

Public Notification Requirements for Combined Sewer Overflows to the Great Lakes Basin

What did Congress ask EPA to do?

[Section 425 of the Consolidated Appropriations Act of 2016](#) requires EPA to work with the Great Lakes states to establish public notice requirements for combined sewer overflow (CSO) discharges to the Great Lakes Basin. Section 425 is to be implemented by December 18, 2017. However, implementation deadlines may be extended for individual communities if it is determined that the community needs additional time to comply in order to avoid undue economic hardship.

What action is EPA proposing?

To implement Section 425, EPA published a notice of proposed rulemaking on January 13, 2017 requesting comments on public notification requirements for CSOs to the Great Lakes Basin. When finalized, the rule will be implemented as part of the National Pollutant Discharge Elimination System (NPDES) program. EPA proposes to require NPDES permittees authorized to discharge from a CSO to the Great Lakes Basin to implement the following types of public notification:

- Signage;
- Initial and supplemental notice to local public health departments and other potentially affected public entities, such as drinking water utilities, public beach and recreation agencies;
- Initial and supplemental notice to the public; and
- Annual CSO notice to the public and state NPDES authority.

The proposal includes requirements for NPDES permittees with CSO discharges to the Great Lakes Basin to develop and submit to the NPDES permitting authority a public notification plan. Prior to submission, permittees would be required to seek and consider input from local public health departments and other potentially affected entities whose waters may be potentially impacted by their CSO discharges.

The proposal also sets forth proposed minimum public notification requirements for a permit condition which would be included in all reissued NPDES permits for CSO discharges to the Great Lakes Basin.

When will this action be implemented?

Beginning six months after a final regulation is published, the proposed public notification requirements initially would apply directly by operation of rule to NPDES permittees authorized to discharge from a CSO to the Great Lakes Basin. Within six months of publication of the final rule, permittees would be required to develop and submit to the NPDES permitting authority a public notification plan. The state NPDES authority can extend the compliance dates for notification and/or submittal of the public notification plan for individual communities if the NPDES authority determines the community needs additional time to comply in order to avoid undue economic hardship.

The proposed public notification requirements would be incorporated into the relevant Great Lakes Basin CSO NPDES permits when such permits are next reissued after publication of a final regulation.

What are the objectives of this action?

The objectives of these proposed requirements are to:

- Ensure *timely notice to the public* of CSO discharges which may allow them to take steps to reduce their potential exposure to pathogens associated with the discharges.
- Ensure *timely notice to local public health departments, public drinking water facilities and other potentially affected public entities, including Indian tribes* of specific CSO discharges and support the development of appropriate responses to the discharges, such as ensuring beach closures and advisories; and
- Provide the community with *effective and meaningful follow-up notification* that allows for analysis of trends in combined sewer system performance and provides information on plans to control CSO discharges.

How did EPA develop the proposed requirements?

EPA has worked with the Great Lakes states on developing proposed requirements to implement Section 425 of the 2016 Consolidated Appropriations Act. In addition, on August 1, 2016, EPA published a notice in the Federal Register requesting stakeholder input regarding potential approaches for developing public notice requirements for CSO discharges to the Great Lakes Basin under Section 425. As part of this effort, EPA held a public “listening session” on September 14, 2016, which provided stakeholders and other members of the public an opportunity to share their views.

How can the Public submit Comments on this Proposal?

The comment period for the proposed rule will close March 14, 2017. Comments on the proposal should be submitted to Docket ID No. EPA-HQ-OW-2016-0376 on the *Federal eRulemaking Portal*: <http://www.regulations.gov>. General guidance on making effective comments is available at EPA's [Commenting on EPA Dockets](#).

Where can I find more information?

The notice will be available at <http://www.regulations.gov> under Docket ID: EPA-HQ-OW-2014-0376. In addition, EPA is maintaining a webpage for information regarding the rulemaking at: <https://www.epa.gov/npdes/combined-sewer-overflows-public-notification-requirements-great-lakes>

You may also email Jenelle Hill at hill.jenelle@epa.gov.