

117TH CONGRESS  
1ST SESSION

# H. R. 1844

To amend the Federal Water Pollution Control Act to ensure that publicly owned treatment works monitor for and report sewer overflows, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2021

Mr. MOULTON (for himself and Mrs. TRAHAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend the Federal Water Pollution Control Act to ensure that publicly owned treatment works monitor for and report sewer overflows, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sewage Treatment  
5 Overflow Prevention through Community Sanitation Out-  
6 reach Act of 2021” or the “STOP CSO Act of 2021”.

1 **SEC. 2. MONITORING, REPORTING, AND PUBLIC NOTIFICA-**  
2 **TION OF SEWER OVERFLOWS.**

3 (a) SEWER OVERFLOW AND STORMWATER REUSE  
4 MUNICIPAL GRANTS.—Section 221(a) of the Federal  
5 Water Pollution Control Act (33 U.S.C. 1301(a)) is  
6 amended by adding at the end the following:

7 “(3) USE OF FUNDS.—A State may use fund-  
8 ing provided by a grant under this subsection for  
9 monitoring, reporting, and notification required  
10 under section 402(t).”.

11 (b) NATIONAL POLLUTANT DISCHARGE ELIMI-  
12 NATION SYSTEM.—Section 402 of the Federal Water Pol-  
13 lution Control Act (33 U.S.C. 1342) is amended—

14 (1) in subsection (b)(2)(B), by inserting “this  
15 section and” after “required in”; and

16 (2) by adding at the end the following:

17 “(t) SEWER OVERFLOW MONITORING, REPORTING,  
18 AND NOTIFICATIONS.—

19 “(1) GENERAL REQUIREMENTS.—After the last  
20 day of the 180-day period beginning on the date on  
21 which regulations are issued under paragraph (4), a  
22 permit issued, renewed, or modified under this sec-  
23 tion by the Administrator (or a State, in the case of  
24 a permit program approved by the Administrator)  
25 for a publicly owned treatment works shall require  
26 the owner or operator of the treatment works to—

1           “(A) institute and utilize a feasible meth-  
2           odology, technology, or management program  
3           for monitoring sewer overflows to alert the  
4           owner or operator to the occurrence of a sewer  
5           overflow in a timely manner;

6           “(B) in the case of a sewer overflow that  
7           has the potential to affect human health, notify  
8           the public of the overflow as soon as prac-  
9           ticable, but in no case more than 4 hours, after  
10          the time the owner or operator knows of the  
11          overflow;

12          “(C) in the case of a sewer overflow that  
13          may imminently and substantially endanger  
14          human health, notify public health authorities  
15          and other affected entities, such as public water  
16          systems, of the overflow immediately after the  
17          owner or operator knows of the overflow; and

18          “(D) report each sewer overflow to the Ad-  
19          ministrator (or the State), describing—

20                  “(i) the magnitude, duration, and sus-  
21                  pected cause of the overflow;

22                  “(ii) the steps taken or planned to re-  
23                  duce, eliminate, or prevent a recurrence of  
24                  the overflow; and

1 “(iii) the steps taken or planned to  
2 mitigate the adverse effects of the over-  
3 flow.

4 “(2) EXCEPTION.—The reporting requirements  
5 of paragraph (1)(D) shall not apply to a sewer over-  
6 flow that is a release of wastewater that occurs in  
7 the course of maintenance of a treatment works, is  
8 managed consistently with best management prac-  
9 tices for treatment works, and is intended to prevent  
10 sewer overflows.

11 “(3) ANNUAL REPORT.—In the case of a permit  
12 program approved by the Administrator, the State  
13 shall submit to the Administrator an annual report  
14 describing sewer overflows reported to the State  
15 under paragraph (1)(D).

16 “(4) RULEMAKING.—Not later than one year  
17 after the date of enactment of this subsection, the  
18 Administrator shall issue regulations to implement  
19 this subsection, including regulations to—

20 “(A) establish a set of criteria to guide the  
21 owner or operator of a publicly owned treat-  
22 ment works in—

23 “(i) assessing whether a sewer over-  
24 flow has the potential to affect human

1 health or may imminently and substan-  
2 tially endanger human health; and

3 “(ii) developing communication meas-  
4 ures that are sufficient to give notice  
5 under paragraphs (1)(B) and (1)(C); and

6 “(B) define the terms ‘feasible’ and ‘time-  
7 ly’ as such terms apply to paragraph (1)(A),  
8 which definitions shall include consideration of  
9 site-specific conditions.

10 “(5) SPECIAL RULES CONCERNING APPLICA-  
11 TION OF NOTIFICATION REQUIREMENTS.—After the  
12 last day of the 30-day period beginning on the date  
13 on which the Administrator issues regulations under  
14 paragraph (4), the requirements of paragraphs  
15 (1)(B) and (1)(C) shall apply to the owner or oper-  
16 ator of a publicly owned treatment works until such  
17 date as a permit is issued, renewed, or modified  
18 under this section in accordance with paragraph (1).

19 “(6) STATUTORY CONSTRUCTION.—Nothing in  
20 this subsection applies to a wastewater backup that  
21 will not result in a discharge into waters of the  
22 United States.

23 “(7) DEFINITION OF SEWER OVERFLOW.—In  
24 this subsection, the term ‘sewer overflow’ means a

1 sanitary sewer overflow or a municipal combined  
2 sewer overflow.”.

3 **SEC. 3. ELIGIBILITY FOR ASSISTANCE.**

4 Section 603(c) of the Federal Water Pollution Con-  
5 trol Act (33 U.S.C. 1383(c)) is amended—

6 (1) in paragraph (11)(B), by striking “; and”  
7 and inserting a semicolon;

8 (2) in paragraph (12)(B), by striking the period  
9 and inserting “; and”; and

10 (3) by adding at the end the following:

11 “(13) for the implementation of monitoring for  
12 sewer overflows required under section 402(t).”.

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