

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2452
OFFERED BY MS. EDDIE BERNICE JOHNSON OF
TEXAS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the "Sewage Overflow Com-
3 munity Right-to-Know Act".

4 SEC. 2. DEFINITIONS.

5 Section 502 of the Federal Water Pollution Control
6 Act (33 U.S.C. 1362) is amended by adding at the end
7 the following:

8 "(25) **SANITARY SEWER OVERFLOW.**—The term
9 'sanitary sewer overflow' means an overflow, spill,
10 release, or diversion of wastewater from a sanitary
11 sewer system. Such term does not include municipal
12 combined sewer overflows or other discharges from
13 a municipal combined storm and sanitary sewer sys-
14 tem and does not include wastewater backups into
15 buildings caused by a blockage or other malfunction
16 of a building lateral that is privately owned. Such
17 term includes overflows or releases of wastewater

1 that reach waters of the United States, overflows or
2 releases of wastewater in the United States that do
3 not reach waters of the United States, and waste-
4 water backups into buildings that are caused by
5 blockages or flow conditions in a sanitary sewer
6 other than a building lateral.

7 “(26) SEWER OVERFLOW.—The term ‘sewer
8 overflow’ means a sanitary sewer overflow or a mu-
9 nicipal combined sewer overflow.

10 “(27) TREATMENT WORKS.—The term ‘treat-
11 ment works’ has the meaning given that term in sec-
12 tion 212.”.

13 **SEC. 3. MONITORING, REPORTING, AND PUBLIC NOTIFICA-**
14 **TION OF SEWER OVERFLOWS.**

15 Section 402 of the Federal Water Pollution Control
16 Act (33 U.S.C. 1342) is amended by adding at the end
17 the following:

18 “(r) SEWER OVERFLOW NOTIFICATIONS.—

19 “(1) GENERAL REQUIREMENTS.—Not later
20 than one year after the date of enactment of this
21 section, the Administrator shall take such action as
22 may be necessary to ensure that each permit issued
23 under this section before, on, or after the date of en-
24 actment of this subsection for a publicly owned

1 treatment works shall require, at a minimum, that
2 the owner or operator of the treatment works—

3 “(A) institute and utilize a feasible meth-
4 odology, technology, or management program to
5 alert the owner or operator to the occurrence of
6 a sewer overflow in a timely manner;

7 “(B) notify the public of a sewer overflow
8 as soon as practicable, but not later than 24
9 hours after the time the owner or operator be-
10 comes aware of such overflow, where such over-
11 flow has the potential to affect human health,
12 except for overflows that are wastewater
13 backups into single-family residences;

14 “(C) immediately notify public health au-
15 thorities and other affected entities, such as
16 public water systems, of any sewer overflow
17 that may imminently and substantially endan-
18 ger human health, except for overflows that are
19 wastewater backups into single-family resi-
20 dences;

21 “(D) report each sewer overflow (other
22 than a release of wastewater that occurs in the
23 course of maintenance of the treatment works,
24 is managed consistently with the treatment
25 works’ best management practices, and is in-

1 tended to prevent overflows) on its monthly dis-
2 charge monitoring report to the Administrator
3 or the State, as the case may be, by describ-
4 ing—

5 “(i) the magnitude, duration, and sus-
6 pected cause of the overflow;

7 “(ii) the steps taken or planned to re-
8 duce, eliminate, and prevent recurrence of
9 the overflow; and

10 “(iii) the steps taken or planned to
11 mitigate the impact of the overflow; and

12 “(E) report to the Administrator or the
13 State, as the case may be, the total number of
14 sewer overflows (other than a release of waste-
15 water that occurs in the course of maintenance
16 of the treatment works, is managed consistently
17 with the treatment works’ best management
18 practices, and is intended to prevent overflows)
19 in a calendar year, including the details of how
20 much wastewater was released per incident, the
21 duration of each sewer overflow, the location of
22 the overflow and any potentially affected receiv-
23 ing waters, the responses taken to clean up the
24 overflow, and the actions taken to mitigate im-

1 pacts and avoid further sewer overflows at the
2 site.

3 “(2) REPORT TO EPA.—If a State receives a re-
4 port under paragraph (1)(E), the State shall report
5 to the Administrator annually, in summary, the de-
6 tails of reported sewer overflows that occurred in
7 that State.

8 “(3) RULEMAKING BY EPA.—Not later than 1
9 year after the date of enactment of this subsection,
10 the Administrator shall, after providing notice and
11 the opportunity for public comment, issue regula-
12 tions to—

13 “(A) establish a set of criteria to guide
14 owners and operators of treatment works in as-
15 sessing whether a sewer overflow has the poten-
16 tial to affect human health or may imminently
17 and substantially endanger human health; and

18 “(B) define the terms ‘feasible’ and ‘time-
19 ly’ as such terms apply to paragraph (1)(A).

20 “(4) SITE SPECIFIC CONDITIONS.—The defini-
21 tions under paragraph (3)(B) shall include, but need
22 not be limited to, site specific conditions.

23 “(5) SINGLE FAMILY RESIDENCE DEFINED.—In
24 this subsection, the term ‘single-family residence’
25 means an individual dwelling unit, including an

1 apartment, condominium, house, or dormitory. Such
2 term does not include the common areas of a multi-
3 dwelling structure.”.

4 **SEC. 4. ELIGIBILITY FOR ASSISTANCE.**

5 Sections 601(a) and 603(c) of the Federal Water Pol-
6 lution Control Act (33 U.S.C. 1383(a) and (c)) are each
7 amended—

8 (1) by striking “and” the first place it appears;
9 and

10 (2) by inserting after “320 of this Act” the fol-
11 lowing: “, and (4) for the implementation of require-
12 ments to monitor for sewer overflows under section
13 402”.

14 **SEC. 5. LIMITATION ON STATUTORY CONSTRUCTION.**

15 Nothing in this Act, including any amendment made
16 by this Act, shall be construed—

17 (1) to limit the ability of any State from imple-
18 menting and enforcing more stringent monitoring
19 and notification standards than those required by
20 the Federal Water Pollution Control Act (33 U.S.C.
21 1251 et seq.); or

22 (2) to supplant or diminish obligations to com-
23 ply with all other requirements of the Federal Water
24 Pollution Control Act.

