

Measure Meant to Warn Swimmers of Sewage

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ALBANY, N.Y. (AP) — Sewage plant operators would have to tell the public when waste overflows into waterways under recently passed legislation meant to keep New York swimmers, boaters and fishermen from inadvertently getting into it.

The legislation, which is awaiting the governor's review, would require publicly owned treatment plants and sewer systems to tell state conservation and local health officials within two hours of discharging untreated sewage, partially treated sewage or overflows from systems that combine sanitary sewage and storm water. Within four hours, they would have to tell the public through electronic media.

Overflows are common following rainstorms in places with combined systems, including New York City. Human fecal matter in sewage contains thousands of microorganisms, including pathogens that can cause stomach ailments, diarrhea and other illnesses.

"The communities that have sewage pollution are swimming in their own pollution. It's a local problem," said Tracy Brown of Riverkeeper, which pushed for the bill and monitors the Hudson River, including the 150-mile stretch from Albany to New York Harbor. Since the federal Clean Water Act in 1972, industrial pollution, PCBs and oil dumping have been reduced, bringing the river to the point people can swim in it, and the remaining sewage problem is "fixable," she said.

Some provisions of the bill heading to Gov. Andrew Cuomo's desk were diluted from the legislation first passed by the Assembly this year after lobbying that pitted municipalities against environmentalists.

The revised bill excludes partially treated sewage discharges that are in compliance with a state-approved plan or permit. It also provides for public notice only "of discharges that may present a threat to public health, considering the potential for exposure and other relevant factors." It pushes back the proposed effective date by three months to May 1.

Cuomo will review the bill, which hasn't reached his desk yet, spokesman Richard Azzopardi said.

New York's Department of Environmental Conservation does not now track total overflow volume, and current regulations don't require public notice when the state's 643 municipal sewage treatment plants are bypassed, agency spokeswoman Emily DeSantis said. Regulations require plant operators to report to the DEC and local health departments within two hours after learning of discharges that affect public swimming areas, shell fishing areas and public drinking water intakes. They do not require reporting combined sewer overflows in wet weather if the operator is in compliance with its permit.

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Some counties have notification requirements.

New York City's system handles combined sewage and storm water in its wastewater system and directly discharges an estimated 25 billion gallons per year when there is heavy rain or flooding.

That system has 14 treatment plants and discharges through 423 outlets. The city Department of Environmental Protection currently posts and updates overflow advisories for 28 waterways in and around the city's five boroughs, which are based on computer models based on rainfall measured at LaGuardia Airport. Waterways colored red on the map mean people should avoid contact with the water.

There were no advisories in effect Tuesday.

Since 2002, the city has invested nearly \$9 billion in upgrades and plans to use some \$2.4 billion in public and private funding over the next 18 years in efforts to manage storm water before it enters the sewer system, DEP spokesman Christopher Gilbride said. Since 1980, the percentage of sanitary waste has decreased from 30 percent to 12 percent in overflows, he said.

"New York City has really good water quality when it's dry," Brown said. "As a general rule of thumb, when it rains, stay out of the water probably 48 hours."

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