Public Notification of Wastewater Releases

Notice to Downstream Users and Drinking Water Intakes

Minnesota Statute requires facilities experiencing a bypass or release to provide notice to any downstream areas and users as well as public drinking water intakes regarding the incident. This guidance document describes the actions that must be taken in the event of a release or bypass.

What is a wastewater release or bypass?

A release is any overflow or spill of wastewater or materials to the environment. A release is an unauthorized discharge and is prohibited. Examples include sanitary sewer overflows from a plugged collection system or pumping untreated wastewater out of a manhole to a nearby ditch. Unauthorized releases, such as sanitary sewer overflows, are the most common type of event when wastewater systems are inundated with rain/snow melt or from pump or electrical failures.

A bypass is the intentional diversion of a waste stream from any portion of your treatment facility. Examples of a bypass include diverting the flow of wastewater around a clarifier or dechlorination system. Bypass wastewater must enter waters of the state from outfalls specifically authorized by the facility's permit and cannot, by law, cause an effluent limit exceedance. Bypasses are prohibited except in very rare circumstances. Additional information is available on the Minnesota Pollution Control Agency (MPCA) website's Scheduled Maintenance Bypassing Review page https://www.pca.state.mn.us/business-with-us/scheduled-maintenance-bypassing-review-guidelines.

When a release or bypass occurs:

1. Immediately report the incident to the Minnesota Duty Officer (800-422-0798).
2. Promptly after notifying the Duty Officer, provide notice to the potentially impacted downstream users, including the public, and Tribal governments, and any drinking water facilities.
3. Immediately take all reasonable steps to end the release.
4. As rapidly as possible, recover materials or substances associated with the release.
5. Collect representative samples of the release (see permit).

Who needs to be notified?

Minnesota Statute requires facilities experiencing a bypass or release to provide notice to any downstream areas regarding the incident.

- Notice must be given promptly to potentially impacted public areas including, but not limited to, beaches, tubing areas, fishing locations, campgrounds, boat landings, and parks.
- Any drinking water facility.
- Tribal governments.
- Any location within 25 miles downstream of the release which the public could encounter the receiving water affected by the spill/release.

The notice given shall be with the most efficient means of communication system by the facility owner. Such as, in person, telephone call, social media, radio, web page, or another expedited form.

What should the notice include?

Public Notice

The notice shall communicate the recent wastewater release data and the risks of contact with the water and/or soil, including but not limited to date, time, quantity, quality (if available at the time of notification), material in the discharge, a warning of public health risk, and the permittee or responsible party's contact information. Notification should also be given when the release has ended.

Signage

Signage must be posted at all impacted public use areas where the release or bypass occurred. It shall be placed in the areas that have been determined as having potential for public risk to safety such as impacted areas as listed above for notification requirements. The signage shall include the date/time of the discharge, description of the material released, a warning of the potential health risk, and the permittee or responsible party's contact information.