

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1720

To amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2005

Mr. BISHOP of New York introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Raw Sewage Overflow  
5 Community Right-to-Know Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The Centers for Disease Control estimates  
9 that there are 7,100,000 cases of mild to moderate,

1 and 560,000 cases of moderate to severe, infectious  
2 waterborne disease in the United States each year.

3 (2) Inadequately treated sewage is filled with  
4 bacteria, viruses, parasites, and worms that make  
5 people sick.

6 (3) People who ingest or inhale inadequately  
7 treated sewage can contract gastroenteritis, hepa-  
8 titis, giardiasis, cryptosporidiosis, dysentery, and  
9 other gastrointestinal and respiratory diseases.

10 (4) Between 1,800,000 and 3,500,000 Ameri-  
11 cans become sick every year just from swimming in  
12 waters contaminated by sanitary sewer overflows.

13 (5) The loss of swimming opportunities (beach  
14 closings) due to pathogen contamination is valued at  
15 \$1,000,000,000 to \$2,000,000,000 annually in the  
16 United States.

17 (6) Economic losses due to swimming-related  
18 illnesses are estimated at \$28,000,000,000 annually.

19 (7) Many sewer systems do not routinely mon-  
20 itor to detect sewer overflows or report those that do  
21 occur to environmental or public health agencies.

22 (8) Better monitoring, reporting, and public no-  
23 tification of sewer overflows would save millions of  
24 Americans from getting sick every year.

1           (9) Public health authorities are not routinely  
2 notified of sewer overflows that threaten public  
3 health.

4 **SEC. 3. 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           “(24) **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 combined  
12 sewer overflows or other discharges from the com-  
13 bined portions of a combined sewer system and does  
14 not include wastewater backups into buildings  
15 caused by a blockage or other malfunction of a  
16 building lateral that is privately owned. Such term  
17 includes overflows or releases of wastewater that  
18 reach waters of the United States, overflows or re-  
19 leases of wastewater that do not reach waters of the  
20 United States, and wastewater backups into build-  
21 ings that are caused by blockages or flow conditions  
22 in a sanitary sewer other than a building lateral.”.

1 **SEC. 4. MONITORING, REPORTING, AND PUBLIC NOTIFICA-**  
2 **TION OF SEWER OVERFLOWS.**

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

6 “(r) SANITARY SEWER OVERFLOWS.—

7 “(1) GENERAL REQUIREMENTS.—Not later  
8 than 1 year after the date of enactment of this sub-  
9 section, the owner or operator of a publicly owned  
10 treatment works (as defined in section 212) under a  
11 permit issued under this section—

12 “(A) must institute and utilize a method-  
13 ology, technology, or management program that  
14 will alert the owner or operator to the occur-  
15 rence of a sanitary sewer overflow in a timely  
16 manner;

17 “(B) must notify the public of a sanitary  
18 sewer overflow in any area where the overflow  
19 has the potential to affect human health;

20 “(C) must notify the public as soon as  
21 practicable within 24 hours of the time the  
22 owner or operator becomes aware of the over-  
23 flow;

24 “(D) must immediately notify public health  
25 authorities and other affected entities, such as  
26 public water systems, of any sanitary sewer

1 overflow that may imminently and substantially  
2 endanger human health;

3 “(E) must provide to the Administrator or  
4 the State in the case of a State that has a per-  
5 mit program approved under this section either  
6 an oral or electronic report as soon as prac-  
7 ticable within 24 hours of the time the owner  
8 or operator becomes aware of the overflow;

9 “(F) must provide to the Administrator or  
10 the State, as the case may be, within 5 days of  
11 the time the owner or operator becomes aware  
12 of the overflow a written report describing—

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

15 “(ii) the steps taken or planned to re-  
16 duce, eliminate, and prevent recurrence of  
17 the overflow; and

18 “(iii) the steps taken or planned to  
19 mitigate the impact of the overflow;

20 “(G) must report all sanitary sewer over-  
21 flows to waters of the United States on its  
22 monthly discharge monitoring report to the Ad-  
23 ministrator or the State, as the case may be;  
24 and

1           “(H) must report to the Administrator or  
2           the State, as the case may be, the total number  
3           of such overflows (including overflows that do  
4           not reach any waters of the United States) in  
5           a calendar year, including the details of how  
6           much wastewater was released per incident, the  
7           duration of each overflow, the location of the  
8           overflow and any potentially affected receiving  
9           waters, the responses taken to clean up the  
10          overflow, and the actions taken to mitigate im-  
11          pacts and avoid further sanitary sewer over-  
12          flows at the site.

13           “(2) REPORT TO EPA.—If a State receives a re-  
14          port under paragraph (1)(H), the State shall report  
15          to the Administrator annually, in summary, the de-  
16          tails of reported sanitary sewer overflows that oc-  
17          curred in that State.”.

18   **SEC. 5. ELIGIBILITY FOR ASSISTANCE.**

19          Section 603(c) of the Federal Water Pollution Con-  
20          trol Act (33 U.S.C. 1383(c)) is amended—

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

22          and

23                 (2) by inserting after “320 of this Act” the fol-  
24          lowing: “, and (4) for the implementation of require-

1       ments to monitor, report, and notify the public of  
2       sanitary sewer overflows under section 402”.

3       **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

4       Section 607 of the Federal Water Pollution Control  
5       Act (33 U.S.C. 1387) is amended by striking “the fol-  
6       lowing sums” and all that follows through the period at  
7       the end and inserting “\$2,200,000,000 for each of fiscal  
8       years 2006 through 2012.”.

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