



Great Lakes Basin Combined Sewer Overflow Public Notification Rule 40 CFR 122.38

- Timelines and General Requirements
- Special Considerations
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- Key Elements of the Great Lakes Basin CSO Public Notification Rule
- Significant differences from the current Indiana Combined Sewer Overflow Public Notification Rules - 327 IAC 5-2.1-4, 5, 6 and 7



New Great Lakes Basin CSO Public Notification Rule 40 CFR 122.38

Rule Effective Date

- The Rule Effective date is February 7, 2018

Public outreach for Public Notification Plans

- 122.38(d) requires permittees in the Great Lakes Basin with CSOs to seek input and recommendations from public health departments, other affected public entities, and Indian Tribes on the public notification plan. The recommendations and input must be considered in the development of the public notification plan.

Public Notification Plans

- 122.38(c) requires the Plans to be submitted to IDEM by August 7, 2018.
- Must contain CSO signage, message, locations, maintenance plan
- Must contain methods for initial and supplemental notifications of CSO events
- Must contain the method for providing the CSO Annual Notice



New Great Lakes Basin CSO Public Notification Rule 40 CFR 122.38

Public Notification Requirements

- 122.38(a) requires implementation of public notification by November 7, 2018.
- Must include signage of CSO outfalls with a sign maintenance plan
- Must notify public health departments and other affected public entities within 4 hours of becoming aware of CSO event and provide a supplemental notice within 7 days after a CSO event
- Must notify the public within 4 hours of becoming aware of CSO event and provide a supplemental notice within 7 days after a CSO event.

Annual Report Notice

- In May of each year, starting to become applicable February 7, 2019, unless another date is approved by IDEM, the permittee must provide an Annual Notice to the public
- Posted to permittee's website, or other publicly available means
- Must notify IDEM and EPA, when the Notice becomes available
- Summarizes CSO data, LTCP status, and a summary of the CSO 9 minimum controls

NPDES Permit Implementation

- New Standard Conditions have been added to 40 CFR 122.42(f), which will be added to affected NPDES permits
- 40 CFR 122.21(j)(8)(iii) requires that NPDES permit applications include the submittal of the Public Notification Plans



Special Considerations

- Applies only to Great Lakes Basin CSO dischargers
- Applies to ALL CSO types (untreated and treated discharges – Wet Weather Treatment Facilities discharges are subject to this rule)
- Signage – existing signage can be used, but when a sign is replaced, it must meet the new requirements
- For public notification - Allows permittees to provide a general public notice for discharges from multiple locations during a precipitation event, instead of notice for each CSO outfall
- For public notification - If physical action is necessary to limit the public's health impact of the CSO event, and if all staff are involved in these actions, then the four (4) hour window will start upon completion of that action.
- For the Public Notification Plan– Permittees that serve over 75,000 persons must assess flow modeling, if used, for the need to re-calibrate every five (5) years.



Applicability Considerations

- U.S. EPA clarified in 40 CFR 122.38(a) – “All permittees *authorized* to discharge a combined sewer overflow (CSO) to the Great Lakes Basin (“Great Lakes Basin CSO permittee”) must provide public notification of CSO discharges...”
- Indiana’s Current Statewide CSO Public Notification Rule found at 327 IAC 5-2.1-2 clarifies – Any person required to possess a NPDES permit and having one (1) or more *combined sewer overflow outfalls* into waters of the state must comply with this rule.
- Indiana defined ‘*combined sewer overflow outfalls*’ 327 IAC 5-2.1-3(6) – a structure that: (A) conveys combined sewage into a receiving waterbody; and (B) is listed in an NPDES permit.



Applicability Considerations

- The Federal Rule applies only to *authorized* CSO discharges, while Indiana's Rule applies to any CSO outfall listed in an NPDES permit.
- Many CSO permittees in Indiana have CSO outfalls listed in a NPDES permit, but have been prohibited from being discharged.
- Great Lakes Basin permittees will be subject to 40 CFR 122.38 for authorized CSO discharges.
- Great Lakes Basin permittees that do not have authorized CSO outfalls, but prohibited CSO outfalls that are listed in the NPDES permit will be subject to the Indiana CSO Public Notification Rule at 327 IAC 5-2.1.



Key Elements of GLB CSO PN Rule

- **Public Notification Plan** – 40 CFR 122.38(c) – Due August 7, 2018 and with subsequent NPDES permit renewals. Key elements include:

Signs: Location of signs for CSO points (and explanation where signs cannot be placed)

Signs: Description of message on signs

Signs: Protocol for maintaining signs

Identification and contact information for:

impacted public entities, public water supplies, public parks, and sensitive areas

Summary of comments from public health department and/or other impacted public entities

Protocols for initial notice to public health department and impacted public entities

Protocols for supplemental notice to public health department and impacted public entities

Protocols for initial notice to the public (must include justification for any delay in notice due to physical action required by permittee to minimize public health impact)

Protocol for supplemental notice to the public

CSO flow monitoring: Description for each outfall how the volume and duration of events will be measured.

(CSO that are modeled only): Explanation of the model and its calibration is necessary

Protocols for making the annual notice available to the public

(Renewals only): Describe and significant modifications to the plan



Key Elements of GLB CSO PN Rule

- **Initial Notice to Local Health Department and other affected Public Entities** – 40 CFR 122.38(a)(2)(i) – Implementation to begin November 7, 2018

Notice made within four (4) hours of becoming aware of CSO event

Impacted waterbody

Location of discharge

Location of public access areas impacted

Date and Time started or became aware of CSO event

Point of contact for permittee

Whether discharge is continuing or has ended, if ended, date and time event ended

- Where CSOs from the same system discharge at multiple locations during the same precipitation event, the permittee may provide a description of the area in the waterbody where discharges are occurring and identify public access areas potentially impacted, and then the permittee would not be obligated to specify each CSO discharge location.



Key Elements of GLB CSO PN Rule

- **Supplemental Notice to Local Health Department and affected Public Entities – 40 CFR 122.38(a)(2)(ii)** – Implementation to begin November 7, 2018

Notice within seven (7) days of a CSO event

Measured or estimated volume of discharge

Time/Date the discharge ended

- Where CSOs from the same system discharge at multiple locations during the same precipitation event, the permittee may provide a description of the area in the waterbody where discharges are occurring and identify public access areas potentially impacted, and then the permittee would not be obligated to specify each CSO discharge location.



Key Elements of GLB CSO PN Rule

- **Initial Notice to the Public** – 40 CFR 122.38(a)(3)(i) and (ii) – Implementation to begin November 7, 2018

Notice must be made within four (4) hours of becoming aware of CSO event

Impacted Waterbody

Location of discharge

Identification of public access areas impacted

Date and time started

Statement as to whether discharge is continuing or has ended, if ended, time and date ended

- Notice must be made by electronic means (text, email, social media, website, etc.).
- If physical action is necessary to limit public health impact of CSO event, and all staff are involved in action, then the four (4) hour window will begin following those action(s).
- Where CSOs from the same system discharge at multiple locations during the same precipitation event, the permittee may provide a description of the area in the waterbody where discharges are occurring and identify public access areas potentially impacted, and then the permittee would not be obligated to specify each CSO discharge location.



Key Elements of GLB CSO PN Rule

- **Supplemental Notice to the Public** – 40 CFR 122.38(a)(3)(iii) – Implementation to begin November 7, 2018

Notice within seven (7) days of a CSO event

Measured or estimated volume of the discharge

Time/Date the discharge ended

- Where CSOs from the same system discharge at multiple locations during the same precipitation event, the permittee may provide a description of the area in the waterbody where discharges are occurring and identify public access areas potentially impacted, and then the permittee would not be obligated to specify each CSO discharge location.



Key Elements of GLB CSO PN Rule

- Signage Requirements – 40 CFR 122.38(a)

Name of permittee

Description of discharge

Notice that sewage may be present in water

Telephone Number

CSO Outfall Number

NPDES Permit Number

- Existing signs do not need to meet these requirements. However, when a sign is replaced, the sign must then meet these new requirements.
- Permittee is to conduct periodic maintenance in accordance with its maintenance protocol outlined in the Public Notification Plan.
- Signs must be at all CSO outfalls, unless deemed infeasible, and all public access areas.



Key Elements of GLB CSO PN Rule

- **Annual Notice Requirement** – 40 CFR 122.38(b) – Summary of the past calendar year. Due once a year, by May 1, unless another date is agreed to by IDEM.

Description of all CSO locations

Receiving waters identification

Identification of treatment provided, if any

Date, location, duration (approximate), volume (measured/estimated), and cause for each wet weather event

Summary of monitoring data

Description of public access areas

Precipitation data (nearest 0.1 of inch) that caused CSO event

Permittee contact information

Summary of 9 minimum controls and LTCP implementation status

Key milestone remaining in LTCP

Description of annual number of CSO events anticipated after full LTCP implementation



Significant Differences from current CSO Public Notification Rule

- Requires new coordination with public health departments and other impacted public entities
- Requires submittal of a specific public notification plan for both public health department/impacted public entities and the general public
- Requires notification within a specific timeframe (4 hours) and a supplementary notice within 7 days
- Notice must be in electronic fashion
- Requires implementation within NPDES permits
- Requires slightly different signage requirements and a maintenance protocol
- Requires an Annual Notice (Report)
- Requirements must be implemented within the NPDES permit