



Massachusetts Department of Environmental Protection
Bureau of Water Resources

Wastewater Management Program

Combined Sewer Overflow (CSO) Preliminary Public Notification Plan - Instructions

Instructions for Permittees on Developing a CSO Preliminary Public Notification Plan

In January 2021, Governor Baker signed *An Act Promoting Awareness of Sewage in Public Waters* into law. This new law will make sure the public knows when untreated sewage flows into Massachusetts waters. This includes releases known as combined sewer overflows (CSOs) and certain Sanitary Sewer Overflows (SSOs). MassDEP recognizes the importance of notifying the public when untreated sewage is released into our waters and has developed regulations to implement this law (314 CMR 16.00: *Notification Requirements to Promote Public Awareness of Sewage Pollution*). This Instructions document is intended to assist CSO permittees meet the requirements of the regulations to file a CSO Preliminary Public Notification Plan. You must complete the CSO Preliminary Public Notification Plan fillable form and submit with the additional information required below. Please read the instructions carefully.

Per 314 CMR 16.06(1), on or before May 1, 2022, a permittee with a combined sewer system shall submit to the Department for review and approval a preliminary CSO Public Notification Plan. These instructions will assist permittees in completing that form. A final CSO Notification Plan must be submitted to the Department for review and approval by January 12, 2023. Guidance on the final CSO Notification Plan will be provided at a later date.

The Plan shall include a description of how a permittee will comply with all applicable requirements of 314 CMR 16.00.

NOTE: Completion of the attestation (fillable form) does not fulfill the CSO Preliminary Public Notification Plan submittal requirements. Permittee must compile and submit all supporting documentation and details for all components below to the Department for approval.

IMPORTANT – READ ALL INSTRUCTIONS

For questions that require a response:

- ***if your response is two lines or less use the fillable form to provide your answer;***
- ***if your response is over two lines provide your response as an attachment and make a note on the fillable form.***
- ***It is important that the permittee provide full details in attachment(s) for their CSO Preliminary Notification Plan to be approved. Failure to provide all information will lead to the delay of reviewing the submitted CSO Preliminary Notification Plan.***



Combined Sewer Overflow (CSO) Preliminary Public Notification Plan

Instructions

CSO Preliminary Public Notification Plan

Section 1: Permittee (Facility or System) Information – facility specific information to be completed by permittee

Complete Facility Information portion of the form.

Include an attachment with a map of discharge locations and affected waterbodies.

Section 2: Identification of Environmental Justice Populations

General Information on EJ populations: <https://www.mass.gov/info-details/environmental-justice-populations-in-massachusetts>

Identify Environmental Justice (EJ) Populations that have 25 percent or more households that lack English language proficiency. Translation must be provided for each population of 5% or more who self-identify as “do not speak English very well.” Identify the languages that notifications must be translated into.

- Identify the municipalities that are directly impacted by the discharge or overflow.
- Using the link below identify if the municipality is listed as an environmental justice population due to lacking English language proficiency.
 - Municipalities on this list that have the letter “E” under the EJ Criteria column have 25 percent or more households that lack English language proficiency:
<https://www.mass.gov/doc/massachusetts-cities-towns-with-environmental-justice-populations/download>
- If 25 percent or more of households lack English language proficiency, use the link below to determine whether and where at least 5% of the population has speakers who self-identify as “do not speak English very well,” and identify these languages that notifications must be translated into.
 - This map (<https://mass-eoeea.maps.arcgis.com/apps/webappviewer/index.html?id=dffdbf9c109647fc9601f7524c1fd9f4>) shows census tracts where at least 5% of the population has speakers who self-identify as “do not speak English very well.” Block groups classified as EJ populations based on the English language isolation criterion can also be displayed. Click on a tract (in pink) to find which languages are spoken by at least 5% of the population.
- Include all languages that meet the above criteria on the fillable form.
- Public Advisory Notifications will need to be translated in all the languages identified.

Required Translations:

Public Advisory Notification Translation

Public advisory notifications shall be translated into, or provide access to translations in other languages, as appropriate, in municipalities that are directly impacted by the discharge or overflow, and that have neighborhoods identified as environmental justice populations due to lacking English language proficiency. Access to translations can be provided by posting translations on the permittee’s website and indicating in advisories that translations are available on that website.

Signage Translation

The regulations require permittees to install and maintain signs at public access points to waters affected by a potential discharge from their outfall. For discharges directly affecting neighborhoods identified as environmental justice populations due to lacking English language proficiency, signage posted at public access points shall provide access to translations in the language(s) most appropriate for those neighborhoods and shall utilize universal symbols.

Access to translations can be provided by posting the translations on the permittee’s website and providing a link to the website on the sign. Permittees may also choose to use a QR code in addition to the website link.



Combined Sewer Overflow (CSO) Preliminary Public Notification Plan

Instructions

News organization that primarily serves the environmental justice population

In municipalities with environmental justice populations, if neither of the two largest news organizations specifically serves the environmental justice populations, at least one additional news organization that primarily serves the environmental justice population(s) within the impacted municipalities must be notified.

Section 3: Discharges, Overflows and Public Notification

You must attest to all requirements in 314 CMR 16.03(1)(a-e) and 314 CMR 16.04(10). Check each box to affirm. Failure to check these two boxes will lead to delay in review of the submitted CSO Preliminary Notification Plan.

When Public Notification is Required:

314 CMR 16.03 (1) A permittee is required to issue a public notification for the following:

- (a) Any Combined Sewer Overflow;
- (b) Any discharge of partially treated wastewater, including blended wastewater;
- (c) Any Sanitary Sewer Overflow (SSO) that discharges through a wastewater outfall, either directly or indirectly, into a surface water of the Commonwealth;
- (d) Any SSO 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; and
- (e) 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.

Required Content of Public Notification:

Describe how the permittee shall meet the following requirements.

314 CMR 16.04 (10), the permittee shall include the following information in the public advisory notification:

- (a) Description of discharge or overflow location(s), and outfall number(s), if applicable;
- (b) Approximate date and time the discharge or overflow began, and its duration;
- (c) Estimated volume of the discharge or overflow based on the average discharge or overflow from data reported to the Department and/or EPA for the prior three calendar years, taking into consideration historical information for the projected rainfall event, if possible, as set forth in the permittee's CSO Public Notification Plan;
- (d) Identity of the permittee;
- (e) Whether, at the time of notification, the discharge or overflow has ceased, and if so, the approximate time and date that the discharge or overflow ended;
- (f) Waters and land areas, including names of water bodies and municipalities, affected or potentially affected by the discharge or overflow;
- (g) Precautionary measures to be taken by the public, including the following language: "Avoid contact with these water bodies for 48 hours after the discharge or overflow ceases due to increased health risks from bacteria and other pollutants. See website for more information on whether specific resource areas, such as bathing beaches, are affected.";
- (h) Link to the permittee's website for additional information on discharges and overflows, and its CSO and/or SSO abatement program(s); and
- (i) A statement that the discharge or overflow consists, or likely consists, of untreated or partially treated sewage and waste.

- The preliminary CSO Public Notification Plan must include:
 - A description of how the permittee will calculate the estimated volume of discharges or overflows using average data from the prior 3 calendar years.
 - A list of the waters and land areas, including names of waterbodies and municipalities, affected by the permittee's discharges or overflows, and a description of how these affected areas were determined.



Combined Sewer Overflow (CSO) Preliminary Public Notification Plan

Instructions

Section 4: Discovery and the Required Timeline for Notification Following Discovery of a Discharge or Overflow

Check yes or no for each requirement. If you are unable to meet any requirements listed in Section 4, an attachment with a detailed explanation must be provided.

Discovery of a Discharge or Overflow: As required by 314 CMR 16.04 (5) (a), (b) & (c), a permittee must “discover” a discharge or overflow event within the following required timelines.

Discovery of Events

Describe the steps the permittee will take to determine or discover that a discharge or overflow from its outfall or sewer system is occurring each time the permittee receives information from a flow meter, model run, or other Commissioner-approved method for monitoring, detecting, or simulating a discharge or overflow from its outfall or sewer system.

The permittee’s description should be consistent with the information below, depending on the type of method used for determining and detecting discharges. The permittee may provide written documents in support of the description such as Standard Operating Procedures, or detailed assignment of responsibilities of sewer authority staff. The permittee is responsible for demonstrating that the method of detection is reliable and able to detect activation and estimate volume.

For methods of detection other than metering, the permittee must request authorization to continue to use other methods and demonstrate that the detection of activation and measurement of flow is accurate. Provide historic information correlating predicted activations with actual activations and additional information verifying modeling approach.

If the permittee’s discharge detection method will not provide timely or reliable information, the time for a permittee to issue a public advisory notification may be extended by Commissioner approval, provided that such time shall be extended only as necessary and not more than 24 hours after discovery of the discharge. Permittees requesting an extension must describe the necessary improvements and a proposed schedule to meet requirements.

314 CMR 16.04 (5)

(a) CSO Discharges

1. For a CSO outfall that is monitored with metering equipment, each time a permittee receives communication of a potential discharge from the meter deployment, the permittee shall take all actions set forth in the permittee’s Department-approved CSO Public Notification Plan to confirm the occurrence of a discharge, including, without limitation, review of meter data, site inspection, or other approved methods. In no event shall a permittee spend longer than 2 hours to confirm a discharge, commencing from the time a communication is sent by a meter deployment, if the permittee has operational staff on site 24 hours per day, 7 days per week. In no event shall a permittee spend longer than 4 hours to confirm a discharge, commencing from the time a communication is sent by a meter deployment, if the permittee does not have operational staff on site 24 hours per day, 7 days per week. If a permittee is unable to confirm that a discharge occurred within the timeframes established herein, it shall presume that a discharge has been discovered.

2. For a CSO outfall where modeling is used to predict the occurrence of a discharge, a permittee shall be deemed to have discovered a discharge when results of model simulations indicate the occurrence of a discharge or when model-developed thresholds have been triggered for rainfall data, sewer system flow data, or other information that predicts a potential CSO discharge will occur or is occurring.

3. For a CSO outfall where the Commissioner approves a method other than metering for predicting the occurrence of a discharge, the method shall be described in the CSO Public Notification Plan and implemented as approved by the Department.



Combined Sewer Overflow (CSO) Preliminary Public Notification Plan

Instructions

(b) SSO Discharge or Overflow. A permittee shall determine or discover the occurrence of an actual SSO discharge or overflow, or the potential for a SSO discharge or overflow requiring a public advisory notification described in 314 CMR 16.03(1)(c) through (e) based on information reasonably available to the permittee, such as a report of a discharge or an overflow made by any person, site inspection, pump station or level alarms or other relevant information. In no event shall a permittee take longer than four hours to confirm a potential SSO discharge or overflow, commencing from the time a permittee initially receives relevant information. If a permittee is unable to confirm that a potential discharge or overflow actually occurred within the timeframe established in 314 CMR 16.04, it shall presume that a discharge or overflow has been discovered.

(c) Partially Treated Wastewater. For any discharge of partially treated wastewater from a wastewater treatment facility, a permittee shall issue the required public advisory notification within two hours of the time when the permittee begins diverting a portion of the flow around a treatment process, or within two hours of the permittee becoming aware of a failure within the treatment process that is resulting in discharge of partially treated wastewater.

Issuance of Public Notification:

314 CMR 16.04

(4) A permittee required by 314 CMR 16.03 to issue public advisory notifications shall do so as soon as possible, but no later than two hours, after discovery of a discharge or overflow.

Continuation of Public Notification:

314 CMR 16.04

(7) A permittee shall issue a public advisory notification update eight hours after the initial public advisory notification is issued.

This update:

- (a) shall clearly indicate that a discharge or overflow is ongoing or has ceased;
- (b) if it has ceased, shall indicate the approximate time of cessation;
- (c) shall update any information that has changed since the initial public advisory notification; and
- (d) shall be issued to all parties required to receive notifications under 314 CMR 16.04(4).

If the permittee has reported that the discharge or overflow has ceased at the time of the initial public advisory notification, then an update is not required eight hours later.

Cessation of Public Notification:

314 CMR 16.04

(8) For any event for which public advisory notification is required pursuant to 314 CMR 16.03 and is still ongoing eight hours after the initial public advisory notification is issued, a permittee shall continue to issue public advisory notification updates every eight hours if the discharge is still ongoing and shall issue a public advisory notification within two hours after the discharge or overflow ceases or is projected to cease, to all parties required to receive notifications under 314 CMR 16.04(4), unless the Department requires otherwise. The notice of cessation shall clearly indicate the approximate time of cessation.

Retraction of Public Notification:

314 CMR 16.04

(9) Within 48 hours of issuing a public advisory notification, if the permittee becomes aware that no discharge or overflow actually occurred, the permittee shall issue a retraction of the public advisory notification to all parties required to receive notifications under 314 CMR 16.04(4).



Combined Sewer Overflow (CSO) Preliminary Public Notification Plan

Instructions

Section 5: CSO Permittee Website

Describe how the permittee shall meet the following requirements.

314 CMR 16.04 (3)

A permittee shall establish and maintain a public website to post public advisory notifications when issued and to receive requests from the public to subscribe to and receive public advisory notifications by email or text message. When a permittee issues a public advisory notification, in addition to the information required to be included in the notification by 314 CMR 16.04(10), the permittee shall include information on its website about any treatment to disinfect pathogens and remove solids and other pollutants from the discharge or overflow, and links to websites providing information on the closure or advisory status of shellfish growing areas, bathing beaches, or other water resource areas potentially affected by the discharge or overflow.

314 CMR 16.05 (1) A permittee with a combined sewer system shall include, at a minimum, the following information on its website:

- (a) A map showing the locations of the permittee's outfalls including the corresponding outfall numbers in a NPDES or surface water discharge permit, if applicable;
- (b) A summary of the permittee's Long-term CSO Control Plan, and status of its implementation, if applicable;
- (c) Instructions on how an interested person can subscribe to receive public advisory notifications;
- (d) Links to any CSO Reports required to be developed in a NPDES or surface water discharge permit, or as part of any enforcement order, for at least the preceding three calendar years, if applicable; and
- (e) A compilation of discharge data for each public advisory notification event, updated so that data for each month is posted within 15 days of the last day of the month. Data posted shall include updated information on the estimated duration, frequency and volume of the discharge, rainfall data, and treatment provided for any CSO discharges. The website shall include data for at least the preceding three calendar years, if applicable.

For permittees that practice blending, permittees may choose to include information on their website about blending, including an explanation of what blending events are and why permittees with combined sewer systems practice blending.

Section 6: Signage

Describe how the permittee shall meet the following requirements.

314 CMR 16.05 (2)

Each permittee shall install and maintain a warning sign at each of its CSO outfalls in accordance with requirements of its NPDES and surface water discharge permits.

314 CMR 16.05 (3)

Each permittee shall install and maintain signage at public access points to waters affected by a potential discharge from a permittee's outfall.

The locations for the signage shall be based on consultation with boards of health or health departments in the municipalities directly impacted by the discharge. Locations of signs should be provided as an attachment to your CSO Preliminary Notification Plan.

Signage shall be developed using a template provided by the Department and be able to provide timely information about ongoing discharges to allow municipal boards of health and health departments to meet the requirements of 314 CMR 16.09(6). Each sign shall identify: (a) The existence of the outfall; (b) The permittee; (c) Information about weather events that may cause a discharge; (d) A warning of the potential threat to public health by recreating in, or using waters and shores affected by a discharge; and (e) Information for the public to subscribe to notifications about discharges in local area waters.



Combined Sewer Overflow (CSO) Preliminary Public Notification Plan

Instructions

For discharges directly affecting neighborhoods identified as environmental justice populations due to lacking English language proficiency, signage shall provide access to translations in the language(s) most appropriate for those neighborhoods and shall utilize universal symbols.

The permittee's preliminary CSO Public Notification Plan should:

- Document that the permittee has consulted with the Board of Health/Health Departments in municipalities affected by their discharges;
- Include a list of locations where signs will be installed; and
- Propose dates when signs will be installed.

Section 7: Public Notification Recipients

Describe how the permittee shall meet the following requirements.

Media Outlets

314 CMR 16.04 (4)

(b) The public advisory notification, and any updates required by 314 CMR 16.04(7) and (8), shall also be issued to at least the two largest news organizations that report on local news in municipalities near the outfall. In municipalities with environmental justice populations, if neither of the two largest news organizations specifically serves the environmental justice populations, at least one additional news organization that primarily serves the environmental justice population(s) within the impacted municipalities must be notified.

NOTE: Permittees are required to send public advisory notifications to the identified news organizations, but they are not required to place paid ads, nor are they responsible for the news organization publishing any information related to the notifications. The permittee has no further obligation under the regulations after they have submitted the notification to the news organizations.

Electronic Submittal Required Contacts

314 CMR 16.04 (4)

(a) The public advisory notification, and any required updated notifications shall be issued electronically to the parties listed below. MassDEP has provided contact information for each of the state and federal agencies below. Permittees shall identify the appropriate contact information for the other entities.

- the Department; massdep.sewagenotification@mass.gov
- the U.S. Environmental Protection Agency; R1.EPANotifications@epa.gov
- the Massachusetts Department of Public Health; DPHToxicology@mass.gov
- the municipal board of health or the health department where the outfall or overflow is located;
 - Permittee provided
- the board of health or the health department and shellfish constables (if applicable) for any municipality directly impacted by the discharge or overflow;
 - Permittee provided
- any person who subscribed to receive such public advisory notifications by email or text messaging;
 - Permittee provided
- the public water supplier(s) where drinking water supplies may be affected;
 - Permittee provided
- the Massachusetts Division of Marine Fisheries where shellfish growing areas may be affected; jeff.kennedy@mass.gov
- the Massachusetts Department of Conservation and Recreation when its water recreation properties may be affected; MEMA.StateControl@mass.gov
- the Massachusetts Division of Fisheries and Wildlife when its boat ramps and fishing piers may be affected; doug.cameron@mass.gov
- Operators of any potentially affected bathing beaches, as defined in 105 CMR 445.00: *Minimum Standards for Bathing Beaches (State Sanitary Code: Chapter VII)*.
 - Permittee provided



Combined Sewer Overflow (CSO) Preliminary Public Notification Plan

Instructions

Certification of CSO Preliminary Public Notification Plan

- Enter name, title, and date
- Provide signature to attest to information provided
 - “I attest that I have examined and am familiar with the information contained in this submittal, including any and all documents accompanying this certifying statement. The information contained in this submittal is, to the best of my knowledge, true, accurate, and complete. I am fully authorized to make this attestation on behalf of the facility.”

How to submit completed CSO Preliminary Public Notification Plan?

- Once you have completed your facility CSO Preliminary Public Notification Plan form (with all attachments) it must be submitted to MassDEP.
- Complete CSO Preliminary Public Notification Plans (form, plus supporting documentation) must be submitted to the general sewage notification email and to your DEP Region.
 - General sewage notification email: massdep.sewagenotification@mass.gov
 - Regional Contact for submittals:
 - CERO (David Boyer, david.boyer@mass.gov)
 - NERO (Kevin Brander, kevin.brande@mass.gov)
 - SERO (David Burns, david.burns2@mass.gov)
 - WERO (Matthew Sokop, matthew.sokop@mass.gov)
- Any questions on completing your CSO Preliminary Public Notification Plan can be emailed to massdep.sewagenotification@mass.gov.