

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

# Final Regulations: Notification Requirements for Public Awareness of Sewage Pollution (314 CMR 16.00)

DECEMBER 20, 2021

# Statute

- An Act Promoting Awareness of Sewage Pollution in Public Waters
- Requires MassDEP to:
  - Promulgate regulations by January 12, 2022
  - Post event notifications on website within 24 hours
    - Requires development of a data reporting and management system
  - Publish an annual report each May

# Events Requiring Notification

- Combined Sewer Overflows (CSOs)
- Some types of Sanitary Sewer Overflows (SSOs)
  - E.g., sewer main break that reaches a waterbody
- Partially treated wastewater
- Blended wastewater

# Permittee Notification Requirements

- Applies to CSOs, SSOs, partially treated wastewater (including blended wastewater)
- Notice within two hours on website
- Send notification to state, federal, local agencies, news organizations, individuals subscribed to receive notification
- Include specific information in notification (e.g., date and time, estimated volume)

# CSO Permittee Website and Signage

- Website
  - Map of outfalls, summary/status of CSO minimization plan, instructions for subscribing to notifications, compilation of discharge data
- Signage
  - Maintain permanent sign required by NPDES permit at each outfall
  - Add permanent signs at public access points affected by discharges

# CSO Public Notification Plans

- Required for all CSO permittees and requires MassDEP approval
  - Preliminary plan due May 1, 2022; final plan due January 12, 2023
- Establish method for determining discharges and estimating volume of discharges
- Include information about permittee's website, signage, measures to communicate to EJ populations

# SSO Public Notification Plan

- Required for all non-CSO permittees
- Due July 6, 2022
- Presumptive approval after 180 days
- Describe how permittee will meet notification requirements, including information about permittee's website, signage, measures to communicate to EJ populations
- MassDEP plans to provide template to streamline plan development and approval

# Permittee Reporting Requirements to MassDEP

- Within two hours of discovery of event
- Monthly – summary of discharges, volumes, and rainfall data from prior month
- Annual – corrections to monthly data, any additional information needed



# Public Health Warnings

- DEP required to consult with DPH on standards for municipal boards of health issuing public health warnings
- Public health warnings triggered for:
  - CSO and partially treated discharges exceeding 2 hour duration
  - All SSOs
  - CSO and partially treated discharges less than 2 hours if BOH thinks there is risk to public health
- When public health warning is triggered, BOH must also post a temporary sign at public access points, or utilize a permanent sign that can be updated with current 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 Changes from Draft to Final Regulations

- Modified events that require notification to indicate that blended wastewater is included under the requirements for public advisory notifications for partially treated wastewater. Removed the provision for blended wastewater notifications that go only on the permittee's website.
- Added requirement for permittee to issue retraction of public advisory notification if they determine no discharge actually occurred.
- Changed signage requirements for CSO permittees to require maintenance of existing signage at outfalls already required by NPDES permits and focus requirements in 314 CMR 16.00 on new signs at public access points affected by discharges. Signage will need to be able to provide timely information about ongoing discharges.
- Changed due dates for CSO public notification plans. Due date in draft was 2/1/22. Final regulations have due date of 5/1/22 for preliminary plan, 1/12/23 for final plan.

# Significant Changes from Draft to Final Regulations

- Added requirement for SSO notification plans for all non-CSO permittees.
- Instead of public health warnings for all discharges in draft; final requires public health warnings for CSOs and partially discharges longer than 2 hours and all SSOs. BOH can issue public health warning for events of lesser duration if they determine a need to protect public health.
- Added clarification regarding methods for issuing public health warnings to indicate the term reverse 911 can encompass different types of notification systems
- Added an option for BOHs to use a permanent sign at access points that can be modified with current information in place of a temporary sign

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**Questions?**