

**AMENDMENT TO H.R. 8**  
**OFFERED BY MR. LIPINSKI OF ILLINOIS**

At the end of title I, add the following:

1 **SEC. 1** \_\_\_\_ . **RESTRICTION ON WASTEWATER RELEASES INTO**  
2 **THE GREAT LAKES SYSTEM.**

3 (a) **IN GENERAL.**—Section 402 of the Federal Water  
4 Pollution Control Act (33 U.S.C. 1342) is amended by  
5 adding at the end the following:

6 “(s) **RESTRICTION ON WASTEWATER RELEASES**  
7 **INTO THE GREAT LAKES SYSTEM.**—

8 “(1) **DEFINITIONS.**—In this subsection:

9 “(A) **BYPASS.**—The term ‘bypass’ means  
10 an intentional diversion of waste streams to by-  
11 pass any portion of a treatment facility that  
12 would be used to treat the waste stream during  
13 normal operations, which results in a discharge  
14 into the Great Lakes System.

15 “(B) **DISCHARGE.**—

16 “(i) **IN GENERAL.**—The term ‘dis-  
17 charge’ means a direct or indirect dis-  
18 charge of untreated wastewater or partially  
19 treated wastewater from a treatment works  
20 into the Great Lakes System.

1                   “(ii) INCLUSIONS.—The term ‘dis-  
2                   charge’ includes a discharge from a bypass  
3                   or a combined sewer overflow.

4                   “(C) GREAT LAKES SYSTEM.—The term  
5                   ‘Great Lakes System’ has the meaning given  
6                   the term in section 118(a)(3).

7                   “(D) PARTIALLY TREATED WASTE-  
8                   WATER.—The term ‘partially treated waste-  
9                   water’ means any wastewater that—

10                   “(i) is not treated to national sec-  
11                   ondary treatment standards for wastewater  
12                   pursuant to section 304(d)(1); or

13                   “(ii) is treated to a level less than the  
14                   level required by an applicable permit  
15                   under this section.

16                   “(E) TREATMENT FACILITY.—The term  
17                   ‘treatment facility’ includes all wastewater  
18                   treatment units used by a publicly owned treat-  
19                   ment works to meet secondary treatment stand-  
20                   ards or higher, as required to attain water qual-  
21                   ity standards, under any operating conditions.

22                   “(F) TREATMENT WORKS.—The term  
23                   ‘treatment works’ has the meaning given the  
24                   term in section 212.

1           “(2) RESTRICTION.—A publicly owned treat-  
2           ment works is prohibited from performing a bypass  
3           unless—

4                   “(A)(i) the bypass is unavoidable to pre-  
5                   vent loss of life, personal injury, or severe prop-  
6                   erty damage;

7                   “(ii) there is not a feasible alternative to  
8                   the bypass, such as the use of auxiliary treat-  
9                   ment facilities, retention of untreated wastes, or  
10                  maintenance during normal periods of equip-  
11                  ment downtime; and

12                  “(iii) the treatment works provides notice  
13                  of the bypass in accordance with this sub-  
14                  section; or

15                  “(B) the bypass does not cause effluent  
16                  limitations to be exceeded, and the bypass is for  
17                  essential maintenance to ensure efficient oper-  
18                  ation of the treatment facility.

19           “(3) LIMITATION.—The requirement of para-  
20           graph (2)(A)(ii) is not satisfied if—

21                   “(A) adequate back-up equipment should  
22                   have been installed in the exercise of reasonable  
23                   engineering judgment to prevent the bypass;  
24                   and

1           “(B) the bypass occurred during normal  
2 periods of equipment downtime or preventive  
3 maintenance.

4           “(4) IMMEDIATE NOTICE REQUIREMENTS.—

5           “(A) IN GENERAL.—The Administrator  
6 shall work with States having publicly owned  
7 treatment works subject to the requirements of  
8 this subsection to create immediate notice re-  
9 quirements in the event of a discharge that pro-  
10 vide for the method, contents, and requirements  
11 for public availability of the notice.

12           “(B) MINIMUM INITIAL NOTICE REQUIRE-  
13 MENTS.—At a minimum, the contents of the  
14 initial notice shall include—

15           “(i) the exact dates and times of the  
16 discharge;

17           “(ii) the volume of the discharge; and

18           “(iii) a description of any public ac-  
19 cess areas impacted.

20           “(C) ADDITIONAL REQUIREMENTS.—The  
21 Administrator and States described in subpara-  
22 graph (A) shall—

23           “(i) ensure that the minimum require-  
24 ments under subparagraph (B) are con-  
25 sistent for all such States;

1           “(ii) establish follow-up notice require-  
2           ments that provide a full description of  
3           each event (including water quality data),  
4           the cause, and plans to prevent reoccur-  
5           rence; and

6           “(iii) establish requirements for an  
7           annual publication that lists each treat-  
8           ment works from which the Administrator  
9           or the State received a follow-up notice,  
10          along with a description of each event that  
11          required a follow-up notice.

12          “(5) IMPLEMENTATION.—Not later than 2  
13          years after the date of enactment of this subsection,  
14          the Administrator shall establish procedures to im-  
15          plement this subsection.”.

16          (b) GREAT LAKES CLEANUP FUND.—

17                 (1) ESTABLISHMENT.—Title V of the Federal  
18          Water Pollution Control Act (33 U.S.C. 1361 et  
19          seq.) is amended—

20                         (A) by redesignating section 519 (33  
21                         U.S.C. 1251 note) as section 520; and

22                         (B) by inserting after section 518 (33  
23                         U.S.C. 1377) the following:

1 **“SEC. 519. ESTABLISHMENT OF GREAT LAKES CLEANUP**  
2 **FUND.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) FUND.—The term ‘Fund’ means the Great  
5 Lakes Cleanup Fund established by subsection (b).

6 “(2) GREAT LAKES SYSTEM; GREAT LAKES  
7 STATES.—The terms ‘Great Lakes System’ and  
8 ‘Great Lakes States’ have the meanings given the  
9 terms in section 118(a)(3).

10 “(b) ESTABLISHMENT OF FUND.—There is estab-  
11 lished in the Treasury of the United States a trust fund  
12 to be known as the ‘Great Lakes Cleanup Fund’ (referred  
13 to in this section as the ‘Fund’).

14 “(c) ADMINISTRATION OF FUND.—The Adminis-  
15 trator shall administer the Fund.

16 “(d) USE OF FUNDS.—The Administrator shall make  
17 the amounts in the Fund available to the Great Lakes  
18 States for use in carrying out programs and activities for  
19 improving wastewater discharges into the Great Lakes  
20 System, including habitat protection and wetland restora-  
21 tion programs and activities.

22 “(e) COST SHARE.—In making amounts from the  
23 Fund available to Great Lakes States under subsection (d)  
24 for programs and activities, the Administrator may re-  
25 quire such States to pay up to 50 percent of the costs  
26 of the programs and activities.

1           “(f) PRIORITY.—In selecting programs and activities  
2 to be funded using amounts made available under this sec-  
3 tion, a Great Lakes State shall give priority consideration  
4 to programs and activities that reduce or eliminate by-  
5 passes as defined in section 402(s)(1).

6           “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated to the Fund  
8 \$250,000,000 for each of fiscal years 2020 through  
9 2024.”.

10           (2) CONFORMING AMENDMENTS TO STATE RE-  
11 VOLVING FUND PROGRAM.—Section 607 of the Fed-  
12 eral Water Pollution Control Act (33 U.S.C. 1387)  
13 is amended—

14                   (A) by striking “There is” and inserting

15                   “(a) IN GENERAL.—There is”; and

16                   (B) by adding at the end the following:

17           “(b) TREATMENT OF GREAT LAKES CLEANUP  
18 FUND.—For purposes of this title, amounts made avail-  
19 able from the Great Lakes Cleanup Fund under section  
20 519 shall be treated as funds authorized to be appro-  
21 priated to carry out this title and as funds made available  
22 under this title, except that the funds shall be made avail-  
23 able to the Great Lakes States in accordance with section  
24 519.”.

