



Unauthorized Discharges and Sanitary Sewer Overflows

What does this document cover?

The Texas Commission on Environmental Quality is responsible for protecting the state's waters. Part of that responsibility involves monitoring for unauthorized discharges of wastewater, including municipal, industrial, recreational, and other waterborne wastes as defined in Texas Water Code Subsection 26.001(6) and, when necessary, pursuing enforcement action for noncompliance. The purpose of this publication is to clarify the TCEQ's requirements for reporting unauthorized discharges and overflows from sanitary sewers. Do not use or interpret this document as a substitute for the complete, official version of any state or federal law, rule, or regulation.

Who should read this document?

Managers, professionals, and operating personnel from (1) **permitted facilities** and (2) **subscribers**.

A *permitted facility* is the holder of a water quality permit issued by the TCEQ or the U.S. Environmental Protection Agency (EPA). A permitted facility may be a municipality, municipal water district, private individual, or company. The TCEQ issues several types of water quality permits. The most relevant permits to this document are those that regulate collection and treatment of wastewater.

A *subscriber* is any municipality, business, or organization acting as a waste contributor or customer of a permitted facility. Subscribers are owners of satellite collection system components, such as pipes, conduits, lift stations, force mains, or other devices used to transport wastewater directly to a permitted facility or to the collection system of a permitted facility operated by a different municipality, business or organization. Examples of subscribers include: a city, a stand-alone store that operates its own sewage lift station, a school campus, an apartment complex, a shopping mall, or a mobile home community.

What is an unauthorized discharge? What is a sanitary sewer overflow?

An *unauthorized discharge* (UD) is any discharge of wastewater into or adjacent to any water in the state at a location not permitted as an outfall. [See Clean Water Act Section 301(a) or Texas Water Code Section 26.121. For ways to locate state laws and regulations, see “Where Can I Get More Information?” at the end of this document.] An unauthorized discharge may include a discharge of wastewater onto land (paved or otherwise), or a discharge into a pond, creek, canal, river, lake, wetland, or any other body of surface water or groundwater.

A *sanitary sewer overflow* (SSO) is a type of unauthorized discharge of untreated or partially treated wastewater from a collection system or its components (e.g., a manhole, lift station, or cleanout) before reaching a wastewater treatment facility. [See also Texas Water Code, Paragraph 26.049(e)(4)].

Do I need to report a UD or an SSO?

Yes. The requirements for notifying the TCEQ about unauthorized discharges of wastewater are specified in a permitted facility’s water quality permit. A subscriber is responsible for reporting unauthorized discharges from its collection system in accordance with Texas Water Code Section 26.039. In addition, any local government is responsible for public media notifications in accordance with Title 30, Texas Administrative Code, Section 319.302 (30 TAC 319.302).

Is there a minimum reportable volume?

No. Any UD or SSO must be reported to the TCEQ regardless of volume, as federal and state regulations do not have a specified minimum reporting volume. In addition, any discharge that meets the criteria for volume specified in 30 TAC 319.302 must also be reported to the appropriate local governmental officials and local media (see “Public Media Notification Requirements,” below).

When do I have to report? And to whom?

Requirements to notify the TCEQ. Unauthorized discharges from the treatment plant or collection system must be reported to your TCEQ regional office **as soon as possible but no later than 24 hours** after the discharge. To locate your TCEQ regional office, go to the TCEQ’s website <www.tceq.texas.gov>, click on the tab “Contact Us,” and then choose

“Regions: Find Our Office Near You” from the pull-down menu. The same listings are available in printed form in TCEQ publication GI-002. For ways to obtain publications and other information from the TCEQ, see “Where Can I Get More Information?” at the end of this document.

During our normal business hours of 8 a.m. to 5 p.m., the 24-hour notice must be given orally or by fax to your local regional office. If the UD or SSO occurs after normal business hours, your local regional office must be notified via telephone. (Be sure to note the date and time of your call in your records.) The recorded messages at each regional office explain how to notify us.

Requirements for notifying the public via media for facilities owned or operated by local government. For UDs and SSOs that meet the criteria defined in 30 TAC 319.302—listed below—the **responsible individual of the local governmental authority**, in addition to notifying the regional office, must notify the public **as soon as possible but no later than 24 hours** after the facility becomes aware of the event. A responsible individual is someone who is designated by the owner of a permitted facility or subscriber system to report the following types of noncompliances:

- a discharge that will adversely affect a public or private source of drinking water, or
- a discharge with a volume of 50,000 gallons or more where one or more of the following conditions also exists—
 - the spill occurs within ½ mile of a public or private source of drinking water,
 - the spill occurs within ½ mile of a private drinking-water well located within ½ mile of a well for public water supply,
 - the spill occurs within ½ mile up-gradient of a surface water intake of a public or private source of drinking water,
 - the spill occurs in an active groundwater-recharge area,
 - the spill occurs up-gradient and within ½ mile of a karst terrain or shallow alluvial well that is a source of drinking water; or
- a discharge of 100,000 gallons or more.

If a UD or an SSO meeting the requirements for public notification occurs outside of normal business hours, then the responsible individual should also notify the TCEQ Emergency Response Hotline (800-832-8224). Within 48 hours after notifying the public, the responsible individual must report to the regional office that public notice has been given. Complete information regarding the public notification requirements can be found in 30 TAC 319.301–03.

Do I have to make a written report? And what should it include?

Subscribers are required to make an initial oral report that includes the location, volume, and content of the discharge. In addition, the TCEQ requests that subscribers follow up with a written report to their TCEQ regional office within five working days after facility personnel have become aware of the noncompliance. (See the bullets below for points the report should cover).

Permitted facilities—in addition to the initial oral report—are required to submit a written report to their TCEQ regional office and to the TCEQ's Enforcement Division in Austin. The written report must be submitted within five working days after facility personnel have become aware of the noncompliance.

The **written report** must include:

- the nature of the UD or SSO (source, location, route, volume) and its specific cause
- the potential danger to human health or safety, or the environment (including monitoring data, if collected)
- the duration of the UD or SSO with exact dates and times
- an estimate of how long the noncompliance is expected to continue (if the noncompliance has not been corrected at the time of reporting)
- actions taken to mitigate adverse effects
- steps taken to reduce, eliminate, and prevent recurrence of the noncompliance.

Is there a form I can use to report a UD or an SSO?

Yes. The TCEQ has a standardized form (TCEQ-00501), Water Quality Noncompliance Notification, that can be used for the 24-hour fax notice and the five-day written report. For ways to obtain TCEQ forms, see "Where Can I Get More Information?" at the end of this document.

Alternatively, you may submit a written report in letter format. All noncompliance notifications must include the permit number of your wastewater-treatment facility. All noncompliance notifications from subscribers must include the permit number of the treatment plant to which the collection system is connected.

You must keep a copy of any written report of UD or SSOs at the facility site, or the reports must be readily available for review by TCEQ representatives, for three years.

After I've met the initial notification requirements, then what do I do?

Each UD or SSO incident is unique, and cleanup requirements should be based on individual circumstances. In preparation, each permitted facility or subscriber capable of experiencing a UD or SSO should have a contingency plan for spills and overflows. Your plan should:

- stop or mitigate the flow as soon as possible
- contain the spill whenever possible
- return as much of the spilled wastewater to the collection system or treatment facility as possible
- remove and properly dispose of all solids
- treat and disinfect the affected area as necessary (if using chemicals, be sure to follow the manufacturer's guidelines)
- act quickly to reduce any threat to human health and the environment
- assess any impact to the environment by taking laboratory samples

After a UD or SSO, you should evaluate the causes of the incident and identify possible methods to prevent a recurrence. Remember to send your written report within five working days of becoming aware of the noncompliance.

What are the main causes of UDs and SSOs?

During **dry weather**, the most frequent causes of UDs and SSOs are reduced capacity, blockages, malfunctioning lift stations, and vandalism. Grease entering the collection system is also a common contributor to dry-weather UDs and SSOs. It is possible to minimize dry-weather UDs and SSOs by implementing an aggressive preventive maintenance program coupled with public education. Local enforcement of grease-trap ordinances and pretreatment ordinances is also effective in reducing UDs and SSOs.

For more information about grease traps, see *Waste from Grease Traps, Grit Traps, and Septic Tanks: Questions and Answers*, TCEQ publication RG-389.

During **wet weather**, the most frequent causes of UDs and SSOs are *infiltration* and *inflow* (I/I) into the collection system due to aging and deteriorating infrastructure. *Infiltration* is groundwater that enters the collection system through leaky pipes, faulty pipe joints, or defective manholes. *Inflow* is surface runoff that enters the collection system through missing or defective manhole covers, uncovered or damaged cleanouts, illegal storm water connections, or defective pipes and manholes located in streambeds or roadside bar ditches.

I/I can be confirmed by physical inspection of collection lines and manholes, smoke testing, and inspecting collection lines with cameras. Once problem areas are identified, a plan can be formulated to reduce I/I using systematic repair and replacement.

What is the TCEQ SSO Initiative?

The goals of the SSO Initiative are to reduce the number of SSOs that occur each year in Texas and to address SSOs before they harm human health or safety, or the environment and before they become enforcement issues. Participation in the SSO Initiative is entirely voluntary and requires that the participant submit an SSO corrective action plan.

Participation excludes the collection system from formal enforcement for SSOs that are addressed by the SSO corrective action plan. However, under certain circumstances, the TCEQ does retain the right to take enforcement action or rescind a permitted facility's or subscriber's participation.

Additional information, including who can participate, how participation in the SSO Initiative can benefit your facility, what to expect if you agree (or elect) to participate, and requirements for your SSO corrective action plan can be found in *Sanitary Sewer Overflow (SSO) Initiative: Information for Prospective Participants*, TCEQ publication GI-389.

Where can I get more information?

Your TCEQ regional office or the TCEQ's Small Business and Local Government Assistance Section (1-800-447-2827) can help.

To obtain copies of TCEQ rules, publications, and forms:

- Visit <www.tceq.texas.gov> online; click on the link for "Rules," "Publications," or "Forms." Download and save a copy.
- Fax your order to 512-239-4488, or order by phone at 512-239-0028.
- Write to TCEQ Publications, MC 195, PO Box 13087, Austin, TX 78711-3087.

Try to give the rule, publication, or form number as well as the title. The numerical designation will help the TCEQ get the correct item to you as quickly as possible.