

Section 425 of the Consolidated Appropriations Act of 2016 **(Public Law 114-113)**

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.