

115TH CONGRESS
2D SESSION

H. R. 6967

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

SEPTEMBER 28, 2018

Mr. LIPINSKI 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”.

6 **SEC. 2. RESTRICTION ON WASTEWATER RELEASES INTO**
7 **THE GREAT LAKES SYSTEM.**

8 (a) IN GENERAL.—

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

4 “(s) RESTRICTION ON WASTEWATER RELEASES
5 INTO THE GREAT LAKES SYSTEM.—

6 “(1) DEFINITIONS.—In this subsection:

7 “(A) BYPASS.—The term ‘bypass’ means,
8 with respect to a treatment facility that dis-
9 charges into the Great Lakes System, an inten-
10 tional diversion of waste streams from any por-
11 tion of the treatment facility.

12 “(B) GREAT LAKES SYSTEM.—The term
13 ‘Great Lakes System’ has the meaning given
14 the term in section 118(a)(3).

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

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

24 “(2) RESTRICTION.—A publicly owned treat-
25 ment works that discharges into the Great Lakes

1 System is prohibited from performing a bypass un-
2 less—

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

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

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

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

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

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

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

4 “(4) NOTICE REQUIREMENTS.—

5 “(A) IN GENERAL.—The Administrator, in
6 collaboration with States having publicly owned
7 treatment works subject to paragraph (2), shall
8 establish notice requirements, which shall pro-
9 vide for the method, contents, and public avail-
10 ability of the notice, for bypasses (other than
11 bypasses described in paragraph (2)(B)) and
12 combined sewer overflows.

13 “(B) INITIAL NOTICE REQUIREMENTS.—In
14 carrying out subparagraph (A), the Adminis-
15 trator, in collaboration with States described in
16 such subparagraph, shall require an initial no-
17 tice—

18 “(i) to be made as soon as possible
19 after a bypass (other than a bypass de-
20 scribed in paragraph (2)(B)) or a com-
21 bined sewer overflow occurs; and

22 “(ii) to include, at a minimum—

23 “(I) the exact dates and times of
24 the bypass or combined sewer over-
25 flow;

1 “(II) the volume of the bypass or
2 combined sewer overflow; and

3 “(III) a description of any public
4 access areas affected.

5 “(C) FOLLOW-UP NOTICE REQUIRE-
6 MENTS.—In carrying out subparagraph (A), the
7 Administrator, in collaboration with States de-
8 scribed in such subparagraph, shall—

9 “(i) establish follow-up notice require-
10 ments that provide for a full description
11 (including water quality data) of each
12 event for which an initial notice was re-
13 quired, the cause, and plans to prevent re-
14 occurrence; and

15 “(ii) include requirements for making
16 publicly available, including on the website
17 of the Administrator, a list of each treat-
18 ment works from which the Administrator
19 or the State received a follow-up notice,
20 along with the information required under
21 clause (i) for each event for which a follow-
22 up notice was required.

23 “(D) CONSISTENCY.—The Administrator
24 shall ensure that notice requirements estab-

1 lished under this paragraph are consistent for
2 all States described in subparagraph (A).

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

7 (2) CONFORMING AMENDMENT.—Section 425
8 of title IV of division G of the Consolidated Appro-
9 priations Act, 2016 (Public Law 114–113; 129 Stat.
10 2580) is repealed.

11 (b) GREAT LAKES CLEANUP FUND.—

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

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

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

19 **“SEC. 519. ESTABLISHMENT OF GREAT LAKES CLEANUP**
20 **FUND.**

21 “(a) DEFINITIONS.—In this section:

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

24 “(2) GREAT LAKES SYSTEM; GREAT LAKES
25 STATES.—The terms ‘Great Lakes System’ and

1 ‘Great Lakes States’ have the meanings given the
2 terms in section 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’.

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

8 “(d) USE OF FUNDS.—The Administrator shall make
9 the amounts in the Fund available to the Great Lakes
10 States for use in carrying out programs and activities for
11 improving wastewater discharges into the Great Lakes
12 System, including habitat protection and wetland restora-
13 tion programs and activities.

14 “(e) COST SHARE.—In making amounts from the
15 Fund available to Great Lakes States under subsection (d)
16 for programs and activities, the Administrator may re-
17 quire such States to pay up to 50 percent of the costs
18 of the programs and activities.

19 “(f) PRIORITY.—In selecting programs and activities
20 to be funded using amounts made available under this sec-
21 tion, a Great Lakes State shall give priority consideration
22 to programs and activities that reduce or eliminate by-
23 passes (as defined in section 402(s)(1)) or combined sewer
24 overflows.

1 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to the Fund
3 \$250,000,000 for each of fiscal years 2020 through
4 2024.”.

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

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

10 “(a) IN GENERAL.—There is”; and

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

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

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