

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 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 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 “Raw Sewage Overflow
5 Community Right-to-Know Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The Centers for Disease Control estimates
2 that there are 7,100,000 cases of mild to moderate,
3 and 560,000 cases of moderate to severe, infectious
4 waterborne disease in the United States each year.

5 (2) Inadequately treated sewage is filled with
6 bacteria, viruses, parasites, and worms that make
7 people sick.

8 (3) People who ingest or inhale inadequately
9 treated sewage can contract gastroenteritis, hepa-
10 titis, giardiasis, cryptosporidiosis, dysentery, and
11 other gastrointestinal and respiratory diseases.

12 (4) Between 1,800,000 and 3,500,000 Ameri-
13 cans become sick every year just from swimming in
14 waters contaminated by sewer overflows.

15 (5) The loss of swimming opportunities (beach
16 closings) due to pathogen contamination is valued at
17 \$1,000,000,000 to \$2,000,000,000 annually in the
18 United States.

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

21 (7) Many sewer systems do not routinely mon-
22 itor to detect sewer overflows or report those that do
23 occur to environmental or public health agencies.

1 (8) Better monitoring, reporting, and public no-
2 tification of sewer overflows would save millions of
3 Americans from getting sick every year.

4 (9) Public health authorities are not routinely
5 notified of sewer overflows that threaten public
6 health.

7 **SEC. 3. DEFINITIONS.**

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

11 “(25) **SANITARY SEWER OVERFLOW.**—The term
12 ‘sanitary sewer overflow’ means an overflow, spill,
13 release, or diversion of wastewater from a sanitary
14 sewer system. Such term does not include combined
15 sewer overflows or other discharges from the com-
16 bined portions of a combined sewer system and does
17 not include wastewater backups into buildings
18 caused by a blockage or other malfunction of a
19 building lateral that is privately owned. Such term
20 includes overflows or releases of wastewater that
21 reach waters of the United States, overflows or re-
22 leases of wastewater that do not reach waters of the
23 United States, and wastewater backups into build-
24 ings that are caused by blockages or flow conditions
25 in a sanitary sewer other than a building lateral.

1 “(26) COMBINED SEWER OVERFLOW.—The
 2 term ‘combined sewer overflow’ means an overflow,
 3 spill, release or diversion of wastewater from a com-
 4 bined sanitary system at a point prior to the publicly
 5 owned treatment works treatment plant.

6 “(27) SEWER OVERFLOW.—The term ‘sewer
 7 overflow’ means a sanitary sewer overflow or a com-
 8 bined sewer overflow.”.

9 **SEC. 4. MONITORING, REPORTING, AND PUBLIC NOTIFICA-**
 10 **TION OF SEWER OVERFLOWS.**

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

14 “(r) SEWER OVERFLOW NOTIFICATIONS.—

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

22 “(A) must institute and utilize a method-
 23 ology, technology, or management program that
 24 will alert the owner or operator to the occur-
 25 rence of a sewer overflow in a timely manner;

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

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

8 “(D) must immediately notify public health
9 authorities and other affected entities, such as
10 public water systems, of any sewer overflow
11 that may imminently and substantially endan-
12 ger human health;

13 “(E) must provide to the Administrator or
14 the State in the case of a State that has a per-
15 mit program approved under this section either
16 an oral or electronic report as soon as prac-
17 ticable within 24 hours of the time the owner
18 or operator becomes aware of the overflow;

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

23 “(i) the magnitude, duration, and sus-
24 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) must report all sewer overflows to
7 waters of the United States on its monthly dis-
8 charge monitoring report to the Administrator
9 or the State, as the case may be; and

10 “(H) must report to the Administrator or
11 the State, as the case may be, the total number
12 of sewer overflows (including sewer overflows
13 that do not reach any waters of the United
14 States) in a calendar year, including the details
15 of how much wastewater was released per inci-
16 dent, the duration of each sewer overflow, the
17 location of the overflow and any potentially af-
18 fected receiving waters, the responses taken to
19 clean up the overflow, and the actions taken to
20 mitigate impacts and avoid further sewer over-
21 flows at the site.

22 “(2) REPORT TO EPA.—If a State receives a re-
23 port under paragraph (1)(H), the State shall report
24 to the Administrator annually, in summary, the de-

1 tails of reported sewer overflows that occurred in
2 that State.”.

3 **SEC. 5. ELIGIBILITY FOR ASSISTANCE.**

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

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

7 and

8 (2) by inserting after “320 of this Act” the fol-
9 lowing: “, and (4) for the implementation of require-
10 ments to monitor, report, and notify the public of
11 sewer overflows under section 402”.

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