

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 431, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, line 4, after "purposes of " insert "**sections 31.4 and 31.6 of**
- 2 **this chapter and**".
- 3 Page 1, line 4, after "wastewater" insert "**(including domestic,**
- 4 **commercial, or industrial wastewater)**".
- 5 Page 1, line 10, after "31.3" insert "**, 31.6,**".
- 6 Page 1, line 11, delete "wastewater collection sewer owned by the
- 7 state or a" and insert "**sewer that is designed, constructed, and used**
- 8 **to receive and transport combined sewage.**".
- 9 Page 1, delete lines 12 through 17.
- 10 Page 2, delete lines 1 through 2.
- 11 Page 2, line 18, delete "wastewater collection system owned" and
- 12 insert "**system of combined sewers that:**
- 13 **(1) is designed, constructed, and used to receive and transport**
- 14 **combined sewage to a publicly owned wastewater treatment**
- 15 **plant; and**
- 16 **(2) may contain one (1) or more overflow points that allow**
- 17 **discharge of combined sewage before arrival at the publicly**
- 18 **owned wastewater treatment plant when the hydraulic**
- 19 **capacity of the system or part of the system is exceeded as a**
- 20 **result of a wet weather event.**".
- 21 Page 2, delete lines 19 through 22.

- 1 Page 2, line 29, after "system" insert "**or to a publicly owned**
2 **wastewater treatment plant**".
- 3 Page 2, line 34, delete "Contains" and insert "Uses".
- 4 Page 2, line 35, delete "the response of" and insert ":".
- 5 Page 2, delete line 36.
- 6 Page 2, line 37, after "(i)" insert "**the response of the combined**
7 **sewer system to**".
- 8 Page 2, line 38, after "overflows" insert "**from the combined sewer**
9 **system**".
- 10 Page 2, line 39, delete "an".
- 11 Page 2, line 40, delete "overflow" and insert "**overflows from the**
12 **combined sewer system**".
- 13 Page 3, line 4, delete "evaluations for" and insert "**analyses of**".
- 14 Page 3, line 8, delete "an" and insert "**a practicable**".
- 15 Page 3, line 14, delete "use attainability" and insert "**structured**
16 **scientific assessment of the physical, chemical, biological, and**
17 **economic factors affecting the attainment of a designated use**".
- 18 Page 3, line 15, delete "analysis".
- 19 Page 3, line 17, after "CODE" delete "A S" and insert "AS".
- 20 Page 3, line 19, after "event" insert "**, or combination of**
21 **precipitation events,**".
- 22 Page 3, line 19, delete "results" and insert "**results**".
- 23 Page 3, line 20, after "accumulation" insert "**within a twenty-four**
24 **(24) hour period**".
- 25 Page 3, line 21, delete "rainfall, ice melt, or snow melt." and insert
26 ":".
- 27 Page 3, between lines 21 and 22, begin a new line block indented
28 and insert:
- 29 "(1) rainfall;
30 (2) ice melt; or
31 (3) snow melt."
- 32 Page 3, line 24, delete "submitted" and insert "**, upon**
33 **implementation, fulfills the water quality goals of the state with**
34 **respect to wet weather discharges that are a result of overflows**
35 **from the combined sewer system addressed by the plan if the long**
36 **term control plan provides for the capture for treatment of the**
37 **percentage of the combined sewage occurring during wet weather**
38 **events for the entire combined sewer system, as determined by**
39 **volume on an annual average basis, that corresponds to the point**
40 **at which the increment of pollution reduction to be achieved by**
41 **additional controls begins to diminish in comparison to the**
42 **increment of increased costs of the additional controls for the most**

1 **cost effective control alternative evaluated in the long term control**
 2 **plan."**

3 Page 3, delete lines 25 through 40, begin a new paragraph and
 4 insert:

5 **"(b) If a use attainability analysis is required for a suspension**
 6 **under this chapter, the department must use, to the maximum**
 7 **extent feasible, the information contained in the permit holder's**
 8 **approved long term control plan before requiring any additional**
 9 **information from the permit holder in order to satisfy the**
 10 **requirements of the use attainability analysis."**

11 Page 4, line 1, delete "A" and insert **"(a) Designated uses and**
 12 **associated"**.

13 Page 4, line 1, delete "standard" and insert **"standards"**.

14 Page 4, line 2, delete "article" and insert **"title for waters of the**
 15 **state"**.

16 Page 4, line 2, delete "from a designated use".

17 Page 4, line 3, delete "when a wet weather event causes or
 18 contributes" and insert **", with respect to any water affected by"**.

19 Page 4, line 4, delete "to".

20 Page 4, line 4, after "from" insert **"a"**.

21 Page 4, line 4, delete "overflows" and insert **"system caused by wet**
 22 **weather events,"**.

23 Page 4, line 4, after "if" insert **"with respect to its combined sewer**
 24 **system"**.

25 Page 4, line 8, delete ";".

26 Page 4, line 9, delete "(B) has".

27 Run in lines 8 through 9.

28 Page 4, line 10, after "(i)" insert **"has"**.

29 Page 4, line 14, after "document;" insert **"or"**.

30 Page 4, between lines 14 and 15, begin a new line double block
 31 indented and insert:

32 **"(B) is developing a long term control plan that satisfies the**
 33 **requirements of section 2.3 of this chapter in accordance with**
 34 **the compliance schedule."**

35 Page 4, between lines 20 and 21, begin a new paragraph and insert:

36 **"(b) A suspension of designated uses and water quality criteria**
 37 **under this section applies only:**

38 **(1) to an NPDES permit holder for discharges from its**
 39 **combined sewer system; and**

40 **(2) during the time and to the physical extent that water**
 41 **quality criteria associated with the designated uses for the**
 42 **waters affected by the discharges from combined sewer**

- 1 **system overflows would otherwise be exceeded."**
- 2 Page 4, delete lines 21 through 42.
- 3 Page 5, delete lines 1 through 10.
- 4 Page 5, line 29, after "(B)" insert "**as a result of the increased**
- 5 **limitations, can"**.
- 6 Page 5, line 31, after "factor" insert "**or combination of factors"**.
- 7 Renumber all SECTIONS consecutively.
(Reference is to SB 431 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

Senator Gard, Chairperson