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# SEWAGE OVERFLOW COMMUNITY RIGHT-TO-KNOW ACT

APRIL 20, 2010.—Ordered to be printed

Mrs. BOXER, from the Committee on Environment and Public Works, submitted the following

## R E P O R T

together with

## MINORITY VIEWS

[To accompany S. 937]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 937) to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes, reports favorably thereon without amendment and recommends that the bill do pass.

### OBJECTIVES OF THE LEGISLATION

The purpose of S. 937, the Sewage Overflow Community Right-to-Know Act, is to provide a uniform, national standard for monitoring, reporting, and public notification of municipal combined sewer overflows (CSO) and sanitary sewer overflows (SSO). The bill would require each publicly owned treatment works, that hold an issued, renewed, or modified Federal Water Pollution Control Act (Clean Water Act) permit, to institute a methodology, technology, or management program for monitoring sewer overflows to alert the operator of the treatment works of a sewer overflow in a timely manner. S. 937 would also require, in the case of a sewer overflow that has the potential to affect human health, that the owner or operator of a treatment facility notify the public of the overflow as

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soon as practicable and to compile yearly reports on sewer overflows.

## GENERAL SATEMENT AND BACKGROUND

The bill would require communities to provide the public and public health officials with information regarding sewer overflows. In 2004, the U.S. Environmental Protection Agency (EPA) estimated that up to 75,000 SSO events occur each year in the United States, releasing up to 10 billion gallons of untreated wastewater. This bill would require monitoring, reporting, and notification standards regarding sewage overflow events, and would authorize funding for such activities.

Currently, there is no uniform, national standard for notification of combined and sanitary sewer overflows. Current Federal notification efforts include:

- Under section 1414 of the Safe Drinking Water Act, public water systems are required to notify the persons served by the system of any failure to comply with applicable Federal or state drinking water standards, the existence of any drinking water variance to safe drinking water standards, and the presence of any "unregulated contaminants" that pose a public health threat. The Act also requires public water systems to provide written notice and annual reports to Federal and State agencies, as well as to the public.
- Section 406 of the Clean Water Act authorizes funding for state and local governments to implement monitoring and notification programs for some coastal waters. Under this provision, the Federal government provides grants to states to run such programs.
- The Centers for Disease Control and Prevention (CDC) is involved in tracking disease outbreaks. The CDC's National Center for Infectious Diseases uses water quality sampling and reports of waterborne disease outbreaks to supply information on these events.

Alerting local offcials and the public to discharges of pollutants from CSOs and SSOs could help prevent human illness from waterborne diseases and pathogens. By providing the public and public health officials with this information, appropriate action can be taken to protect public health.

Wastewater infrastructure in the United States is aging and in need of important but expensive repairs. These repairs will require significant investment to prevent the occurrence of sewer overflows. In EPA's most recent Clean Watershed Needs Survey, the agency estimated the future capital needs to address existing CSOs at $54.8 billion. In a 2004 Report to Congress on the Impacts and Control of CSOs and SSOs, EPA also estimated that it would require an additional $88.5 billion in capital improvements through 2020 to reduce the frequency of SSOs.

In April 1994, EPA issued the Combined Sewer Overflow Control Policy (59 Fed. Reg. 18688), which established a national framework for control of CSOs through the Clean Water Act's permitting program. This policy requires owners and operators of combined sewer systems to implement minimum technology-based controls that can reduce the prevalence and impacts of CSOs without significant engineering studies or major construction. These controls include a requirement for the public disclosure of CSOs. In 2001,

as part of the Consolidated Appropriations Act, 2001 (Pub. L. 106–554), Congress amended the Clean Water Act to require that permits for combined sewer systems conform to the Combined Sewer Overflow Control Policy.

Under existing EPA rules (40 CFR 122.41(1)(6)), NPDES permits should establish a process for requiring a permittee to report any noncompliance with the permit that may endanger human health or the environment. However, these regulations do not specifically require public notification of SSOs.

In 2001, the EPA issued a draft SSO rule that would have implemented a formal program for reporting, public notification, and recordkeeping for sanitary sewer systems and SSOs. However, EPA's draft SSO rule was never finalized, and was later withdrawn. No additional proposals for public notification of SSOs have been issued.

The monitoring, notification, and reporting requirements of the Sewage Overflow Community Right-to-Know Act are not intended to preclude or deny any right of a State, municipality, or individual publicly owned treatment works from implementing monitoring, notification, or reporting requirements that are more stringent or comprehensive than those contained in S. 937 or the regulations promulgated by the EPA to implement this Act. Accordingly, States, municipalities, and individual publicly owned treatment works may adopt or enforce any regulation, requirement, or permit condition with respect to monitoring, notification, and reporting that is more stringent than a regulation, requirement, or permit condition issued under the Sewage Overflow Community Right-to-Know Act.

In addition, the additional monitoring, notification, and reporting requirements under S. 937 do not explicitly or implicitly authorize SSOs or municipal CSOs outside of the existing statutory requirements of the Clean Water Act.

Finally, the Committee intends that the amendments to the Clean Water Act made by the Sewage Overflow Community Right-to-Know Act will continue to allow for the utilization of the Combined Sewer Overflow Control Policy (under Sec. 402(q) of the Clean Water Act) to the extent that the monitoring, notification, and reporting requirements contained in the minimum controls and long term control plan of an individual publicly owned treatment works are not inconsistent with the monitoring, notification, and reporting requirements of S. 937. To the extent that an individual publicly owned treatment works' minimum controls or long-term control plan either does not include monitoring, notification, or reporting requirements, or such monitoring, notification, or reporting requirements are inconsistent with the requirements of S. 937, the monitoring, notification, or reporting requirements contained in S. 937, and the implementing regulations promulgated by the EPA shall apply.

## SECTION-BY-SECTION ANALYSIS

*Section 1. Short title*

This section designates the title of the bill as the "Sewage Overflow Community Right-to-Know Act".

*Section. 2. Definitions*

This section amends section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) to include a definition for the term "treatment works".

*Section 3. Monitoring, reporting, and public notification of sewer overflows*

This section amends section 402 of the Federal Water Pollution Control Act by adding a new subsection (s) to provide a uniform, national standard for monitoring, reporting, and public notification of combined sewer overflows and sanitary sewer overflows.

Subsection (s)(1) defines the terms "Sanitary Sewer Overflow", "Sewer Overflow" and "Single-Family Residence".

The definition of SSO applies only to the requirements of this legislation and does not apply to the entire Federal Water Pollution Control Act. Further, nothing in this legislation affects the extent to which Sanitary or Combined Sewer Overflows are prohibited under the Clean Water Act. Sanitary Sewer Overflows that reach waters of the U.S. or that violate individual permit conditions continue to be prohibited.

Subsection (s)(2) provides general notice and reporting requirements for owners or operators of publicly owned treatment works regarding sewer overflow events. After 180 days following promulgation of regulations under this Act, any issued, renewed or modified permits would require that owners or operators of publicly owned treatment works: institute monitoring technology to quickly identify sewer overflow; notify the public of a sewer overflow with the potential to affect human health within 24 hours; immediately notify public health authorities and other affected entities of a sewer overflow that may imminently and substantially endanger human health; report sewer overflows to the Administrator or the State on its discharge monitoring report, including overflow details, steps to prevent recurrence and steps to mitigate the impact of the overflow; and annually report the total number of sewer overflows, including details on the volume of wastewater released, duration, location, response, and actions taken to mitigate the impacts and avoid further future overflows.

Subsection (s)(3) provides exceptions from notification requirements for single-family residences and from the reporting requirements for the release of wastewater related to preventative maintenance.

Subsection (s)(4) requires States to provide annual reports to EPA summarizing overflows.

Subsection (s)(5) directs the Administrator, within one year, to finalize and issue regulations to implement this subsection, including regulations to establish criteria to guide assessment of whether an overflow imminently and substantially endangers human health and to define the terms "feasible" and "timely".

Subsection (s)(6) authorizes the Administrator to approve alternative overflow monitoring and reporting programs if the State has in place a legally enforceable notification program that is substantially equivalent to the requirements of this subsection. If a State submits evidence of a notification program 30 days or earlier than the date on which the Administrator issues regulations, the requirements under such paragraphs do not apply until the Adminis-

trator completes review of the notification program. The Administrator is authorized to withdraw authorization of a State's program if after conducting a public hearing, the Administrator determines that a State is not administering and enforcing a notification program that is substantially equivalent to the requirements described in paragraphs (2)(B) and (2)(C) of this subsection.

Subsection (s)(7) provides that after 30 days following the issuance of regulations, the requirements of subparagraphs (2)(B) and (2)(C) of this subsection shall apply to the owner or operator of a publicly owned treatment works and be subject to enforcement under section 309. The requirements of (2)(B) and (2)(C) shall supersede any less stringent notification requirements and will continue to apply until such date as a permit is issued, renewed, or modified under this section.

*Section 4. Eligibility for assistance*

This section amends sections 601(a) and 603(c) of the Federal Water Pollution Control Act to authorize funding from the Clean Water State Revolving Fund to be utilized for carrying out monitoring requirements of this Act.

*Section 5. Effect of the Act*

This section provides that nothing in this Act shall limit the ability of any State to implement or enforce a more stringent monitoring or notification standard, nor does it authorize any sewer overflow or diminish any other compliance obligation.

## LEGISLATIVE HISTORY

On April 30, 2009, Senator Lautenberg introduced S. 937, which is cosponsored by Senators Whitehouse, Menendez, Boxer, Klobuchar, and Merkley. On June 18, 2009, the Committee on Environment and Public Works held a business meeting to consider the bill, and ordered S. 690 to be reported favorably without amendment.

Representative Bishop [D–NY] introduced companion legislation on January 28, 2009, H.R. 753, which has 24 cosponsors. This legislation was incorporated into H.R. 1262, the Water Quality Investment Act of 2009, which passed the House of Representatives on March 12, 2009 by a vote of 317–101. In the 110th Congress, similar legislation was passed by voice vote in the House of Representatives on June 23, 2009, and reported favorably by the Committee on September 24, 2008.

## HEARINGS

In the 110th Congress, the Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality held a hearing entitled "Meeting America's Wastewater Infrastructure Needs in the 21st Century" on September 19, 2007, and a hearing entitled "Protecting Water Quality at America's Beaches" on June 27, 2007, at which sewage overflow issues were discussed.

## ROLLCALL VOTES

The Committee on Environment and Public Works ordered S. 937 to be favorably reported by voice vote on June 18, 2009. No rollcall votes were taken.

## REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee, bases on CBO's estimate discussed in detail below, that S. 937 would require certain Publicly Owned Treatment Works (POTWs) to comply with additional requirements.

## MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the Committee finds that this legislation does not impose private sector mandates as those terms are defined in UMRA. The Congressional Budget Office concurs, finding "This bill contains no new private-sector mandates as defined in UMRA."

In addition, the Committee notes that according to CBO, S. 2191 would impose intergovernmental mandates as defined in UMRA. The mandates would require certain POTWs to comply with additional requirements. CBO estimates that these mandates would exceed the threshold established in UMRA ($69 million in 2009, adjusted annually for inflation).

## CONGRESSIONAL BUDGET OFFICE ESTIMATE

JUNE 25, 2009.

Hon. BARBARA BOXER,
*Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.*

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 937, the Sewage Overflow Community Right-to-Know Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Susanne S. Mehlman (for federal costs), and Ryan Miller (for the state and local impact).

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

*S. 937—Sewage Overflow Community Right-to-Know Act*

S. 937 would require owners and operators of publicly owned sewage treatment plants to notify federal and state agencies and the public in a timely manner of any sewer overflows. Under this legislation, the Environmental Protection Agency (EPA) would be required to develop regulations establishing guidelines for the notifications. The legislation also would expand the types of activities that are eligible to receive funds from the Clean Water State Revolving Fund.

Based on information from EPA, CBO estimates that implementing this legislation would cost about $1 million in 2010 and less than $500,000 in subsequent years, subject to the availability

of appropriations. Enacting the bill would not affect direct spending or receipts.

S. 937 would require treatment plants to comply with a number of new requirements. Those requirements are not conditions of federal assistance, and consequently, they would be intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). Specifically, the bill would require water treatment plants to:

- Institute and utilize a monitoring program for sewer overflows, including combined sewer overflows and sanitary sewer overflows;
- Notify the public of a sewer overflow within 24 hours;
- Notify public health authorities and other affected entities, such as public water systems, if there is an imminent and substantial risk to human health due to a sewer overflow;
- Provide a report of an overflow to the state or to the Administrator of EPA;
- Report each sewer overflow on the discharge monitoring report to EPA or the treatment plant's state. This report must include the magnitude, cause, and mitigation efforts for the specific overflows; and
- Submit an annual report to EPA or the state on the number of overflows in a calendar year, including the details of magnitude, duration, location, potentially affected receiving waters, and mitigation efforts.

Without knowing the nature of the regulations that EPA would issue as a result of this bill, CBO cannot make a precise estimate of the costs of complying with the mandates. Based on information from affected entities, however, we estimate that such costs would likely exceed the threshold established in UMRA ($69 million in 2009, adjusted annually for inflation). The bill's new requirements would involve additional personnel costs and could necessitate new infrastructure and engineering expertise. According to EPA and the National Association of Clean Water Agencies, over 16,000 treatment plants operate in the United States, and each of those entities could be affected by the requirements in S. 937. Infrastructure improvements, if required by the regulations, could be particularly expensive. Given the large number of affected entities, even a small increase in additional costs (less than $4,500 per entity annually) would result in costs that exceed the threshold for intergovernmental mandates in at least one of the next five years. The bill also would expand the types of activities eligible to receive funds from the Clean Water State Revolving Fund to include the monitoring requirements discussed above.

This bill contains no new private-sector mandates as defined in UMRA.

The CBO staff contacts for this estimate are Susanne S. Mehlman (for federal costs) and Ryan Miller (for the state and local impact). This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

## MINORITY VIEWS OF SENATOR INHOFE

Sanitary Sewer Overflows, or SSOs, are a real concern throughout the United States. I agree that S. 937, the "Sewage Overflow Community Right-to-Know Act," is well-intentioned in its aim to inform the public when there's a potential health risk from raw sewage contaminating public spaces. However, communities continue to struggle with many other federal mandates but lack the financial resources to make necessary improvements to their facilities. That is why I oppose this bill.

Congress must recognize that by increasing federal mandates without appropriate funding, communities and their residents will become increasingly vulnerable to lawsuits and extensive rate hikes that will not result in substantially improved water quality. I firmly believe that communities want their facilities to function properly but they must have the financial and technical wherewithal to ensure they do so. The populations most vulnerable to new federal regulations tend to be lower-income residents in rural communities. Unfortunately, this bill does not properly address this disparity.

This legislation requires the Administrator to define the terms "feasible" and "timely" without Congressional direction. The term "feasible" should explicitly reflect individual needs and constraints of a local community, including the local tax base's ability to provide finance, the access to adequate technical assistance, other federal financial requirements on the particular community (i.e., drinking water regulations), and access to federal and state funding for compliance. Unless these issues are contemplated by the Administrator, the term "feasible" will not adequately address the hardship on rural and disadvantaged communities as a result of unfunded mandates.

Rather than apply a new federal mandate, Congress should instead reauthorize and increase appropriations for the Clean Water State Revolving Loan Fund. Moreover, the State Revolving Loan Funds should be used strictly for capital improvements and not for operations and maintenance, including operations and maintenance of a monitoring and reporting program.

JAMES M. INHOFE.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman:

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## FEDERAL WATER POLLUTION CONTROL ACT

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SEC. 101. (a) The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. In order to achieve this objective it is hereby declared that, consistent with the provisions of this Act—

(1) * * *

* * * * * * *

SEC. 402. (a)(1) Except as provided in sections 318 and 404 of this Act, the Administrator may, after opportunity for public hearing, issue a permit for the discharge of any pollutant, or combination of pollutants, notwithstanding section 301(a), upon condition that such discharge will meet either (A) all applicable requirements under sections 301, 302, 306, 307, 308, and 403 of this Act, or (B) prior to the taking of necessary implementing actions relating to all such requirements, such conditions as the Administrator determines are necessary to carry out the provisions of this Act.

(2) * * *

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(r) DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF RECREATIONAL VESSELS.—No permit shall be required under this Act by the Administrator (or a State, in the case of a permit program approved under subsection (b)) for the discharge of any graywater, bilge water, cooling water, weather deck runoff, oil water separator effluent, or effluent from properly functioning marine engines, or any other discharge that is incidental to the normal operation of a vessel, if the discharge is from a recreational vessel.

*(s) SEWER OVERFLOW MONITORING, REPORTING, AND NOTIFICATIONS.—*

*(1) DEFINITIONS.—In this subsection:*

*(A) SANITARY SEWER OVERFLOW.—*

*(i) IN GENERAL.—The term "sanitary sewer overflow" means an overflow, spill, release, or diversion of wastewater from a sanitary sewer system.*

*(ii) INCLUSIONS.—The term "sanitary sewer overflow" includes—*

*(I) overflows or releases of wastewater that reach waters of the United States;*

*(II) overflows or releases of wastewater in the United States that do not reach waters of the United States; and*

*(III) wastewater backups into buildings that are caused by blockages or flow conditions in a sanitary sewer other than a building lateral.*

*(iii) EXCLUSIONS.—The term "sanitary sewer overflow" does not include—*

*(I) municipal combined sewer overflows or other discharges from the combined portion of a municipal combined storm and sanitary sewer system; or*

*(II) wastewater backups into buildings caused by a blockage or other malfunction of a building lateral that is privately owned.*

*(B) SEWER OVERFLOW.—The term "sewer overflow" means a sanitary sewer overflow or a municipal combined sewer overflow.*

*(C) SINGLE-FAMILY RESIDENCE.—*

*(i) IN GENERAL.—The term "single-family residence" means an individual dwelling unit.*

*(ii) INCLUSIONS.—The term "single-family residence" includes—*

*(I) an apartment;*

*(II) a condominium;*

*(III) a house; and*

*(IV) a dormitory.*

*(iii) EXCLUSIONS.—The term "single-family residence" does not include the common areas of a multidwelling structure.*

*(2) GENERAL REQUIREMENTS.—After the last day of the 180-day period beginning on the date on which regulations are promulgated under paragraph (5), a permit issued, renewed, or modified under this section by the Administrator or the State, as the case may be, for a publicly owned treatment works shall require, at a minimum, beginning on the date of the issuance, modification, or renewal, that the owner or operator of the treatment works—*

*(A) institute and utilize a feasible methodology, technology, or management program for monitoring sewer overflows to alert the owner or operator to the occurrence of a sewer overflow in a timely manner;*

*(B) in the case of a sewer overflow that has the potential to affect human health, notify the public of the overflow as soon as practicable but not later than 24 hours after the time the owner or operator knows of the overflow;*

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

*(D) report each sewer overflow on the discharge monitoring report of the owner or operator to the Administrator or the State, as the case may be, by describing—*

*(i) the magnitude, duration, and suspected cause of the overflow;*

*(ii) the steps taken or planned to reduce, eliminate, or prevent recurrence of the overflow; and*

*(iii) the steps taken or planned to mitigate the impact of the overflow; and*

*(E) annually report to the Administrator or the State, as the case may be, the total number of sewer overflows in a calendar year, including—*

*(i) the details of how much wastewater was released per incident;*

*(ii) the duration of each sewer overflow;*

*(iii) the location of the overflow and any potentially affected receiving waters;*

*(iv) the responses taken to clean up the overflow; and*

*(v) the actions taken to mitigate impacts and avoid further sewer overflows at the site.*

*(3) EXCEPTIONS.—*

*(A) NOTIFICATION REQUIREMENTS.—The notification requirements of subparagraphs (B) and (C) of paragraph (2) shall not apply to a sewer overflow that is a wastewater backup into a single-family residence.*

*(B) REPORTING REQUIREMENTS.—The reporting requirements of subparagraphs (D) and (E) of paragraph (2) shall not apply to a sewer overflow that is a release of wastewater that occurs in the course of maintenance of the treatment works, is managed consistently with the treatment works' best management practices, and is intended to prevent sewer overflows.*

*(4) REPORT TO EPA.—Each State shall provide to the Administrator annually a summary of sewer overflows that occurred in the State.*

*(5) RULEMAKING BY EPA.—Not later than 1 year after the date of enactment of this subsection, the Administrator, after providing notice and an opportunity for public comment, shall promulgate regulations to implement this subsection, including regulations—*

*(A) to establish a set of criteria to guide the owner or operator of a publicly owned treatment works in—*

*(i) assessing whether a sewer overflow may imminently and substantially endanger human health; and*

*(ii) developing communication measures that are sufficient to give notice under subparagraphs (B) and*

*(C) of paragraph (2); and*

*(B) to define the terms "feasible" and "timely" as those terms apply to paragraph (2)(A), including site specific conditions.*

*(6) APPROVAL OF STATE NOTIFICATION PROGRAMS.—*

*(A) REQUESTS FOR APPROVAL.—*

*(i) IN GENERAL.—After the date of promulgation of regulations under paragraph (5), a State may submit to the Administrator evidence that the State has in place a legally enforceable notification program that is substantially equivalent to the requirements of subparagraphs (B) and (C) of paragraph (2).*

*(ii) PROGRAM REVIEW AND AUTHORIZATION.—If the evidence submitted by a State under clause (i) shows*

*the notification program of the State to be substantially equivalent to the requirements of subparagraphs (B) and (C) of paragraph (2), the Administrator shall authorize the State to carry out that program instead of those requirements.*

*(iii) FACTORS FOR DETERMINING SUBSTANTIAL EQUIVALENCY.—In carrying out a review of a State notification program under clause (ii), the Administrator shall take into account—*

*(I) the scope of sewer overflows for which notification is required;*

*(II) the length of time during which notification must be made;*

*(III) the scope of persons that must be notified of sewer overflows;*

*(IV) the scope of enforcement activities ensuring that notifications of sewer overflows are made; and*

*(V) such other factors as the Administrator considers to be appropriate.*

*(B) REVIEW PERIOD.—If a State submits evidence with respect to a notification program under subparagraph (A)(i) on or before the last day of the 30-day period beginning on the date of promulgation of regulations under paragraph (5), the requirements of subparagraphs (B) and (C) of paragraph (2) shall not begin to apply to a publicly owned treatment works located in the State until the date on which the Administrator completes a review of the notification program under subparagraph (A)(ii).*

*(C) WITHDRAWAL OF AUTHORIZATION.—If the Administrator, after conducting a public hearing, determines that a State is not administering and enforcing a State notification program authorized under subparagraph (A)(ii) in accordance with the requirements of this paragraph, the Administrator shall so notify the State and, if appropriate corrective action is not taken within a reasonable time, not to exceed 90 days, the Administrator shall withdraw authorization of such program and enforce the requirements of subparagraphs (B) and (C) of paragraph (2) with respect to the State.*

*(7) SPECIAL RULES CONCERNING APPLICATION OF NOTIFICATION REQUIREMENTS.—After the last day of the 30-day period beginning on the date of promulgation of regulations under paragraph (5), the requirements of subparagraphs (B) and (C) of paragraph (2) shall—*

*(A) apply to the owner or operator of a publicly owned treatment works and be subject to enforcement under section 309; and*

*(B) supersede any notification requirements contained in a permit issued under this section for the treatment works to the extent that the notification requirements are less stringent than the notification requirements of subparagraphs (B) and (C) of paragraph (2), until such date as a*

*permit is issued, renewed, or modified under this section for the treatment works in accordance with paragraph (2).*

* * * * * * *

SEC. 502. Except as otherwise specifically provided, when used in this Act:

(1) The term "State water pollution control agency" means the State agency designated by the Governor having responsibility for enforcing State laws relating to the abatement of pollution.

(2) * * *

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*(26) TREATMENT WORKS.—The term "treatment works" has the meaning given the term in section 212.*

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## TITLE VI—STATE WATER POLLUTION CONTROL REVOLVING FUNDS

**SEC. 601. GRANTS TO STATES FOR ESTABLISHMENT OF REVOLVING FUNDS.**

(a) GENERAL AUTHORITY.—Subject to the provisions of this title, the Administrator shall make capitalization grants to each State for the purpose of establishing a water pollution control revolving fund for providing assistance (1) for construction of treatment works (as defined in section 212 of this Act) which are publicly owned, (2) for implementing a management program under section 319,**[**and **]** (3) for developing and implementing a conservation and management plan under section 320*, and (4) for the implementation of requirements to monitor for sewer overflows under section 402*.

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**SEC. 603. WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.**

(a) * * *

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(c) PROJECTS ELIGIBLE FOR ASSISTANCE.—The amounts of funds available to each State water pollution control revolving fund shall be used only for providing financial assistance (1) to any municipality, intermunicipal, interstate, or State agency for construction of publicly owned treatment works (as defined in section 212 of this Act), (2) for the implementation of a management program established under section 319 of this Act, and (3) for development **[**and**]** implementation of a conservation and management plan under section 320 of this Act*, and (4) for the implementation of requirements to monitor for sewer overflows under section 402*. The fund shall be established, maintained, and credited with repayments, and the fund balance shall be available in perpetuity for providing such financial assistance.

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