

The background of the slide is a light gray gradient with several realistic water droplets of various sizes scattered across it. The droplets have highlights and shadows, giving them a three-dimensional appearance.

# DRAFT REGULATION: NOTIFICATION REQUIREMENTS TO PROMOTE PUBLIC AWARENESS OF SEWAGE POLLUTION

314 CMR 16.00

NOVEMBER 10, 2021

# OUTLINE OF PRESENTATION

- Statute
- Events requiring notification
- Notification requirements
- CSO permittee website and signage
- CSO public notification plans
- Permittee reporting requirements
- Waivers
- Public health warnings
- Environmental justice components

# STATUTE

- An Act Promoting Awareness of Sewage Pollution in Public Waters
  - Signed into law January 2021
  - Takes effect 540 days after passage (July 2022)
- Requires MassDEP to:
  - **Promulgate regulations by January 12, 2022**
  - Post event notifications on website within 24 hours, and provide access to notifications and timely updates
  - Publish an annual report each May

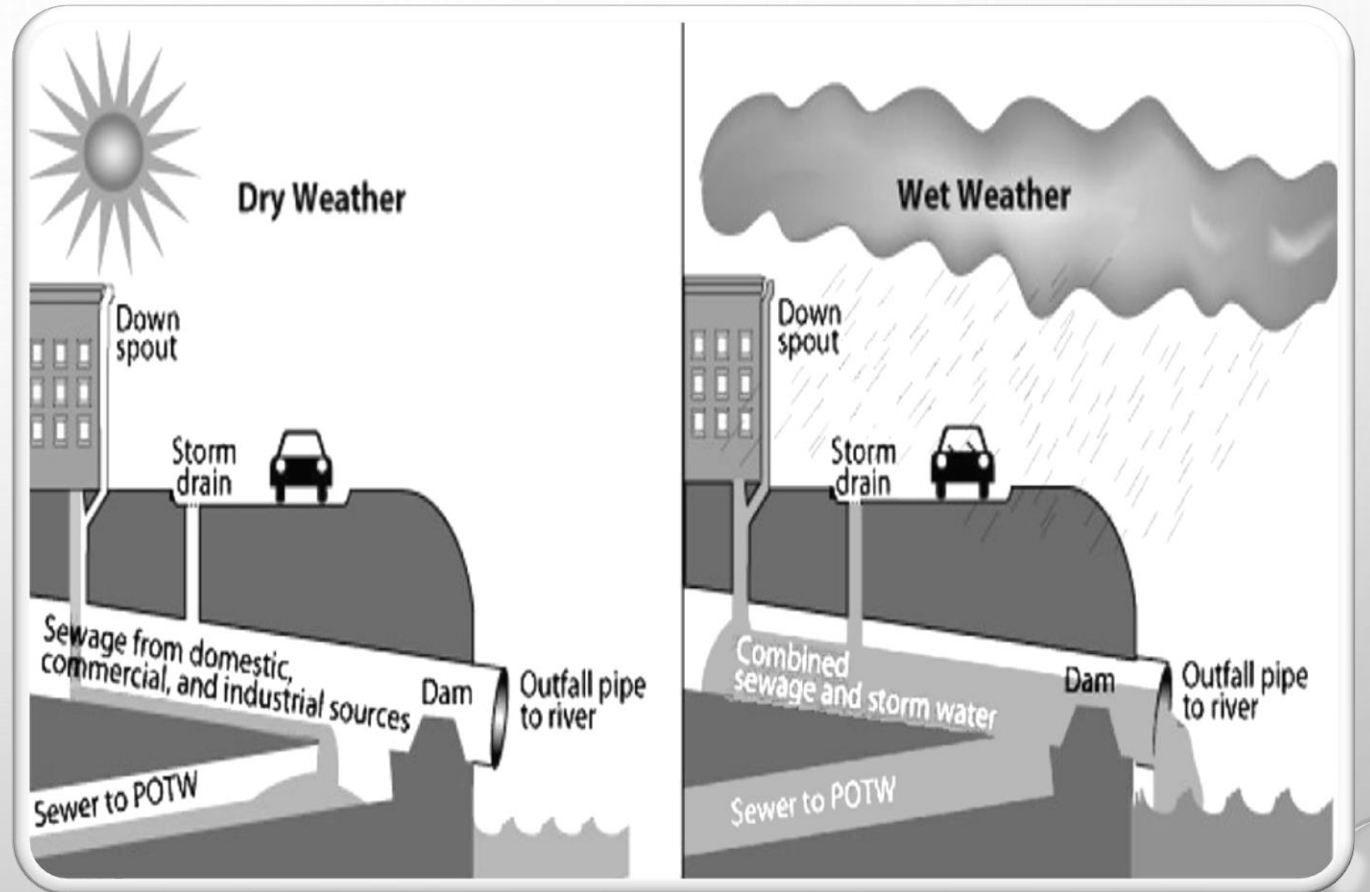
# EVENTS REQUIRING NOTIFICATION

- Combined Sewer Overflows (CSOs)
- Certain types of Sanitary Sewer Overflows (SSOs)
- Partially treated wastewater
- Blended wastewater



# WHAT IS A CSO?

- Any discharge of untreated or partially treated wastewater to a surface water of the Commonwealth, from an outfall that is connected to a combined sewer system
  - Discharges consist of a mix of sewage and stormwater



# WHAT IS AN SSO?

- Any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system, for example:
  - Break in a sewer main
  - Pump station failure
  - Blockage in a sewage pipe
- Not all SSOs require notification under 314 CMR 16.00; all SSOs require reporting under 314 CMR 12.00

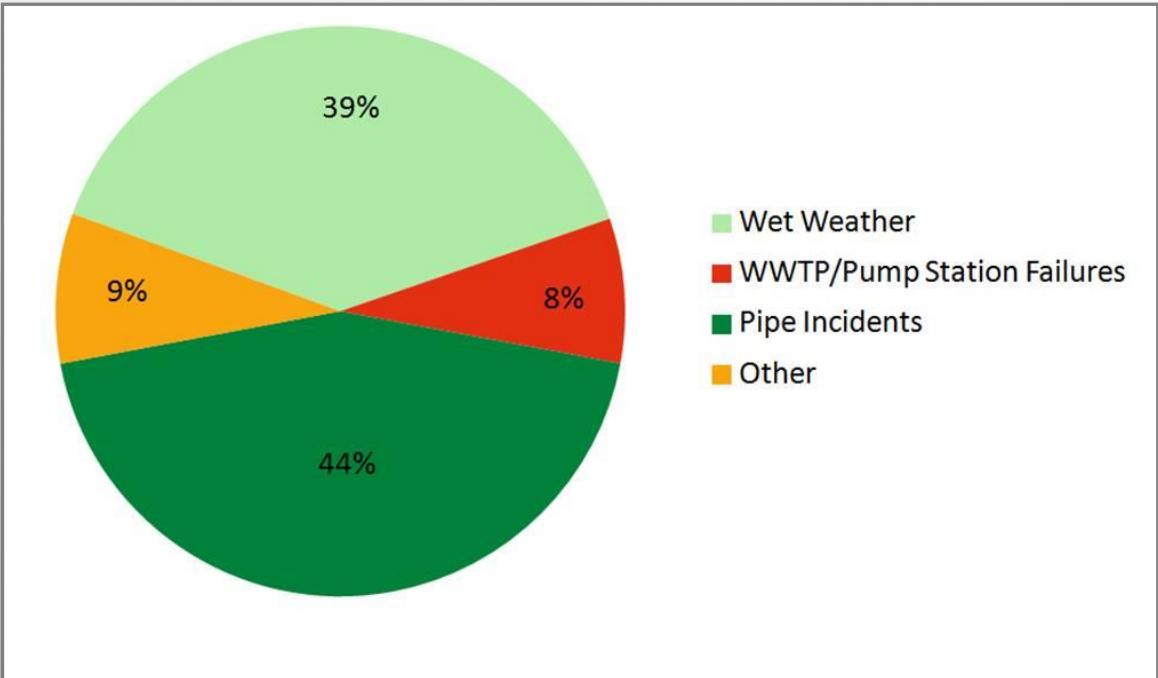
# SSOS REQUIRING NOTIFICATION UNDER 314 CMR 16.00

- Any SSOs that discharges through a wastewater outfall, either directly or indirectly, to a surface water of the Commonwealth
- Any SSOs that flows into a surface water of the Commonwealth and is the result of the sanitary sewer system surcharging under high flow conditions when peak flows cannot be conveyed to a POTW due to capacity constraints
- Any SSO that flows into a surface water of the Commonwealth and is the result of a failure of a wastewater pump station or associated force main designed to convey peak flows of 1 million gallons per day or greater

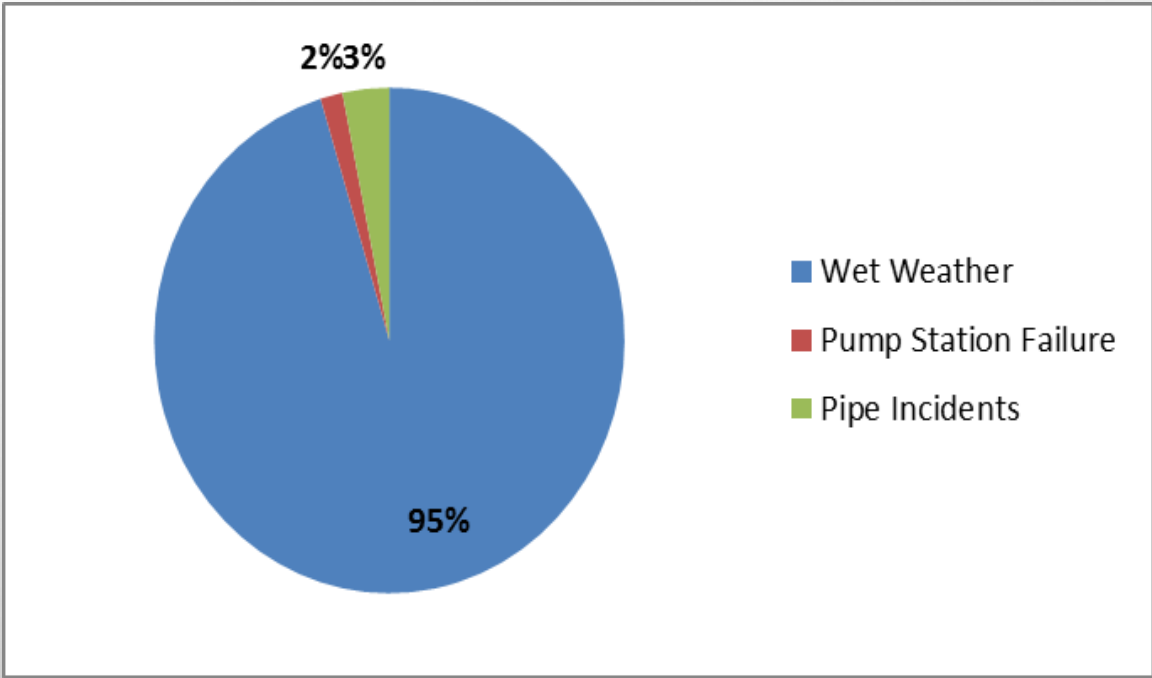


# BASED ON 10 YEARS OF SSO DATA IN THE NORTHEAST REGION

Number of SSO Events by Cause



Volume of SSOs by Cause

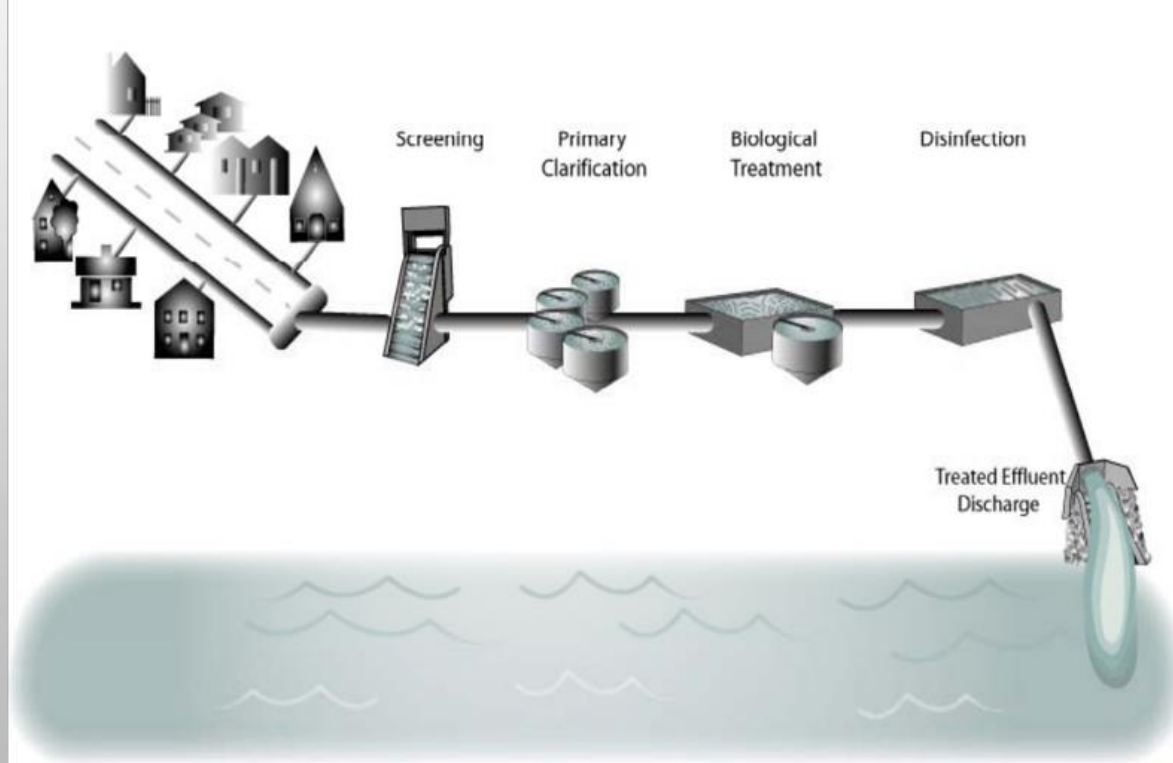




# WHAT IS BLENDING?

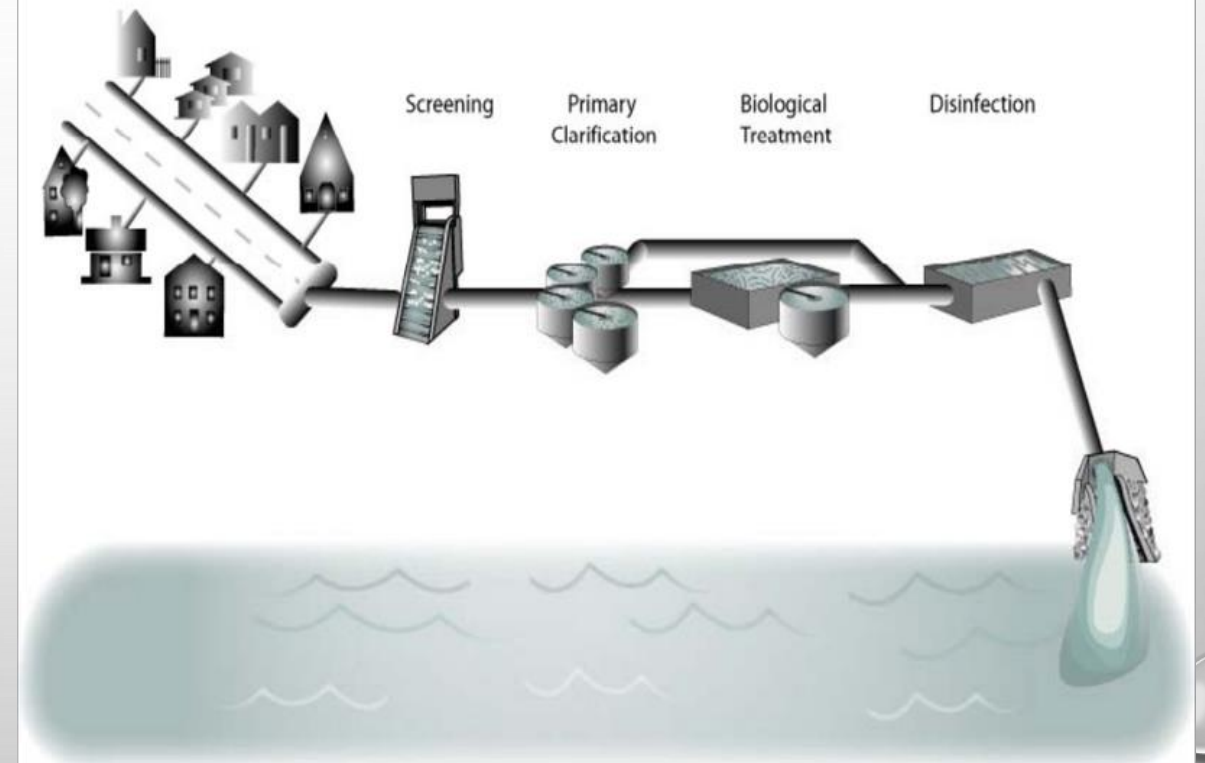
DRY WEATHER

## All Flow Through Biological Treatment



WET WEATHER

## Blending Scenario



# WHAT IS BLENDED WASTEWATER UNDER 314 CMR 16.00?

Blended wastewater: wastewater conveyed to a publicly owned treatment works (POTW) receiving flows from combined sewer systems which is, in part, intentionally diverted around biological or tertiary treatment units during wet weather conditions, and then recombined with flows from the biological or tertiary treatment units, as a measure to minimize and mitigate water quality impacts of discharges of combined sewer overflows, and which when released meets or is predicted to meet NPDES and surface water discharge permit effluent limits based on historic information provided by the permittee through its CSO public notification plan.

# PUBLIC ADVISORY NOTIFICATION REQUIREMENTS

- Applies to CSOs, SSOs, partially treated wastewater
- Notice within two hours of discovery
  - Posted on permittee's website
  - Sent to state, federal, local agencies, news organizations, individuals subscribed to receive notifications (see draft regulation for complete list)
  - Include specific information specified in regulation (next slide)
- Regulation proposes definition of discovery for each type of event

# CONTENTS OF PUBLIC ADVISORY NOTIFICATIONS

- Location of discharge or overflow
- Date, time, duration of discharge or overflow
- Estimated volume based on data from prior 3 years
- Identity of permittee
- Whether discharge or overflow has ceased
- Description of treatment (if any)
- Waters and land areas potentially affected
- Precautionary measures to be taken by the public
- Link to permittee's website
- Statement that discharge or overflow consists of, or likely consists of untreated or partially treated sewage and waste

# BLENDED WASTEWATER NOTIFICATION REQUIREMENTS

- Applies to releases of blended wastewater predicted to meet numeric effluent permit limits only
- Blended wastewater not predicted to meet permit effluent limits considered “partially treated”
  - requires full public advisory notification
- Requires prior approval by MassDEP through its CSO Public Notification Plan approval
- Notice within two hours, posted on permittee's website only
- Notice to include:
  - Location; date, time, and duration; description of treatment
  - Statement explaining blended wastewater is predicted to meet NPDES and SWD permit effluent limits, which are established to protect public health

# CSO PERMITTEE WEBSITE AND SIGNAGE

- Website

- Map of outfalls, summary/status of Long Term Control Plan, links to CSO reports
- Instructions for subscribing to notifications
- Blended wastewater notifications (if applicable)

- Signage

- At least one permanent sign for each outfall required
- Specific content as specified in statute and regulation
- Number of signs and locations to be determined through CSO Public Notification Plan

# CSO PUBLIC NOTIFICATION PLANS

- Required for all CSO permittees, requires MassDEP approval
- Due to MassDEP by **February 1, 2022**
- 30-day public comment period after publication in Environmental Monitor
- Describe method of detecting discharges and estimating volume of discharges
- Provide historic data to obtain approval for blended wastewater notifications
- Include information about website, signage, measures to communicate to EJ populations

# PERMITTEE REPORTING REQUIREMENTS

- Report through MassDEP data system
- Within two hours of discovery of an event
- Discharges and overflows from prior month to be reported on 15<sup>th</sup> of each month
  - Update data (duration and volume) since public advisory notification
  - Rainfall data
  - Treatment (if any) provided
- Annual updates/corrections to data previously submitted in monthly reports due February 1 each year



# WAIVERS

- Permittee may request waiver from any of the requirements of the regulation if an outfall is decommissioned or there has not been significant discharge from the outfall during the preceding 5 years
- Subject to MassDEP approval

# PUBLIC HEALTH WARNINGS

- BOH/health department must issue public health warning every time notified of an event by a permittee (excluding blended wastewater notifications)
- Use existing emergency notification system, including reverse 911 if available
- Public health warnings include:
  - Location, date, and time of discharge/overflow
  - Recommendation to avoid contact with water for 48 hours

# PUBLIC HEALTH WARNINGS

- BOH/health department must post or cause to be posted temporary signage in conspicuous locations affording access to waterbodies
- Signage must include:
  - “Warning! Avoid contact with water – may cause illness“
  - Infographics depicting no fishing, boating, or swimming
  - Reason for the warning is to inform public about untreated/partially treated sewage in surface waters
  - BOH/health department contact information

# ENVIRONMENTAL JUSTICE COMPONENTS

- Permittee requirement for contacting news organizations that serve EJ populations for public advisory notifications
- Language translation, as appropriate, for:
  - Public advisory notifications
  - Permanent warning signs at outfalls
  - Public notice of CSO Public Notification Plan
  - Public health warnings and temporary signage at access points
- Media outlet that serves EJ populations for public notice of CSO Public Notification Plan

# SIGNIFICANT COMMENTS RECEIVED

- Notifications for blended wastewater
- Public health warnings and temporary signage at access points
- Due date for CSO Notification Plans
- SSO Notification Plans should be required
- How to identify communities affected by the discharge
- Regulations should include the requirement for MassDEP to maintain a website for notifications

# SCHEDULE

- PUBLIC COMMENT PERIOD CLOSED  
NOVEMBER 8, 2021
- PRESENTATION TO WRC ON FINAL  
REGULATIONS – TBD DECEMBER 2021
- PROMULGATE FINAL REGULATIONS  
JANUARY 12, 2022

# QUESTIONS?

## CONTACTS:

LEALDON LANGLEY, DIRECTOR, DIVISION OF WATERSHED  
MANAGEMENT

[LEALDON.LANGLEY@MASS.GOV](mailto:LEALDON.LANGLEY@MASS.GOV)

SUSY KING, NPDES SECTION CHIEF

[SUSANNAH.KING@MASS.GOV](mailto:SUSANNAH.KING@MASS.GOV)