

CSO Public Notification Elements Checklist

Public Notification Requirements for Combined Sewer Overflows to the Great Lakes Basin effective on February 7, 2018
Permittees Must Submit CSO Great Lakes Basin Public Notification Plan to the NPDES Program Director by August 7, 2018¹

LEGAL DISCLAIMER

Recently, EPA promulgated regulations, codified at 40 C.F.R. § 122.38, that require National Pollutant Discharge Elimination System permittees authorized to discharge combined sewer overflows to the Great Lakes to develop a public notification plan as part of their permit application. 83 Fed. Reg. 712, January 8, 2018. This document summarizes the requirements for the plan. This document does not create any new legal requirements for permittees or establish any defenses to enforcement actions for failure to comply with NPDES Great Lakes Basin Notification Plan regulations at §122.38. While this document summarizes generally NPDES permittee requirements, it may not provide a complete explanation of all requirements. For a more complete explanation, NPDES permittees should refer to the § 122.38 regulations, any interpretive guidance, or direct questions to the State NPDES program Director or to the U.S. Environmental Protection Agency. In the event of any conflict between statements in this document and the regulations, the regulations are legally controlling.



CSO Public Notification Elements

- Signage
- Initial Notification
- Supplemental Notification
- Annual Notice



Signage

- Describe the location of signs
 - CSO discharge points (where feasible); and
 - Potentially impacted public access areas (§122.38(a)(1)).

¹ The Director may extend the date to avoid economic hardship to individual communities

- Describe the message used on the signs
 - Name of the Great Lakes Basin CSO permittee;
 - NPDES permit number and CSO discharge point number;
 - Contact information, including telephone number; and
 - Description of the discharge (e.g., untreated human sewage, treated wastewater).
- Describe periodic maintenance to ensure sign are legible, visible and factually correct.



Initial Notification

- Initial notification to the local health department, state public health department if no local health department.) to other potentially affected public entities and to public. Initial notification no less than four (4) hours after becoming aware²
 - Becoming aware can be through monitoring, modeling, or other means that a CSO discharge has occurred.
- Initial notification should include (at a minimum).
 - Water body receiving the discharge;
 - The location of the discharge and identification of the potentially impacted public access areas;
 - The date and time the discharge started;
 - If the discharge is continuing or ended at the time of the notification; and
 - A point of contact for the CSO permittee.
- Initial notification shall be sent electronically
 - Such as by text, email, social media alerts to subscribers or by posting a notice on its public access website; and
 - If appropriate by other means (e.g., newspaper, radio, television).

² Initial notification can be delayed beyond four (4) hours if the circumstances are described in the permittee's public notification plan



Supplemental Notification

- Supplemental notification should be sent within seven (7) days after becoming aware that the discharge has ended.
 - A permittee may become aware that a CSO discharge has ended through monitoring, modeling or other mean.
- Supplemental notification shall update the electronic notification with the following information.
 - The measured or estimated discharge amount of the discharge(s).
 - The approximate time that the discharge ended.

Note: supplemental notification is not required if all the above information had been included in a previous notification.



Annual Notification

- Annual Notification should be submitted by May 1 of each calendar year (beginning May 1, 2019).
 - The Director may specify an alternative calendar year date.
- The Annual Notice shall be available to the public and describe:
 - The location and receiving water for each CSO discharge point, and (if applicable) any treatment provided;
 - The date, location, approximate duration, measured or estimated volume and cause of each wet weather CSO discharge that occurred during the past calendar year;
 - The date, location, duration, volume and cause of each dry weather CSO discharge that occurred during the past calendar year;
 - A summary of available monitoring data for CSO discharges from the past calendar year;
 - A description of any public access areas potentially impacted by each CSO discharge;
 - If precipitation was the cause of a discharge (§122.38(b)(2)), the representative precipitation data in total inches, to the nearest tenth of an inch (0.1”) that resulted in a CSO discharge;
 - Permittee contact information, if not listed elsewhere on the website where the annual notice is provided; and

- A concise summary of the implementation of the nine minimum controls and the status of the implementation of the LTCP or other plans to reduce or prevent CSO discharge including:
 - A description of key milestones remaining to complete the implementation of the plan; and
 - A description of the average annual number of CSO discharges anticipated after implementation of the LTCP.
- Provide EPA and the State NPDES Program Director with notice of how the annual notice described in §122.38(b) is available to the public.
 - Notice to EPA shall be sent in the form of an email to NPDES_CS0@epa.gov and contain a link to the annual notice and the contact information (name, title, phone number, email) of the person responsible for maintaining the website, or alternative information about how the annual notice is available if not on a website.
 - If the permittee is emailing the Director with the information, the permittee may copy EPA on the email.