

110TH CONGRESS
1ST SESSION

S. 2080

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20, 2007

Mr. LAUTENBERG introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sewage Overflow
5 Right-to-Know Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the Centers for Disease Control and Preven-
9 tion estimate that there are 7,100,000 cases of mild

1 to moderate, and 560,000 cases of moderate to se-
2 vere, infectious waterborne disease in the United
3 States each year;

4 (2) inadequately-treated sewage contains bac-
5 teria, viruses, parasites, and worms that make indi-
6 viduals ill;

7 (3) individuals who ingest or inhale inad-
8 equately-treated sewage can contract gastroenteritis,
9 hepatitis, giardiasis, cryptosporidiosis, dysentery,
10 and other gastrointestinal and respiratory diseases;

11 (4) the Administrator of the Environmental
12 Protection Agency has estimated that between
13 1,800,000 and 3,500,000 individuals in the United
14 States become ill every year just from swimming in
15 water contaminated by sanitary sewer overflows;

16 (5) many sewer systems do not routinely mon-
17 itor to detect sewer overflows;

18 (6) public health authorities are not routinely
19 notified of sewer overflows that threaten public
20 health;

21 (7) better monitoring, reporting, and public no-
22 tification of sewer overflows could prevent millions of
23 individuals in the United States from becoming ill
24 each year;

1 (8) sewage treatment operators perform an im-
2 portant job that—

3 (A) helps protect the public; and

4 (B) is critical in achieving the goals of the
5 Federal Water Pollution Control Act (33 U.S.C.
6 1251 et seq.);

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

11 (10) public notification of sewer overflows that
12 threaten public health will—

13 (A) protect the public; and

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

17 **SEC. 3. DEFINITIONS.**

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

21 “(25) SANITARY SEWER OVERFLOW.—

22 “(A) IN GENERAL.—The term ‘sanitary
23 sewer overflow’ means an overflow, spill, re-
24 lease, or diversion of wastewater from a sani-
25 tary sewer system.

1 “(B) INCLUSIONS.—The term ‘sanitary
2 sewer overflow’ includes—

3 “(i) an overflow or release of waste-
4 water that reaches waters of the United
5 States;

6 “(ii) an overflow or release of waste-
7 water that does not reach waters of the
8 United States; and

9 “(iii) a wastewater backup into a
10 building that is caused by a blockage or
11 flow conditions in a sanitary sewer other
12 than a building lateral.

13 “(C) EXCLUSIONS.—The term ‘sanitary
14 sewer overflow’ does not include—

15 “(i) a combined sewer overflow or
16 other discharge from the combined por-
17 tions of a combined sewer system; or

18 “(ii) a wastewater backup into a
19 building caused by a blockage or other
20 malfunction of a building lateral that is
21 privately owned.

22 “(26) COMBINED SEWER OVERFLOW.—The
23 term ‘combined sewer overflow’ means an overflow,
24 spill, release, or diversion of wastewater from a com-

1 bined sanitary system at a point prior to the publicly
 2 owned treatment works treatment plant.

3 “(27) SEWER OVERFLOW.—The term ‘sewer
 4 overflow’ means a sanitary sewer overflow or a com-
 5 bined sewer overflow.”.

6 **SEC. 4. MONITORING, REPORTING, AND PUBLIC NOTIFICA-**
 7 **TION OF SEWER OVERFLOWS.**

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

11 “(r) SEWER OVERFLOW NOTIFICATIONS.—

12 “(1) GENERAL REQUIREMENTS.—Not later
 13 than 1 year after the date of enactment of this sub-
 14 section, the owner or operator of a publicly owned
 15 treatment works (as defined in section 403.3 of title
 16 40, Code of Federal Regulations (as in effect on
 17 March 1, 2007)) under a permit issued under this
 18 section shall—

19 “(A) institute and use a methodology,
 20 technology, or management program that will
 21 alert the owner or operator to the occurrence of
 22 a sewer overflow in a timely manner;

23 “(B) notify the public of a sewer overflow
 24 in any area in which the overflow has the po-
 25 tential to affect human health;

1 “(C) notify the public as soon as prac-
2 ticable, but not later than 24 hours, after the
3 time at which the owner or operator becomes
4 aware of the overflow;

5 “(D) immediately notify public health au-
6 thorities and other affected entities, such as
7 public water systems, of any sewer overflow
8 that may imminently and substantially endan-
9 ger human health;

10 “(E) provide to the Administrator (or the
11 State, in the case of a State that has a permit
12 program approved under this section) an oral or
13 electronic report as soon as practicable, but not
14 later than 24 hours, after the time at which the
15 owner or operator becomes aware of the over-
16 flow;

17 “(F) provide to the Administrator or the
18 State, as the case may be, not later than 5 days
19 after the time at which the owner or operator
20 becomes aware of the overflow a written report
21 describing—

22 “(i) the magnitude, duration, and sus-
23 pected cause of the overflow;

1 “(ii) the steps taken or planned to re-
2 duce, eliminate, and prevent recurrence of
3 the overflow; and

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

6 “(G) report all sewer overflows to waters
7 of the United States on the monthly discharge
8 monitoring report of the owner or operator to
9 the Administrator or the State, as the case may
10 be; and

11 “(H) report to the Administrator or the
12 State, as the case may be, the total number of
13 sewer overflows (including sewer overflows that
14 do not reach any waters of the United States)
15 in a calendar year, including a detailed descrip-
16 tion of—

17 “(i) the quantity of wastewater that
18 was released per incident;

19 “(ii) the duration of each sewer over-
20 flow;

21 “(iii) the location of the overflow and
22 any potentially affected receiving water;

23 “(iv) the responses taken to clean up
24 the overflow; and

1 “(v) the actions taken to mitigate im-
2 pacts and avoid further sewer overflows at
3 the site.

4 “(2) REPORT TO EPA.—If a State receives a re-
5 port under paragraph (1)(H), the State shall report
6 to the Administrator annually, in summary, the de-
7 tails of reported sewer overflows that occurred in the
8 State.”.

9 **SEC. 5. ELIGIBILITY FOR ASSISTANCE.**

10 Section 603(c) of the Federal Water Pollution Con-
11 trol Act (33 U.S.C. 1383(c)) is amended—

12 (1) by striking “and” the first place it appears;
13 and

14 (2) by inserting after “320 of this Act” the fol-
15 lowing: “, and (4) for the implementation of require-
16 ments to monitor, report, and notify the public of
17 sewer overflows under section 402(r)”.

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