

HOUSE BILL 417

M3

9lr2474

By: **Delegates Hill, Acevero, Bartlett, Boyce, Bromwell, Brooks, Ebersole, Feldmark, Fraser-Hidalgo, Grammer, Jalisi, Lafferty, R. Lewis, Lierman, Long, Patterson, Stein, Sydnor, Terrasa, C. Watson, Wells, and P. Young**

Introduced and read first time: January 31, 2019

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Water Pollution Control – Public Notification of Sewer Overflows and**
3 **Treatment Plant Bypasses – Alteration**

4 FOR the purpose of specifying the content of the procedures that the Department of the
5 Environment, in cooperation with the Maryland Department of Health, local health
6 departments, and local environmental health directors, is required to develop for an
7 owner or operator of certain sewer systems or wastewater treatment plants to
8 provide public notification of a sewer overflow or treatment plant bypass; applying
9 the public notification requirement to treatment plant bypasses; authorizing the
10 owner or operator of certain sewer systems or wastewater treatment plants to
11 provide the public notification in a certain manner under certain circumstances;
12 making a stylistic change; and generally relating to sewer overflows and treatment
13 plant bypasses.

14 BY repealing and reenacting, with amendments,
15 Article – Environment
16 Section 9–331.1
17 Annotated Code of Maryland
18 (2014 Replacement Volume and 2018 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Environment**

22 9–331.1.

23 (a) (1) The owner or operator of any sanitary sewer system, combined sewer
24 system, or wastewater treatment plant shall report to the Department any sewer overflow

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 or treatment plant bypass that results in the direct or potential discharge of raw or diluted
2 sewage into the surface waters or groundwaters of the State.

3 (2) The report shall be made by telephone as soon as practicable but no
4 later than 24 hours after the time that the operator or owner became aware of the event.

5 (3) Within 5 calendar days after the telephone notification of the event, the
6 owner or operator shall provide the Department with a written report regarding the
7 incident that includes any information required by the Department.

8 (b) (1) **[The] SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION,**
9 **THE** Department, in cooperation with the Maryland Department of Health, the local health
10 departments, and local environmental health directors, shall develop procedures for
11 requiring the owner or operator of any sanitary sewer system, combined sewer system, or
12 wastewater treatment plant to provide public notification of a [sewage] **SEWER overflow**
13 **OR TREATMENT PLANT BYPASS.**

14 (2) **THE PROCEDURES DEVELOPED UNDER PARAGRAPH (1) OF THIS**
15 **SUBSECTION SHALL:**

16 (I) **BE APPLIED UNIFORMLY THROUGHOUT THE STATE;**

17 (II) **REQUIRE THAT THE NOTIFICATION BE POSTED IN SPANISH**
18 **AND ENGLISH:**

19 1. **ON THE WEBSITE OF THE DEPARTMENT, THE**
20 **MARYLAND DEPARTMENT OF HEALTH, AND THE APPROPRIATE LOCAL HEALTH**
21 **DEPARTMENT;**

22 2. **ON ANY SOCIAL MEDIA WEBSITE ON WHICH THE**
23 **DEPARTMENT, MARYLAND DEPARTMENT OF HEALTH, OR APPROPRIATE LOCAL**
24 **HEALTH DEPARTMENT REGULARLY POSTS INFORMATION; AND**

25 3. **AT THE LOCATION OF THE SEWER OVERFLOW OR**
26 **TREATMENT PLANT BYPASS; AND**

27 (III) **REQUIRE NOTIFICATION WITHIN A REASONABLE TIME TO:**

28 1. **APPROPRIATE DOWNSTREAM JURISDICTIONS;**

29 2. **APPROPRIATE COUNTY GOVERNMENTS;**

30 3. **STATE PARKS IMPACTED BY THE SEWER OVERFLOW**
31 **OR TREATMENT PLANT BYPASS;**

1 4. **THE DEPARTMENT OF NATURAL RESOURCES; AND**

2 5. **ANY OTHER LOCAL, STATE, OR FEDERAL LAND**
3 **MANAGER IMPACTED BY THE SEWER OVERFLOW OR TREATMENT PLANT BYPASS.**

4 **(3) IN LIEU OF THE NOTIFICATION REQUIRED UNDER PARAGRAPH (1)**
5 **OF THIS SUBSECTION, THE OWNER OR OPERATOR OF ANY SANITARY SEWER SYSTEM,**
6 **COMBINED SEWER SYSTEM, OR WASTEWATER TREATMENT PLANT MAY PROVIDE**
7 **NOTICE OF A SEWER OVERFLOW OR TREATMENT PLANT BYPASS IN ITS QUARTERLY**
8 **OR ANNUAL REPORT, REPORT OF INCIDENTS INCLUDED WITH WATER BILLS, OR**
9 **INFORMATION ABOUT INCIDENTS AVAILABLE ON AN APPROPRIATE WEBSITE IF:**

10 **(i) THE TOTAL VOLUME OF THE SEWER OVERFLOW OR**
11 **TREATMENT PLANT BYPASS AT THE TIME OF COMPLETED REPAIR IS LESS THAN**
12 **5,000 GALLONS; AND**

13 **(ii) THE MARYLAND DEPARTMENT OF HEALTH, APPROPRIATE**
14 **LOCAL HEALTH DEPARTMENT, OR APPROPRIATE ENVIRONMENTAL HEALTH**
15 **DIRECTOR OR THE ENVIRONMENTAL HEALTH DIRECTOR'S DESIGNEE DETERMINES**
16 **THAT:**

17 1. **THE OVERFLOW DID NOT ENTER:**

18 A. **SHELLFISH HARVESTING WATERS;**

19 B. **WATERS PROTECTED AS DRINKING WATER SOURCES;**

20 C. **WATERS USED AS PUBLIC BATHING BEACHES WHERE**
21 **PEOPLE MAY SWIM; OR**

22 D. **WATERS USED FOR PUBLIC RECREATION WHERE**
23 **PEOPLE MAY BOAT, FISH, OR SWIM; AND**

24 2. **THERE IS NOT A RISK TO PUBLIC HEALTH.**

25 (c) (1) The Maryland Department of Health and the local health departments
26 shall make all decisions and determinations as to public health issues resulting from sewer
27 overflows or treatment bypasses.

28 (2) The owner or operator of any sanitary sewer system, combined sewer
29 system, or wastewater treatment plant is not responsible for making public health
30 determinations regarding sewer overflow or treatment plant bypasses.

1 (d) The Department shall adopt regulations to implement the requirements of
2 this section.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2019.