

117TH CONGRESS
1ST SESSION

H. R. 1844

To amend the Federal Water Pollution Control Act to ensure that publicly owned treatment works monitor for and report sewer overflows, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2021

Mr. MOULTON (for himself and Mrs. TRAHAN) 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 ensure that publicly owned treatment works monitor for and report sewer overflows, 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 “Sewage Treatment
5 Overflow Prevention through Community Sanitation Out-
6 reach Act of 2021” or the “STOP CSO Act of 2021”.

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

3 (a) SEWER OVERFLOW AND STORMWATER REUSE
4 MUNICIPAL GRANTS.—Section 221(a) of the Federal
5 Water Pollution Control Act (33 U.S.C. 1301(a)) is
6 amended by adding at the end the following:

7 “(3) USE OF FUNDS.—A State may use fund-
8 ing provided by a grant under this subsection for
9 monitoring, reporting, and notification required
10 under section 402(t).”.

11 (b) NATIONAL POLLUTANT DISCHARGE ELIMI-
12 NATION SYSTEM.—Section 402 of the Federal Water Pol-
13 lution Control Act (33 U.S.C. 1342) is amended—

14 (1) in subsection (b)(2)(B), by inserting “this
15 section and” after “required in”; and

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

17 “(t) SEWER OVERFLOW MONITORING, REPORTING,
18 AND NOTIFICATIONS.—

19 “(1) GENERAL REQUIREMENTS.—After the last
20 day of the 180-day period beginning on the date on
21 which regulations are issued under paragraph (4), a
22 permit issued, renewed, or modified under this sec-
23 tion by the Administrator (or a State, in the case of
24 a permit program approved by the Administrator)
25 for a publicly owned treatment works shall require
26 the owner or operator of the treatment works to—

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

6 “(B) in the case of a sewer overflow that
7 has the potential to affect human health, notify
8 the public of the overflow as soon as prac-
9 ticable, but in no case more than 4 hours, after
10 the time the owner or operator knows of the
11 overflow;

12 “(C) in the case of a sewer overflow that
13 may imminently and substantially endanger
14 human health, notify public health authorities
15 and other affected entities, such as public water
16 systems, of the overflow immediately after the
17 owner or operator knows of the overflow; and

18 “(D) report each sewer overflow to the Ad-
19 ministrator (or the State), describing—

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

22 “(ii) the steps taken or planned to re-
23 duce, eliminate, or prevent a recurrence of
24 the overflow; and

1 “(iii) the steps taken or planned to
2 mitigate the adverse effects of the over-
3 flow.

4 “(2) EXCEPTION.—The reporting requirements
5 of paragraph (1)(D) shall not apply to a sewer over-
6 flow that is a release of wastewater that occurs in
7 the course of maintenance of a treatment works, is
8 managed consistently with best management prac-
9 tices for treatment works, and is intended to prevent
10 sewer overflows.

11 “(3) ANNUAL REPORT.—In the case of a permit
12 program approved by the Administrator, the State
13 shall submit to the Administrator an annual report
14 describing sewer overflows reported to the State
15 under paragraph (1)(D).

16 “(4) RULEMAKING.—Not later than one year
17 after the date of enactment of this subsection, the
18 Administrator shall issue regulations to implement
19 this subsection, including regulations to—

20 “(A) establish a set of criteria to guide the
21 owner or operator of a publicly owned treat-
22 ment works in—

23 “(i) assessing whether a sewer over-
24 flow has the potential to affect human

1 health or may imminently and substan-
2 tially endanger human health; and

3 “(ii) developing communication meas-
4 ures that are sufficient to give notice
5 under paragraphs (1)(B) and (1)(C); and

6 “(B) define the terms ‘feasible’ and ‘time-
7 ly’ as such terms apply to paragraph (1)(A),
8 which definitions shall include consideration of
9 site-specific conditions.

10 “(5) SPECIAL RULES CONCERNING APPLICA-
11 TION OF NOTIFICATION REQUIREMENTS.—After the
12 last day of the 30-day period beginning on the date
13 on which the Administrator issues regulations under
14 paragraph (4), the requirements of paragraphs
15 (1)(B) and (1)(C) shall apply to the owner or oper-
16 ator of a publicly owned treatment works until such
17 date as a permit is issued, renewed, or modified
18 under this section in accordance with paragraph (1).

19 “(6) STATUTORY CONSTRUCTION.—Nothing in
20 this subsection applies to a wastewater backup that
21 will not result in a discharge into waters of the
22 United States.

23 “(7) DEFINITION OF SEWER OVERFLOW.—In
24 this subsection, the term ‘sewer overflow’ means a

1 sanitary sewer overflow or a municipal combined
2 sewer overflow.”.

3 **SEC. 3. ELIGIBILITY FOR ASSISTANCE.**

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

6 (1) in paragraph (11)(B), by striking “; and”
7 and inserting a semicolon;

8 (2) in paragraph (12)(B), by striking the period
9 and inserting “; and”; and

10 (3) by adding at the end the following:

11 “(13) for the implementation of monitoring for
12 sewer overflows required under section 402(t).”.

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