

114TH CONGRESS
1ST SESSION

H. R. 2809

To amend the Federal Water Pollution Control Act to prohibit sewage dumping into the Great Lakes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 2015

Mr. DOLD (for himself, Mr. LIPINSKI, and Mr. QUIGLEY) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Federal Water Pollution Control Act to prohibit sewage dumping into the Great Lakes, 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 “Great Lakes Water
5 Protection Act”.

1 **SEC. 2. PROHIBITION ON SEWAGE DUMPING INTO THE**
2 **GREAT LAKES.**

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) PROHIBITION ON SEWAGE DUMPING INTO THE
7 GREAT LAKES.—

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 re-
12 sults in a discharge into the Great Lakes.

13 “(B) DISCHARGE.—

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

20 “(ii) INCLUSIONS.—The term ‘dis-
21 charge’ includes a bypass and a combined
22 sewer overflow.

23 “(C) GREAT LAKES.—The term ‘Great
24 Lakes’ has the meaning given the term in sec-
25 tion 118(a)(3).

1 “(D) PARTIALLY TREATED SEWAGE.—The
2 term ‘partially treated sewage’ means any sew-
3 age, sewage and storm water, or sewage and
4 wastewater, from domestic or industrial sources
5 that—

6 “(i) is not treated to national sec-
7 ondary treatment standards for waste-
8 water; or

9 “(ii) is treated to a level less than the
10 level required by the applicable national
11 pollutant discharge elimination system per-
12 mit.

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

19 “(F) TREATMENT WORKS.—The term
20 ‘treatment works’ has the meaning given the
21 term in section 212.

22 “(2) PROHIBITION.—A publicly owned treat-
23 ment works is prohibited from performing a bypass
24 unless—

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

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

9 “(iii) the treatment works provides notice
10 of the bypass in accordance with this sub-
11 section; or

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

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

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

22 “(B) the bypass occurred during normal
23 periods of equipment downtime or preventive
24 maintenance.

25 “(4) IMMEDIATE NOTICE REQUIREMENTS.—

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

8 “(B) MINIMUM REQUIREMENTS.—

9 “(i) IN GENERAL.—At a minimum,
10 the contents of the notice shall include—

11 “(I) the exact dates and times of
12 the discharge;

13 “(II) the volume of the discharge;
14 and

15 “(III) a description of any public
16 access areas impacted.

17 “(ii) CONSISTENCY.—Minimum re-
18 quirements shall be consistent for all
19 States.

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

23 “(i) follow-up notice requirements
24 that provide a more full description of each

1 event, the cause, and plans to prevent reoc-
2 currence; and

3 “(ii) annual publication requirements
4 that list each treatment works from which
5 the Administrator or the State receive a
6 follow-up notice.

7 “(D) TIMING.—The notice and publication
8 requirements described in this paragraph shall
9 be implemented not later than 2 years after the
10 date of enactment of this subsection.

11 “(5) SEWAGE BLENDING.—Bypasses prohibited
12 by this section include bypasses resulting in dis-
13 charges from a publicly owned treatment works that
14 consist of effluent routed around treatment units
15 and thereafter blended together with effluent from
16 treatment units prior to discharge.

17 “(6) IMPLEMENTATION.—As soon as prac-
18 ticable, the Administrator shall establish procedures
19 to ensure that permits issued under this section (or
20 under a State permit program approved under this
21 section) to a publicly owned treatment works include
22 requirements to implement this subsection.

23 “(7) INCREASE IN MAXIMUM CIVIL PENALTY
24 FOR VIOLATIONS OCCURRING AFTER JANUARY 1,
25 2035.—Notwithstanding section 309, in the case of a

violation of this subsection occurring on or after January 1, 2035, or any violation of a permit limitation or condition implementing this subsection occurring after that date, the maximum civil penalty that shall be assessed for the violation shall be \$100,000 per day for each day the violation occurs.

“(8) APPLICABILITY.—This subsection shall apply to a bypass occurring after the last day of the 1-year period beginning on the date of enactment of this subsection.”.

(b) GREAT LAKES CLEANUP FUND.—

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

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

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

“SEC. 519. ESTABLISHMENT OF GREAT LAKES CLEANUP FUND.

“(a) DEFINITIONS.—In this section:

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

“(2) GREAT LAKES; GREAT LAKES STATES.—The terms ‘Great Lakes’ and ‘Great Lakes States’

1 have the meanings given the terms in section
2 118(a)(3).

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

7 “(c) TRANSFERS TO FUND.—Effective January 1,
8 2035, there are authorized to be appropriated to the Fund
9 amounts equivalent to the penalties collected for violations
10 of section 402(s).

11 “(d) ADMINISTRATION OF FUND.—The Adminis-
12 trator shall administer the Fund.

13 “(e) USE OF FUNDS.—The Administrator shall—

14 “(1) make the amounts in the Fund available
15 to the Great Lakes States for use in carrying out
16 programs and activities for improving wastewater
17 discharges into the Great Lakes, including habitat
18 protection and wetland restoration; and

19 “(2) allocate those amounts among the Great
20 Lakes States based on the proportion that—

21 “(A) the amount attributable to a Great
22 Lakes State for penalties collected for violations
23 of section 402(s); bears to

24 “(B) the total amount of those penalties
25 attributable to all Great Lakes States.

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 address violations of sec-
 5 tion 402(s) resulting in the collection of penalties.”.

6 (2) CONFORMING AMENDMENTS TO STATE RE-
 7 VOLVING FUND PROGRAM.—Section 607 of the Fed-
 8 eral Water Pollution Control Act (33 U.S.C. 1387)
 9 is amended—

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

11 “(a) IN GENERAL.—There is”; and

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

13 “(b) TREATMENT OF GREAT LAKES CLEANUP
 14 FUND.—For purposes of this title, amounts made avail-
 15 able from the Great Lakes Cleanup Fund under section
 16 519 shall be treated as funds authorized to be appro-
 17 priated to carry out this title and as funds made available
 18 under this title, except that the funds shall be made avail-
 19 able to the Great Lakes States in accordance with section
 20 519.”.

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