



## TCEQ REGULATORY GUIDANCE

Office of Compliance and Enforcement

RG-395 • Revised September 2016

# 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 **permitted facilities** and **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 components of satellite collection systems, 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 other 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
- a mobile-home community

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# 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 Subsection 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 treatment facility. [See also Texas Water Code Paragraph 26.049(e)(4).]

## Do I need to report a UD or an SSO?

**Yes.** A permitted facility’s water quality permit includes a requirement to notify the TCEQ of UD and SSOs. A subscriber is responsible for reporting unauthorized discharges from its collection system in accordance with Title 30, Texas Administrative Code (30 TAC), Section 327.32. In addition, you may be required to notify the public under certain criteria discussed later in this document.

## Is there a minimum reportable volume?

**No.** Permitted facilities and subscribers must report all UD and SSOs to the TCEQ regardless of volume, as federal and state regulations do not have a specified **minimum reporting volume**. In addition, you may be required to notify the public under certain criteria discussed later in this document.

## When do I have to report? And to whom?

### 24-Hour Notification to the TCEQ

Permitted facilities and subscribers are required to report the date, location, volume, and contents of the UD or SSO to their TCEQ regional office **as soon as possible but no later than 24 hours** after becoming aware of the event. During our normal business hours—Monday through Friday, 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 by 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 the TCEQ after business hours.

To locate your TCEQ regional office, visit <[www.tceq.texas.gov/goto/region](http://www.tceq.texas.gov/goto/region)>. The same listings are available in print in *TCEQ Areas, Regions, and Environmental Assistance*

*Regional Staff* (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.

## 24-Hour Notification to the Public

For UD and SSOs that meet the criteria listed below and occur at facilities owned or operated by a local government, the responsible individual of the local governmental authority must notify the public via media **as soon as possible but no later than 24 hours** after becoming aware of the event. A responsible individual is someone who is designated by the owner of a permitted facility or subscriber system to report noncompliances. Criteria for public and media notification, as found in 30 TAC Section 319.302:

- 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 SSO meeting the requirements for public notification occurs outside of normal business hours, then the responsible individual must 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 Sections 319.301-03.

## Five-Day Written Notification to the TCEQ

In addition to the 24-hour notice, permitted facilities and subscribers are required to submit a written report to the TCEQ **within five working days** after facility personnel become aware of the event. Subscribers must submit the written report to their TCEQ regional office. Permitted facilities must submit the written report to their TCEQ regional office and to the TCEQ’s Enforcement Division in Austin. 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; and
- steps taken to reduce, eliminate, and prevent recurrence of the noncompliance.

## Monthly Written Notification to the TCEQ

UDs and SSOs that meet the following criteria may be reported to the TCEQ as a monthly summary instead of via a 24-hour or five-day written notification. The monthly summary must be submitted to your TCEQ regional office **by the 20th day of the following month**. The UD or SSO must:

- occur at a wastewater-treatment facility or collection system owned or operated by a local government;
- be 1,000 gallons or less;
- not be associated with another simultaneous UD or SSO;
- be controlled or removed before entering water in the state or adversely affecting a public or private source of drinking water;
- not endanger human health or safety, or the environment; and
- not be otherwise subject to local regulatory control and reporting requirements.

The monthly summary must include the following information about the UD or SSO:

- its location, volume and content;
- its description;
- its cause;
- the dates and duration; and
- steps taken to reduce or eliminate it and prevent its recurrence.

The responsible person must use one of the following methods for determining the volume of UD and SSOs that will be submitted on the monthly summary by using one of the following methods.

- *Visual method:* For small spills, use either a 55-gallon barrel or 5-gallon bucket for reference. Determine how many barrels or buckets would be used to contain the UD or SSO.
- *Measured volume:* Measure the length, width, and depth of the UD or SSO and then multiply by 7.5 (the conversion factor between cubic feet and gallons).
- *Duration and flow rate:* Multiply the duration by the flow rate.
- *Other methods* that are consistent with standard and accepted industry practices, as long as they include procedures to identify the duration, flow rate, depth, affected area, and total quantity of each spill.

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

**Yes.** The TCEQ has a standardized form, Water Quality Noncompliance Notification (TCEQ-00501), that can be used for the 24-hour fax notice and the five-day written report; another standardized form, Accidental Discharge or Spill Monthly Summary Form (TCEQ-20756), can be used for the monthly summary report.

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 Regulated Entity Number (RN) of the collection system.

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

## After I've completed the 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; and
- 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 unless you meet the criteria for the monthly summary.

## 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 UD and SSOs. It is possible to minimize dry-weather UD 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 UD 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 UD 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 stormwater connections, or defective pipes and manholes in streambeds or roadside borrow 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 (800-447-2827) can help. To obtain copies of TCEQ rules, publications, and forms:

- Visit <[www.tceq.texas.gov](http://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.