

Public Notification of Combined Sewer Overflows (CSOs) in the Great Lakes

Public Listening Session

Summary

The Environmental Protection Agency (EPA) is holding a public “listening session” on September 14, 2016 in Chicago, Illinois to obtain information from the public to help inform development of a new regulation establishing requirements for public notification of combined sewer overflow discharges in the Great Lakes. This rulemaking is in response to new requirements included in Section 425 of the 2016 Consolidated Appropriations Act (see full text on the next page). EPA is requesting input from the public regarding potential approaches for these new public notification requirements through participation in the public listening session and by submitting information in writing at the listening sessions or to EPA (see Submitting Public Comment below). The agency is undertaking this outreach to help it shape a future regulatory proposal intended to provide the affected public with information that will help better protect public health. This public listening session was announced in a [Federal Register Notice](#) published on August 1, 2016.

Submitting Public Comment

All comments must be submitted in writing on or before September 23, 2016. Comments may be submitted electronically to the [Federal eRulemaking Portal](#), Docket ID No. EPA–HQ–OW–2016–0376. For additional submission methods, the full EPA public comment policy, information about confidential business information, or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

For additional Information

- Federal Register Notice announcing the public listening session:
<https://www.gpo.gov/fdsys/pkg/FR-2016-08-01/pdf/2016-18133.pdf>
- EPA’s website with information on the public listening session and the rulemaking effort:
<https://www.epa.gov/npdes/combined-sewer-overflows-public-notice-requirements-great-lakes>
- Public Docket for submitting comments in the Federal eRulemaking Portal:
<https://www.regulations.gov/docket?D=EPA-HQ-OW-2016-0376>

Section 425 of the 2016 Consolidated Appropriations Act

NOTIFICATION REQUIREMENTS

SEC. 425. (a) DEFINITIONS.—In this section:

- (1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.
- (2) AFFECTED STATE.—The term “affected State” means any of the Great Lakes States (as defined in section 118(a)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)(3))).
- (3) DISCHARGE.—The term “discharge” means a discharge as defined in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).
- (4) GREAT LAKES.—The term “Great Lakes” means any of the waters as defined in section 118(a)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)(3)).
- (5) TREATMENT WORKS.—The term “treatment works” has the meaning given the term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

(b) REQUIREMENTS.—

- (1) IN GENERAL.—The Administrator shall work with affected States having publicly owned treatment works that discharge to the Great Lakes to create public notice requirements for a combined sewer overflow discharge to the Great Lakes.
- (2) NOTICE REQUIREMENTS.—The notice requirements referred to in paragraph (1) shall provide for—
 - (i) the method of the notice;
 - (ii) the contents of the notice, in accordance with paragraph (3); and
 - (iii) requirements for public availability of the notice.
- (3) MINIMUM REQUIREMENTS.—
 - (A) IN GENERAL.—The contents of the notice under paragraph (1) shall include—
 - (i) the dates and times of the applicable discharge;
 - (ii) the volume of the discharge; and
 - (iii) a description of any public access areas impacted by the discharge.
 - (B) CONSISTENCY.—The minimum requirements under this paragraph shall be consistent for all affected States.
- (4) ADDITIONAL REQUIREMENTS.—The Administrator shall work with the affected States to include—
 - (A) follow-up notice requirements that provide a description of—
 - (i) each applicable discharge;
 - (ii) the cause of the discharge; and
 - (iii) plans to prevent a reoccurrence of a combined sewer overflow discharge to the Great Lakes consistent with section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) or an administrative order or consent decree under such Act; and
 - (B) annual publication requirements that list each treatment works from which the Administrator or the affected State receive a follow-up notice.
- (5) TIMING.—
 - (A) The notice and publication requirements described in this subsection shall be implemented by not later than 2 years after the date of enactment of this Act.
 - (B) The Administrator of the EPA may extend the implementation deadline for individual communities if the Administrator determines the community needs additional time to comply in order to avoid undue economic hardship.
- (6) STATE ACTION.—Nothing in this subsection prohibits an affected State from establishing a State notice requirement in the event of a discharge that is more stringent than the requirements described in this subsection.