The background of the slide is a light gray gradient with several realistic water droplets of various sizes scattered across it. The droplets have highlights and shadows, giving them a three-dimensional appearance. The text is positioned on the left side of the slide.

314 CMR 16.00: NOTIFICATION REQUIREMENTS TO PROMOTE PUBLIC AWARENESS OF SEWAGE POLLUTION

MASSDEP

MARCH 2022

OUTLINE OF PRESENTATION

- Statute
- What BOHs need to know
- Regulations
- Events requiring notification by permittees
- Permittee notification requirements
- CSO permittee website and signage
- Public notification plans
- Public health warnings
- Environmental justice components

STATUTE

- An Act Promoting Awareness of Sewage Pollution in Public Waters
 - Signed into law January 2021
 - Takes effect 540 days after passage (July 2022)
- Requires MassDEP to:
 - Promulgate regulations by January 12, 2022
 - Post event notifications on website within 24 hours, and provide access to notifications and timely updates
 - Publish an annual report each May

REGULATIONS

- Notification Requirements to Promote Public Awareness of Sewage Pollution (314 CMR 16.00)
 - Public notice October 4 – November 8, 2021
 - Final regulations promulgated January 7, 2022
 - Majority of provisions take effect July 6, 2022

WHAT LOCAL BOHs NEED TO KNOW

- ❑ **Coordination with Permittees on Signage:** Coordination with CSO permittees needed to select locations for placement of permanent signage at public access points. Resources to assist are in development including a GIS layer of state owned or controlled access points such as DFG and DCR boat ramps and fishing piers, as well as state regulated resources such as Shellfish Growing Areas and public bathing beaches for permanent sign location consideration. BOHs and permittees may also want to consider sign locations at other public access points, including municipally owned or public areas.
- ❑ **Public Advisory Notifications:** Will be sent from permittees. What does it mean when you get a Notification from the permittee?
- ❑ **Responding to Events / Public Health Warnings:** BOHs have responsibilities detailed in the regulations at 314 CMR 16.09, including issuance of Public Health Warnings and placing temporary signs.

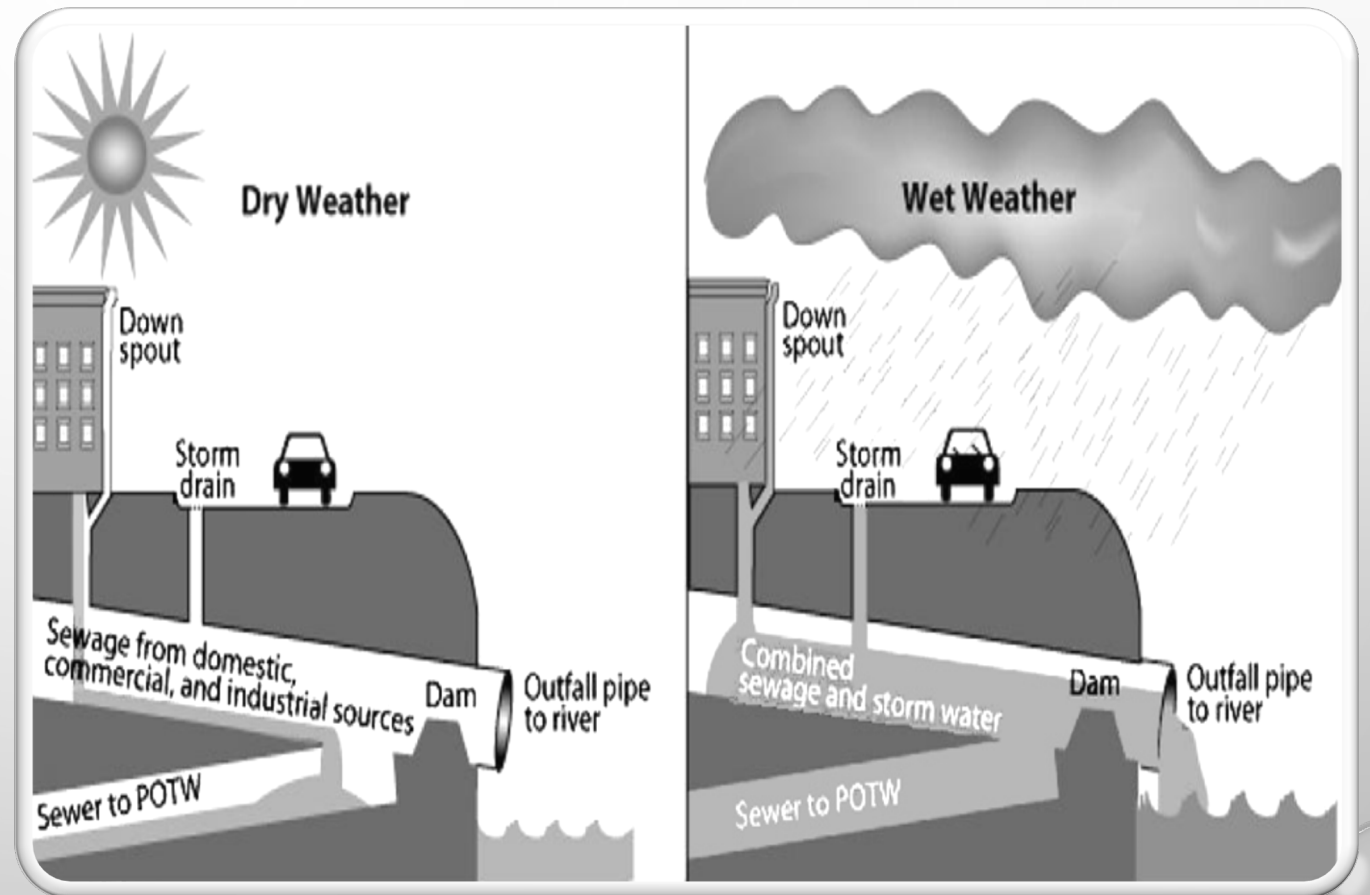
EVENTS REQUIRING NOTIFICATION

- Combined Sewer Overflows (CSOs)
- Certain types of Sanitary Sewer Overflows (SSOs)
- Partially treated wastewater, including blended wastewater



WHAT IS A CSO?

- Any discharge of untreated or partially treated wastewater to a surface water of the Commonwealth, from an outfall that is connected to a combined sewer system
 - Discharges consist of a mix of sewage and stormwater



COMBINED SEWER OVERFLOW PERMITTEES IN MASSACHUSETTS

* **BOSTON WATER AND SEWER COMMISSION/ MWRA**

* **CAMBRIDGE**

* **CHICOPEE**

* **FALL RIVER**

* **FITCHBURG**

* **GLOUCESTER**

* **GREATER LAWRENCE SEWER DISTRICT**

* **HAVERHILL**

* **HOLYOKE**

* **LOWELL**

* **LYNN**

* **MONTAGUE**

* **CHELSEA**

* **MASSACHUSETTS WATER RESOURCES AUTHORITY (MWRA)**

BOSTON HARBOR, CHARLES & MYSTIC RIVERS, & ALEWIFE BROOK

* **NEW BEDFORD**

* **SOMERVILLE**

* **SPRINGFIELD**

* **TAUNTON**

* **WORCESTER**

WHAT IS AN SSO?

- Any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system, for example:
 - Break in a sewer main
 - Pump station failure
 - Blockage in a sewage pipe
- Not all SSOs require notification under 314 CMR 16.00; all SSOs require reporting under 314 CMR 12.00 (Operation & Maintenance of Sewer Systems)

SSOS REQUIRING NOTIFICATION UNDER 314 CMR 16.00

- Any SSOs that discharges through a wastewater outfall, either directly or indirectly, to a surface water of the Commonwealth
- Any SSOs that flows into a surface water of the Commonwealth and is the result of the sanitary sewer system surcharging under high flow conditions when peak flows cannot be conveyed to a POTW due to capacity constraints
- Any SSO that flows into a surface water of the Commonwealth and is the result of a failure of a wastewater pump station or associated force main designed to convey peak flows of 1 million gallons per day or greater



PUBLIC ADVISORY NOTIFICATION REQUIREMENTS

- Issued by permittee
- Applies to CSOs, certain SSOs, partially treated wastewater
- Notice within two hours of discovery
 - Posted on permittee's website
 - Sent to state, federal, local agencies, **BOHs in affected municipalities**, news organizations, individuals subscribed to receive notifications
 - Include specific information specified in regulation (next slide)

CONTENTS OF PUBLIC ADVISORY NOTIFICATIONS

- Location of discharge or overflow
- Date, time, duration of discharge or overflow
- Estimated volume based on data from prior 3 years
- Identity of permittee
- Whether discharge or overflow has ceased
- Waters and land areas potentially affected
- Precautionary measures to be taken by the public
- Link to permittee's website
- Statement that discharge or overflow consists of, or likely consists of untreated or partially treated sewage and waste

CSO PERMITTEE WEBSITE AND SIGNAGE

- Website

- **Map of outfalls**, summary/status of Long Term Control Plan, links to CSO reports
- Instructions for subscribing to notifications

- Signage

- Permanent sign at each outfall already required by NPDES permits
- New permanent signage required at public access points affected by CSO discharges
- Specific content as specified in statute and regulation
- **Number of signs and locations to be determined through CSO Public Notification Plan and consultation with BOHs in municipalities affected by discharges**

PUBLIC NOTIFICATION PLANS

- CSO Public Notification Plans
 - Preliminary plans due May 1, 2022
 - Final plans due January 12, 2023
 - Describe method of detecting discharges and estimating volume of discharges
 - Include information about website, signage, measures to communicate to EJ populations
 - **Requires consultation with BOHs in affected municipalities to determine location of signage, how signage will be modified for ongoing discharges**
- SSO Public Notification Plans due July 6, 2022
 - Include information about website and measures to communicate to EJ populations

PUBLIC HEALTH WARNINGS

- DEP consulted with DPH on standards for municipal BOH to issue public health warnings – in the regulations.
- Public health warnings triggered when BOH notified by permittee of:
 - CSO and partially treated discharges exceeding 2-hour duration
 - All SSOs requiring notification under 314 CMR 16.00
 - CSO and partially treated discharges less than 2 hours in duration **if BOH thinks there is risk to public health**
- If more than one discharge on same waterbody, BOH can determine if more than one public health warning is necessary

PUBLIC HEALTH WARNINGS FROM BOH

- Use existing emergency notification system, including reverse 911 call system if available
- Information that must be included:
 - Receiving waters affected
 - Location, date, and time of discharge/overflow
 - Recommendation to avoid contact with water for 48 hours
 - Information about where to find closure status of beaches, shellfish growing areas, and other water resource areas
 - Access to translations of the warning, for EJ populations lacking English language proficiency

SIGNAGE FOR PUBLIC HEALTH WARNINGS

- When public health warnings issued, BOH must post or cause to be posted temporary signage, or use a permanent sign, in conspicuous locations affording access to waterbodies
- Permanent signs installed by CSO permittees can be used for this purpose
- SSOs will always require a temporary sign

SIGNAGE FOR PUBLIC HEALTH WARNINGS

- Signage must include:
 - “WARNING! AVOID CONTACT WITH WATER – MAY CAUSE ILLNESS”
 - Infographics depicting no fishing, boating, or swimming
 - Reason for the warning is to inform public about sewage in surface waters
 - Approximate date, time, and duration of discharge
 - Information about where to find closure status of beaches, shellfish growing areas, and other water resource areas
 - BOH/health department contact information
 - For EJ populations lacking English language proficiency, translation of statement in first bullet, access to translation of other text

ENVIRONMENTAL JUSTICE COMPONENTS

- Permittee requirement for contacting news organizations that serve EJ populations for public advisory notifications
- Language translation, as appropriate, for:
 - Public advisory notifications
 - Signage at public access points
 - Public notice of CSO Public Notification Plan
 - Public health warnings and temporary signage at access points
- Media outlet that serves EJ populations for public notice of CSO Public Notification Plan

EJ POPULATIONS LACKING ENGLISH LANGUAGE PROFICIENCY

- MUNICIPALITIES ON THIS LIST THAT HAVE THE LETTER “E” UNDER THE EJ CRITERIA COLUMN HAVE 25 PERCENT OR MORE OF HOUSEHOLDS THAT LACK ENGLISH LANGUAGE PROFICIENCY: [HTTPS://WWW.MASS.GOV/DOC/MASSACHUSETTS-CITIES-TOWNS-WITH-ENVIRONMENTAL-JUSTICE-POPULATIONS/DOWNLOAD](https://www.mass.gov/doc/massachusetts-cities-towns-with-environmental-justice-populations/download)
- IF 25 PERCENT OR MORE OF HOUSEHOLDS LACK ENGLISH LANGUAGE PROFICIENCY, DETERMINE WHETHER AND WHERE AT LEAST 5% OF THE POPULATION HAS SPEAKERS WHO SELF-IDENTIFY AS “DO NOT SPEAK ENGLISH VERY WELL”, AND IDENTIFY THESE LANGUAGES THAT NOTIFICATIONS MUST BE TRANSLATED INTO.
- THIS MAP ([HTTPS://MASS-EOEEA.MAPS.ARCGIS.COM/APPS/WEBAPPVIEWER/INDEX.HTML?ID=DFFD9F4](https://mass-oeea.maps.arcgis.com/apps/webappviewer/index.html?id=dffdbf9c109647fc9601f7524c1fd9f4)) SHOWS CENSUS TRACTS WHERE AT LEAST 5% OF THE POPULATION HAS SPEAKERS WHO SELF-IDENTIFY AS “DO NOT SPEAK ENGLISH VERY WELL.” BLOCK GROUPS CLASSIFIED AS EJ POPULATIONS BASED ON THE ENGLISH LANGUAGE ISOLATION CRITERION CAN ALSO BE DISPLAYED. CLICK ON A TRACT (IN PINK) TO FIND WHICH LANGUAGES ARE SPOKEN BY AT LEAST 5% OF THE POPULATION.

QUESTIONS?

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