

Talking Points

H. 674 - An Act Relating to Public Notice of Wastewater Discharges

Why is this Bill Needed?

This bill is needed to tighten public notice reporting requirements to protect the public from potential health hazards from discharges of less than fully treated sewage and cyanobacteria outbreaks. This bill sets strict public notice reporting requirements for municipalities and private owners of wastewater treatment facilities (which includes collection systems) in connection with:

- combined sewer overflow (CSO) events;
- overflows from sanitary sewers and combined sewer systems during dry weather flows, which result in a discharge to waters of the State (SSO events);
- upsets or bypasses around or within wastewater treatment facilities during dry or wet weather conditions; and
- any discharge of domestic, commercial, or industrial wastewater to separate storm sewer systems.

This bill also addresses public concerns relating to cyanobacteria releases by requiring the Dept. of Health to issue a daily press release to Vermont news media regarding whether cyanobacteria has been identified in any water of the State at a level that could constitute a public health threat.

What are the Current Notification Requirements?

10 V.S.A. § 1278(e) provides that the Secretary of ANR shall post publicly notice of an unpermitted discharge that may pose a threat to human health or the environment on its website within 24 hours of the agency's receipt of notification of the discharge. The Department recently brought on-line a new web-based system wherein wastewater treatment facility (WWTF) operators have been asked by the Department to self-report on an electronic form (nForm) both CSO and SSO events within 12 hours. Notice of an event entered into an nForm is immediately posted to a public website and multiple staff in DEC and the Dept. of Health are immediately notified by an automatic, system generated e-mail. This nForm capability is currently only available to limited number of municipalities that either have combined sewer systems or that have experienced these types of incidents in the last 18 months (20 municipalities). The Department is expanding this nForm capability to all municipalities and private owners of wastewater treatment facilities by the end of February 2016. Some municipalities have expressed concern over this posting requirement and have stated that they are not legally required to post since it is not specified in statute.

Discharges of less than fully treated sewage to surface waters in all other towns is still reported to the Department via telephone call, email, or otherwise to Department staff, who then must post public notice on the Department's public notice website. Unfortunately, during non-business hours, or when staff are tied up with projects, this "middleman" function can result in delays in public noticing of these potential health hazards.

What Notice is Required under H. 674?

H. 674 would statutorily require that municipalities and private owners of wastewater treatment facilities post notice on the Department's public notice website via nForm of any release of less

than fully treated sewage to surface waters. Notice would be required no later than four hours from the detection of an overflow or discharge, except that if the overflow or discharge is detected between the hours of 9:00 p.m. and 5:00 a.m., the operator shall provide notice no later than 10:00 a.m. of that morning. The bill also requires that specific information be provided in the public notice, including the location of the discharge and waterbody affected, the start and end date of the discharge, and the volume of sewage and stormwater (if combined with the sewage) released, and it requires that preliminary incident reports be updated as new information is determined. These notification requirements apply to all releases of less than fully treated sewage.

What are CSOs and SSOs?

A **CSO** is the intentional release of stormwater and untreated sewage to receiving waters following an intense rain or snowmelt. They occur because the stormwater and wastewater pipes are combined underground, and the diameter and length of the collection system pipes have limited volume and capacity. During a storm, they may overflow. If the overflow did not occur, stormwater/sewage would back up into basements and out of manholes into the streets.

A dry weather overflow, or **SSO**, is any non-CSO release of sewage that has received anything less than full treatment in a Wastewater Treatment Facility (WWTF). “Full treatment” means that the wastewater has gone through the entire treatment process (primary clarification, biological treatment, secondary clarification, and disinfection). SSOs may occur due to a wide variety of causes including infrastructure failures (broken sewer pipes), deficient system maintenance, illegal discharges into the system, acts of vandalism, WWTF process failures, etc.

Threat from CSOs and SSOs

CSOs and SSOs threaten public health and the environment. Pathogens in the effluent can cause nausea, vomiting, or other gastrointestinal illnesses. The health hazard often exists for a few days following the end of a CSO or SSO event, as the bacteria die-off. Low level chemical or heavy metal exposures (oils, grease, metals, and pesticides) are also possible. The risk associated with a CSO discharge is generally less severe than that associated with an SSO discharge due to the fact that they tend to be shorter in duration, there is significant dilution of sewage with stormwater (CSO releases are on average approximately 95% stormwater, 5% sewage), and flows in the receiving water are generally high and result in greater dilution. Risk with a SSO release ranges. A SSO of 100% untreated sewage poses a far greater risk than an SSO event releasing fully treated but only partially disinfected effluent.

Number of CSOs and Costs to Eliminate

In 1990, when the State first began its efforts to eliminate CSO outfalls, there were 171 of them. Today, 68 remain. Of those 68 remaining, only a small number (some of which are 75 years old) have experienced a discharge event in the last decade or two. Unfortunately, those few outfalls have been experiencing repeated discharges and are the most difficult and expensive (~\$2.1M per outfall, \$126M total) to eliminate. Funding for these projects is severely limited in comparison to the scope and cost of wastewater related projects, and must be allocated to specific projects based upon their overall impact on human health and the environment.