

~~Raw~~-Sewage^[WH1] Overflow Community Right-to-Know Act (Introduced in House)

HR 2452 IH

110th CONGRESS
1st Session
H. R. 2452

To amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of ~~raw~~^[WH2] sewage, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

May 23, 2007

Mr. BISHOP of New York (for himself, Mr. LOBIONDO, Ms. BORDALLO, Mr. GRIJALVA, Ms. NORTON, Mr. NADLER, Mr. DEFAZIO, Mrs. MALONEY of New York, Mr. LANTOS, Mrs. MCCARTHY of New York, Mr. SAXTON, and Mr. BARTLETT of Maryland) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of ~~raw~~^[WH3] sewage, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `~~Raw~~-Sewage Overflow Community Right-to-Know Act'.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Centers for Disease Control [and Prevention](#) estimates that there are ~~7,100,000~~ cases of mild to moderate^[WH4], and 560,000 cases of moderate to severe, infectious waterborne disease in the United States each year [though exactly how many of these are attributable to sewer overflows remains uncertain](#).

(2) Inadequately treated sewage ~~is filled with~~contains bacteria, viruses, parasites, and worms that can [WH5] make people sick.

(3) People who ingest or inhale inadequately treated sewage can contract gastroenteritis, hepatitis, giardiasis, cryptosporidiosis, dysentery, and other gastrointestinal and respiratory diseases.

(4) The Administrator of the Environmental Protection Agency has estimated that between 1,800,000 and 3,500,000 [WH6] individuals in the United States become ill every year just from swimming in water contaminated by sanitary sewer overflows;

(5) A 2006 study [WH7] by UCLA and Stanford scientists finds that there are 627,800-1,479,200 excess cases of gastrointestinal illness at beaches in two California counties alone every year.

~~(4) Between 1,800,000 and 3,500,000 Americans become sick every year just from swimming in waters contaminated by sewer overflows.~~

(6) Sewage treatment [WH8] operators perform an important job that--

(A) helps protect the public; and

(B) is critical in achieving the goals of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(7) the wastewater systems of the United States are aging and require significant investment in traditional and green infrastructure to prevent the occurrence of sewer overflows; and

(8) public notification of sewer overflows that threaten public health will--

(A) protect the public; and

(B) increase recognition and support for needed investment in infrastructure to address stormwater and sewer overflows.

~~(5) The loss of swimming opportunities (beach closings) due to pathogen contamination is valued at \$1,000,000,000 to \$2,000,000,000 annually in the United States.~~

~~(6) Economic losses due to swimming-related illnesses are estimated at \$28,000,000,000 annually.~~

(9) Many sewer systems do not routinely monitor to detect sewer overflows or report those that do occur to environmental or public health agencies.

(10) Better monitoring, reporting, and public notification of sewer overflows would have beneficial health impacts and would be a step toward a much-needed, comprehensive sanitary sewer overflow rule

~~save millions of Americans from getting sick every year.~~

(11) Public health authorities are not routinely notified of sewer overflows that threaten public health.

SEC. 3. DEFINITIONS.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

`(25) SANITARY SEWER OVERFLOW- The term `sanitary sewer overflow' means an overflow, spill, release, or diversion of wastewater from a sanitary sewer system. Such term does not include combined sewer overflows or other discharges from the combined portions of a combined sewer system and does not include wastewater backups into buildings caused by a blockage or other malfunction of a building lateral that is privately owned. Such term includes overflows or releases of wastewater that reach waters of the United States, overflows or releases of wastewater that do not reach waters of the United States^[WH9], and wastewater backups into buildings that are caused by blockages or flow conditions in a sanitary sewer other than a building lateral.

`(26) COMBINED SEWER OVERFLOW- The term `combined sewer overflow' means an overflow, spill, release or diversion of wastewater from a combined sanitary system at a point prior to the publicly owned treatment works treatment plant.

`(27) SEWER OVERFLOW- The term `sewer overflow' means a sanitary sewer overflow or a combined sewer overflow.'

SEC. 4. MONITORING, REPORTING, AND PUBLIC NOTIFICATION OF SEWER OVERFLOWS.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

`(r) Sewer Overflow Notifications-

`(1) GENERAL REQUIREMENTS- Not later than 1 year after the date of enactment of this subsection, the owner or operator of a publicly owned treatment works^[WH10] (as defined in section 403.3(p) of the Code of Federal Regulations, as in effect on March 1, 2007) under a permit issued under this section--

`(A) must institute and utilize a [feasible](#) methodology, technology, or management program that will alert the owner or operator to the occurrence of a sewer overflow in a timely manner;

`(B) must notify the public of a sewer overflow in any area where the overflow has the potential to affect human health;

`(C) must notify the public as soon as practicable but not later than 24 hours of the time the owner or operator becomes aware of the overflow;

`(D) must immediately notify public health authorities and other affected entities, such as public water systems, of any sewer overflow that may imminently and substantially endanger human health;

~~“(E) must provide to the Administrator or the State in the case of a State that has a permit program approved under this section either an oral or electronic report as soon as practicable within 24 hours of the time the owner or operator becomes aware of the overflow;~~

~~“(F) must provide to the Administrator or the State, as the case may be, within 5 days of the time the owner or operator becomes aware of the overflow a written report describing—~~

~~“(i) the magnitude, duration, and suspected cause of the overflow;~~

~~“(ii) the steps taken or planned to reduce, eliminate, and prevent recurrence of the overflow; and~~

~~“(iii) the steps taken or planned to mitigate the impact of the overflow;~~

“(E) must report all sewer overflows to waters of the United States on its monthly discharge monitoring [WH11] report to the Administrator or the State, as the case may be describing (i) the magnitude, duration, and suspected cause of the overflow; (ii) the steps taken or planned to reduce, eliminate, and prevent recurrence of the overflow; and (iii) the steps taken or planned to mitigate the impact of the overflow; and

“(F) must report to the Administrator or the State, as the case may be, the total number of sewer overflows (including sewer overflows that do not reach any waters of the United States) in a calendar year, including the details of how much wastewater was released per incident, the duration of each sewer overflow, the location of the overflow and any potentially affected receiving waters, the responses taken to clean up the overflow, and the actions taken to mitigate impacts and avoid further sewer overflows at the site.

“(2) REPORT TO EPA- If a State receives a report under paragraph (1)(H), the State shall report to the Administrator annually, in summary, the details of reported sewer overflows that occurred in that State.’.

“(3) GUIDANCE BY EPA – Not later than 1 year after the date of enactment of this subsection, EPA shall establish a set of criteria to guide POTWs in assessing whether an overflow has the potential to affect human health or may imminently and substantially endanger human health.

SEC. 5. ELIGIBILITY FOR ASSISTANCE.

Section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)) is amended--

- (1) by striking `and' the first place it appears; and
- (2) by inserting after `320 of this Act' the following: `, and (4) for the implementation of requirements to monitor ~~for, report, and notify the public of~~ sewer overflows under section 402'.