

## **314 CMR 16.00 Notification Requirements to Promote Public Awareness of Sewage Pollution**

### **Note to Reviewers on Notification for Blending Events and Standards for Public Health Warnings**

#### **Notification for Blending Events**

Blending is a practice utilized by permittees receiving flows from combined sewer systems, in which during some wet weather events, a portion of the flow to the wastewater treatment facility is diverted around biological or tertiary treatment, and then recombined with flows from the biological or tertiary treatment units and disinfected prior to discharge, as a measure to reduce discharges from combined sewer overflows (CSOs).

The Act requires permittees to issue public advisories when there is a discharge of untreated or partially treated wastewater. Recognizing that blending reduces discharges from CSOs and that discharges of blended wastewater from many permittees meet numeric permit effluent limits, MassDEP's draft regulations propose to require different and less detailed notifications for releases of blended wastewater, provided that specific conditions, listed below, are met. Permittees would not be required to issue full public advisory notifications, as defined by the regulations, for releases of blended wastewater that satisfy these conditions, but instead would post blended wastewater notifications on their websites when blending occurs.

MassDEP has proposed that notification of a release of blended wastewater is satisfied if a permittee does the following:

1. Includes information in its CSO Public Notification Plan that demonstrates blending events only occur under certain conditions and are predicted to meet NPDES and surface water discharge permit effluent limits based on historic effluent data collected during blending events, and receives MassDEP approval of the Plan (314 CMR 16.06(1)(e)); and
2. Posts notifications on its website of when a blending event has occurred (314 CMR 16.05(1)(f)), when the blending event ends, and a statement that the permittee's blended wastewater is predicted to meet NPDES and Surface Water Discharge permit effluent limits, which are established to protect public health.

MassDEP is interested in public comment and feedback on the provisions in the regulations described above, as well as other potential requirements for information about blending. This could include the following information on the permittee's website:

- a. An explanation of what blending events are and why permittees with combined sewer systems practice blending.
- b. An explanation that NPDES and Surface Water Discharge permits require permittees with combined sewer systems to implement EPA's Nine Minimum Controls for CSOs, which include maximization of flow to the POTW (Publicly Owned Treatment Works) for treatment.

- c. An explanation that EPA's 1994 CSO Control Policy acknowledges that maximizing the delivery of flows to the wastewater treatment facility during wet weather events (which can be accomplished through blending) is an effective strategy to reduce pollution from CSO discharges.

### Standards for Public Health Warnings

The Act requires MassDEP to consult with the Massachusetts Department of Public Health to establish standards for when municipal boards of health or health departments shall issue public health warnings about discharges to protect public health. MassDEP must determine when these warnings shall be issued. MassDEP has proposed in 314 CMR 16.09(1) to require boards of health or health departments in municipalities directly affected by the discharge to issue a public health warning when a public advisory notification is issued.

In addition to requiring the use of the municipality's existing emergency notification system when warnings are necessary, the regulations require boards of health or health departments to post temporary signage at locations affording access to the waterbody in municipalities directly affected by the discharge. The sign shall read: "WARNING! AVOID CONTACT WITH WATER – MAY CAUSE ILLNESS" and display an infographic showing no fishing, boating, or swimming.

MassDEP is interested in public comment and feedback specifically on the provisions related to Public Health Warnings in 314 CMR 16.09. More specifically, feedback is requested on the provisions concerning:

- a. which events require issuance of a public health warning;
- b. temporary signage during active events;
- c. the content of warning for CSO discharges, and other discharges (such as pump station failure);
- d. methods for effectively conveying the warning for people most at risk; and
- e. the practical ability of Boards of Health to effectuate the public health warning and temporary signage requirements.