

The background of the slide is a light gray gradient. It is decorated with several realistic water droplets of various sizes. Some droplets are large and prominent, while others are small and scattered. They have highlights and shadows that give them a three-dimensional appearance.

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

314 CMR 16.00


OCTOBER 27, 2021

LOGISTICS

- The information session and public hearing are being recorded
- During the information session, we will give a presentation, and then have time for questions and answers
- Questions and answers will conclude by 7:00 pm to start the public hearing
- Questions and comments during the information session are not considered public comments on the regulations
- Please wait until the end of the presentation to ask questions
 - You may type questions into the chat during the presentation and we will answer them at the end
 - If you want to ask a question orally after the presentation, please use the "raise hand" feature
 - To raise your hand by phone, dial *9
 - Please keep yourself muted unless you are asking a question



LOGISTICS

- If you plan to give oral testimony during the public hearing, please type your name and affiliation into the chat now.
 - If you are participating by phone, we will ask for any others wanting to give testimony after the questions and answers.
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The background of the slide is a solid blue color. In the top-left corner, there are several realistic-looking water droplets of various sizes, some partially cut off by the edge. A few smaller droplets are scattered near the bottom-left corner.

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
- Note to reviewers
- Public comment information

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

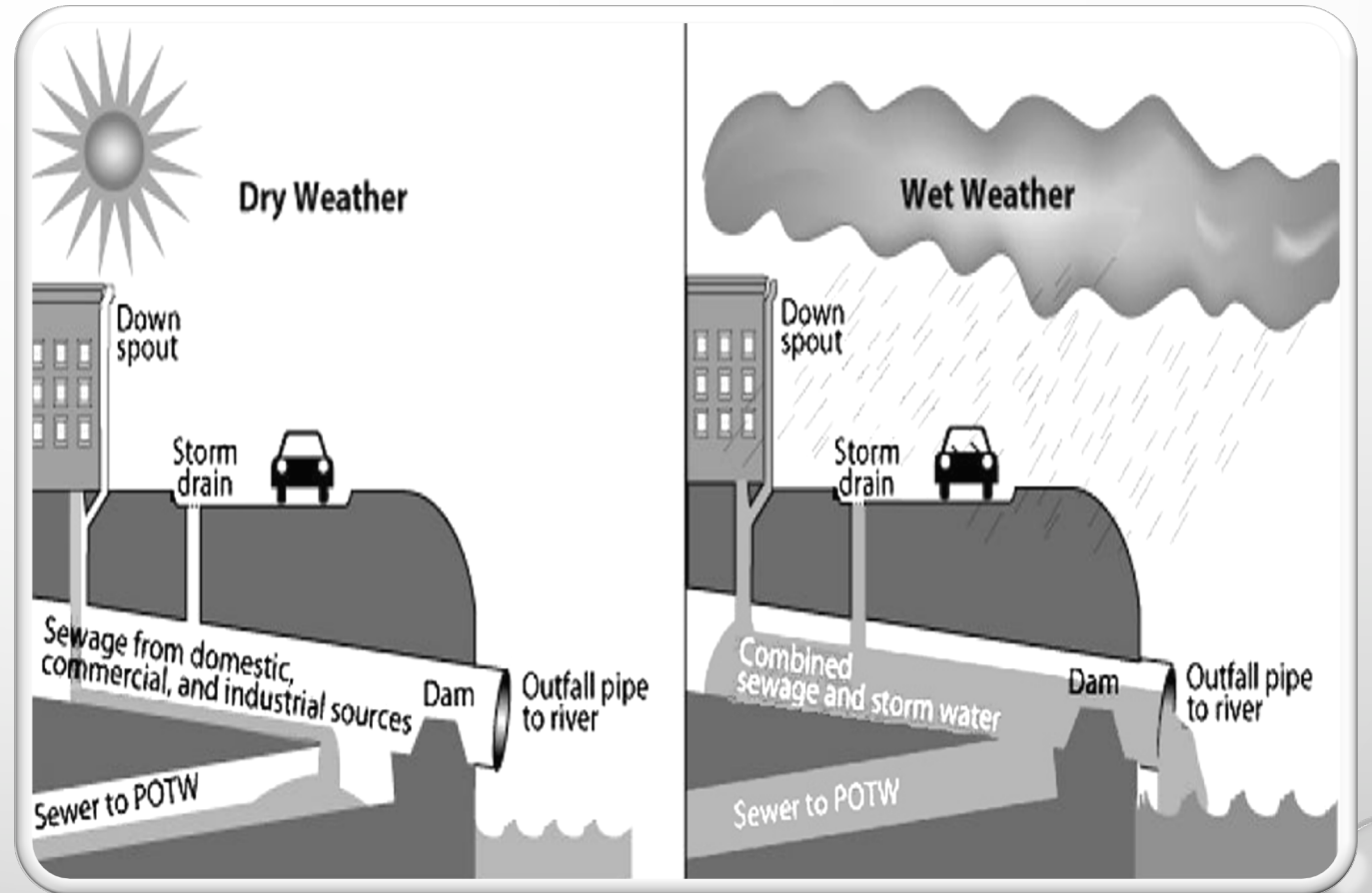
EVENTS REQUIRING NOTIFICATION

- 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

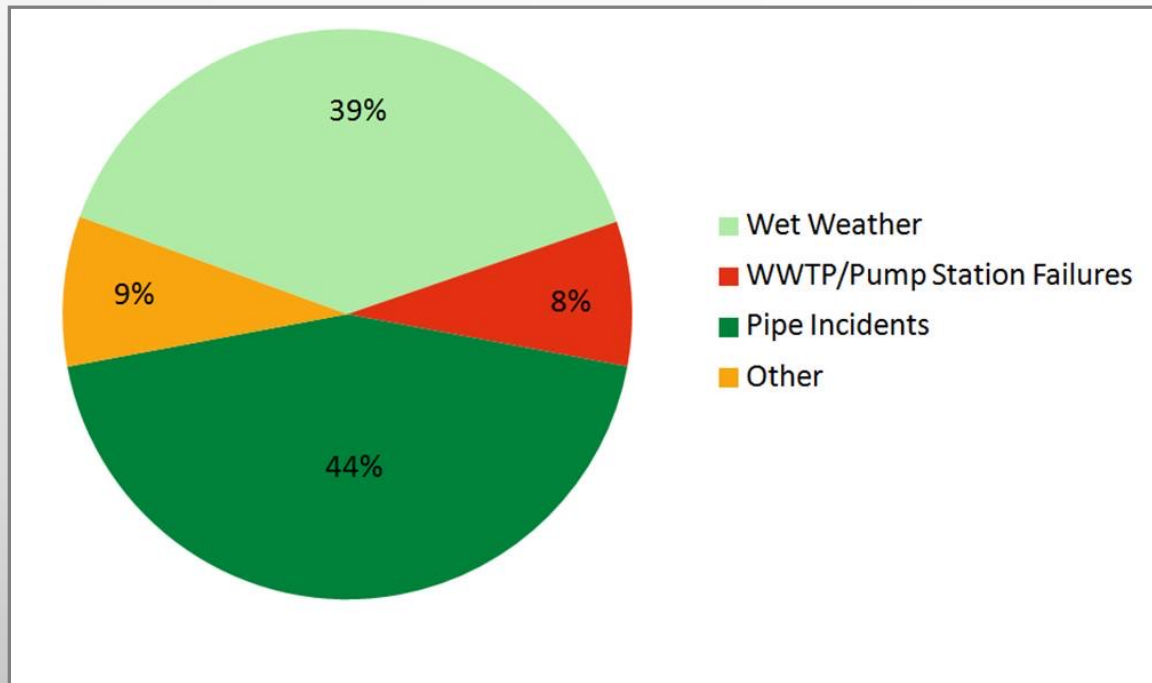
SSOS REQUIRING NOTIFICATION UNDER 314 CMR 16.00

- 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

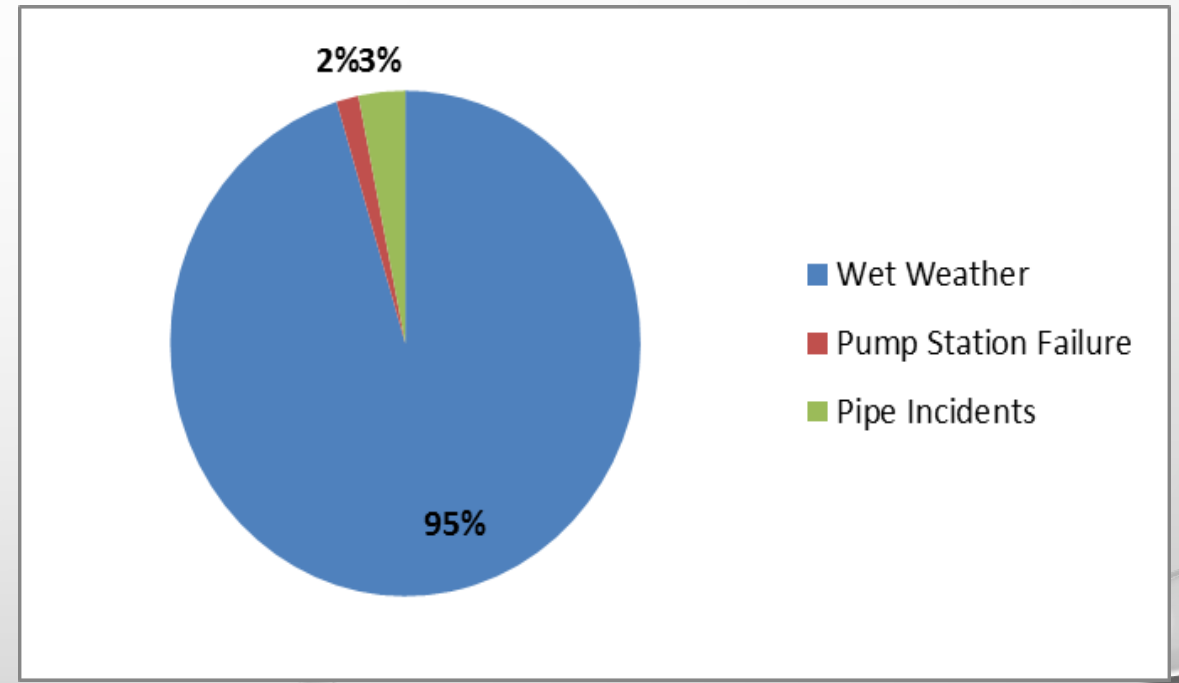


BASED ON 10 YEARS OF SSO DATA IN THE NORTHEAST REGION

Number of SSO Events by Cause



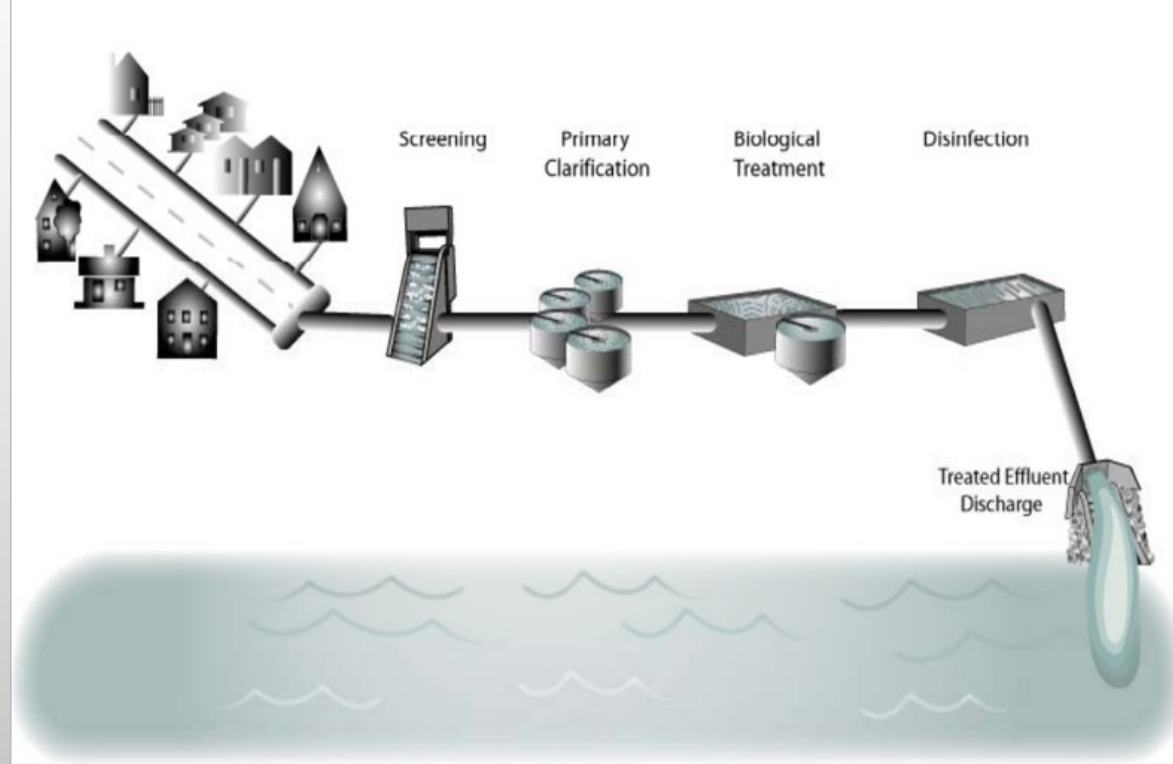
Volume of SSOs by Cause



WHAT IS BLENDING?

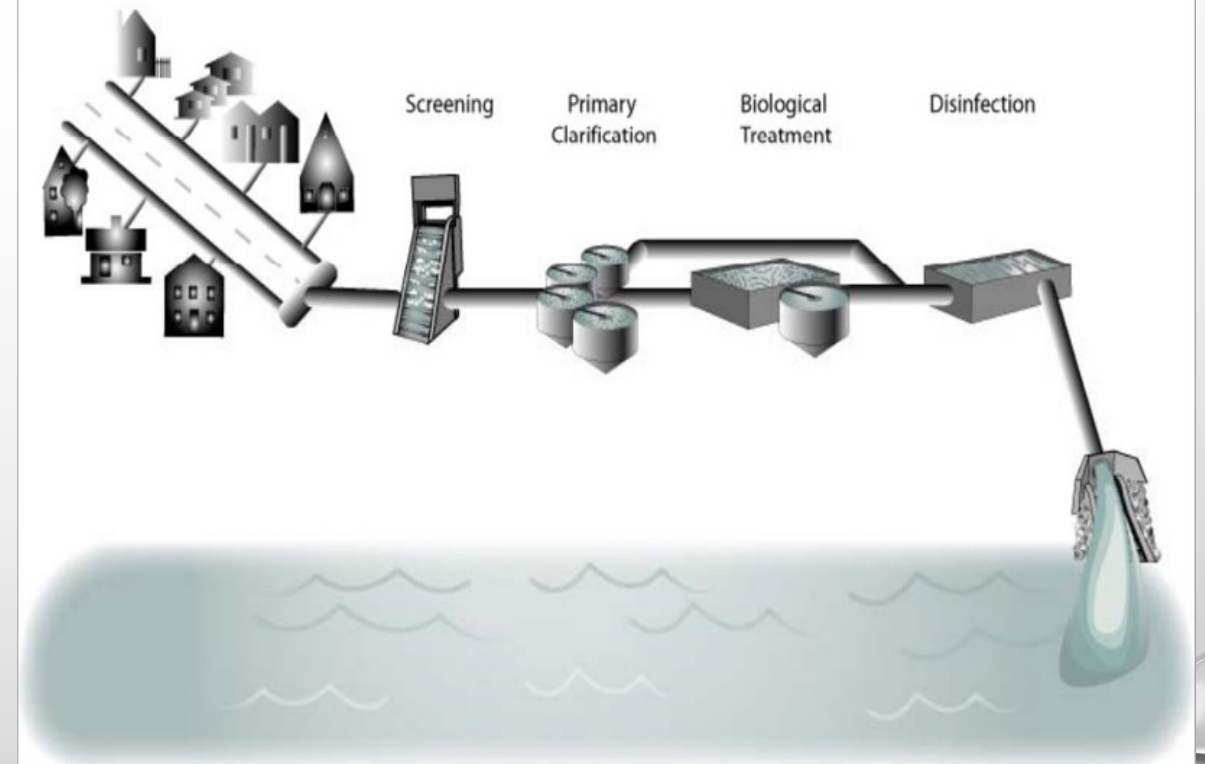
DRY WEATHER

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

BLENDING 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

CSO PUBLIC NOTIFICATION PLAN REQUIREMENTS

- Establish efficient, timely, and reliable program for:
 - Determining when each outfall is discharging
 - Estimating commencement and cessation times of discharge
 - Estimating volume and duration of each discharge
- Use metering and telemetry equipment unless MassDEP approves alternative method
 - Request to use other method must be included in CSO Public Notification Plan
 - Specific provisions required if modeling is proposed



CSO PUBLIC NOTIFICATION PLANS BLENDED WASTEWATER


- Describe SOPs for releasing blended wastewater and provide historic effluent data from blending events
- Plan must demonstrate that:
 - Blending only occurs during wet weather events, or as allowed by NPDES or SWD permits
 - Flow diverted around biological or tertiary treatment must receive primary clarification, solids and floatables disposal, and disinfection
 - Effluent meets or is predicted to meet NPDES and surface water discharge permit effluent limits during blending events, based on historic data

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 15th of each month
 - Update data (duration and volume) since public advisory notification
 - Rainfall data
 - Treatment (if any) provided
- Annual updates/corrections 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

A blue background with several realistic water bubbles of different sizes. Some bubbles are at the top, some in the middle, and some at the bottom, creating a fresh and clean aesthetic.

NOTE TO REVIEWERS: MASSDEP IS SEEKING YOUR COMMENT!

- Blended Wastewater
 - Potential additional information to include on permittee's websites about blended wastewater
- Public health warnings and temporary signage

HOW TO COMMENT

- ORAL TESTIMONY AT TODAY'S HEARING
- WRITTEN COMMENTS
 - EMAIL: MASSDEP.NPDES@MASS.GOV
 - EMAIL PREFERRED
 - MAIL: ATTN: SEWAGE NOTIFICATION,
MASSDEP, ONE WINTER STREET, 5TH FLOOR,
BOSTON, MA 02108
- PUBLIC COMMENT PERIOD ENDS 5 PM ON
NOVEMBER 8

QUESTIONS?

CONTACTS:

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PUBLIC HEARING LOGISTICS AND GROUND RULES

- If you wish to give testimony and have not yet entered your name and affiliation into the chat, please do so now
 - We will ask for phone participants wanting to give testimony shortly
 - We will call on each person to speak
 - Keep testimony to 5 minutes or less
 - No questions will be answered during the public hearing
 - The public hearing will be recorded
- 

THE PUBLIC HEARING WILL BEGIN AT 7:00 PM