 (f) In addition to the placement of flags, the department of environmental protection  
19 shall develop and implement a reliable system of notification to be publicly posted on its website  
20 indicating the daily flag color.

21 (g) The department of environmental protection shall develop and implement a  
22 mobile notification system to which any person can subscribe at no cost the purpose of which is  
23 to inform the recipient of the color of the flag each day.

24 (h) The flagging system is intended to act as a warning of potential danger based on  
25 historical and empirical data related to CSOs and is not intended to be a determinant of pollutants  
26 related to CSOs in the water.

27 (i) Due to the inherent changing nature of moving river currents, the flags are  
28 intended as a factor for the public to consider prior to entering the river, but shall not be a ban for  
29 recreation unless public beaches have been closed by local authorities due to known pollutants.

30 (j) All costs associated with this section shall be borne by the commonwealth.