

HOUSE BILL 276

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M3

2001 Regular Session
(11r0323)

ENROLLED BILL

-- Environmental Matters/Economic and Environmental Affairs --

Introduced by **Delegates Morhaim, Cryor, Redmer, and Nathan-Pulliam**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 ~~Water Quality - Pollution - Response Activities~~
3 ~~Environment - Sanitary Sewer Overflows - Reporting~~

4 FOR the purpose of requiring the Department of the Environment to develop certain
5 regulations governing a process for informing the public of certain water
6 pollution incidents or emergencies; providing for the contents of the regulations;
7 requiring the procedures that the Department of the Environment develops for
8 certain water pollution incidents and emergencies to apply regardless of the
9 designated use of the impacted waterway; requiring the Department of the
10 Environment to adopt regulations under this Act by a certain date; and
11 generally relating to water pollution incidents and emergencies owner or
12 operator of certain sewer systems or wastewater treatment plants to provide
13 certain reports of certain overflows or treatment plant bypasses within certain
14 periods of time to the Department of the Environment; requiring the
15 Department, in cooperation with certain agencies, to develop procedures for
16 requiring the owner or operator of certain sewer systems or wastewater
17 treatment plants to provide certain public notification of certain sewage

1 overflows; requiring the Department of Health and Mental Hygiene and local
 2 health departments to make certain decisions and determinations about certain
 3 issues; providing that a certain owner or operator is not responsible for making
 4 certain decisions or determinations; requiring the Department of the
 5 Environment to adopt regulations implementing the requirements of this Act;
 6 and generally relating to the reporting of sewer overflows.

7 BY repealing and reenacting, with amendments,
 8 Article - Environment
 9 Section ~~4-405(b), 9-302, 9-313, and 9-314~~ 9-331.1
 10 Annotated Code of Maryland
 11 (1996 Replacement Volume and 2000 Supplement)

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

14 **Article - Environment**

15 ~~4-405.~~

16 ~~(b) (1) The Department shall prescribe by rule or regulation approved~~
 17 ~~methods, facilities, standards, and devices for transfer, storage, separating, removing,~~
 18 ~~treating, transporting, or disposing of oil and other unctuous substances to prevent~~
 19 ~~pollution of waters of the State, which may include rules and regulations:~~

20 (i) ~~Outlining procedures for addressing water pollution [episodes]~~
 21 ~~INCIDENTS or emergencies which [constitute an acute danger to] MAY POSE A~~
 22 ~~DANGER TO PUBLIC health or the environment; and~~

23 (ii) ~~Requiring:~~

24 1. ~~Spill prevention and response training;~~

25 2. ~~Spill contingency plans for oil storage facilities, vessels,~~
 26 ~~and barges;~~

27 3. ~~Spill prevention and containment equipment at oil storage~~
 28 ~~facilities and on vessels and barges or at other locations necessary to control oil spills~~
 29 ~~from vessels or barges;~~

30 4. ~~Inspection of oil storage facilities, vessels, and barges;~~

31 5. ~~Escorts for vessels and barges or any other measure in lieu~~
 32 ~~of an escort necessary to detect and control oil spills from tank vessels;~~

33 6. ~~Detection and control of oil spills from oil storage facilities,~~
 34 ~~vessels, and barges; and~~

35 7. ~~Notification of vessel and barge movement.~~

1 (2) A person other than a vessel or barge may not engage in any
2 commercial or industrial operation involving these activities unless he has obtained a
3 permit from the Department indicating that the activities are in conformity with the
4 prescribed rules and regulations.

5 ~~9-302.~~

6 (a) ~~The purpose of this subtitle is to establish effective programs and to
7 provide additional and cumulative remedies to prevent, abate, and control pollution of
8 the waters of this State.~~

9 (b) ~~Because the quality of the waters of this State is vital to the interests of
10 the citizens of this State, because pollution is a menace to public health and welfare,
11 creates public nuisances, harms wildlife, fish, and aquatic life, and impairs domestic,
12 agricultural, industrial, recreational, and other legitimate beneficial uses of water,
13 and because the problem of water pollution in this State is closely related to the
14 problem of water pollution in adjoining states, it is the policy of this State:~~

15 (1) ~~To improve, conserve, and manage the quality of the waters of this
16 State;~~

17 (2) ~~To protect, maintain, and improve the quality of water for public
18 supplies, propagation of wildlife, fish, and aquatic life, and domestic, agricultural,
19 industrial, recreational, and other legitimate beneficial uses;~~

20 (3) ~~To provide that no waste is discharged into any waters of this State
21 without first receiving necessary treatment or other corrective action to protect the
22 legitimate beneficial uses of the waters of this State;~~

23 (4) ~~TO PROVIDE FOR AN ORDERLY PROCESS TO INFORM THE PUBLIC
24 WHEN A WATER POLLUTION INCIDENT OR EMERGENCY IMPACTS ANY WATERS OF
25 THIS STATE AND MAY POSE A DANGER TO PUBLIC HEALTH OR THE ENVIRONMENT;
26 and~~

27 ~~{(4)}~~ (5) ~~Through innovative and alternative methods of waste and
28 wastewater treatment, to provide and promote prevention, abatement, and control of
29 new or existing water pollution.~~

30 (c) ~~The Department shall cooperate with local governments, agencies of other
31 states, and the federal government in carrying out the objectives of subsection (b) of
32 this section.~~

33 ~~9-313.~~

34 (a) ~~The Department may adopt rules and regulations to carry out the
35 provisions of this subtitle.~~

36 (b) ~~In adopting any rule or regulation under this subtitle, the Department
37 shall consider:~~

- 1 (1) Existing physical conditions;
- 2 (2) The character of the area involved, including surrounding land uses;
- 3 (3) Priority ranking of waters as to effluent limits;
- 4 (4) Zoning;
- 5 (5) The nature of the existing receiving body of water;
- 6 (6) The technical feasibility of measuring or reducing the particular type
7 of water pollution;
- 8 (7) The economic reasonableness of measuring or reducing the particular
9 type of water pollution; and
- 10 (8) The purposes of this subtitle.

11 (e) Except as this subtitle otherwise provides for a particular type of rule or
12 regulation, a rule or regulation adopted under this subtitle may:

- 13 (1) Impose, as circumstances require, different requirements for
14 different pollutant sources and for different geographical areas;
- 15 (2) Apply to sources located outside this State that cause, contribute to,
16 or threaten environmental damage in this State; and
- 17 (3) Make special provisions for alert and abatement standards and
18 procedures for occurrences or emergencies of pollution or on other short term
19 conditions that are an acute danger to health or to the environment.

20 (D) (1) ~~THE DEPARTMENT SHALL DEVELOP REGULATIONS CREATING AN~~
21 ~~ORDERLY PUBLIC NOTIFICATION PROCESS TO BE FOLLOWED WHEN A WATER~~
22 ~~POLLUTION INCIDENT OR EMERGENCY:~~

23 (I) ~~IMPACTS ANY WATERWAY IN THE STATE, REGARDLESS OF THE~~
24 ~~DESIGNATED USE OF THE WATERWAY; AND~~

25 (II) ~~MAY POSE A DANGER TO PUBLIC HEALTH OR THE~~
26 ~~ENVIRONMENT.~~

27 (2) ~~A WATER POLLUTION INCIDENT OR EMERGENCY FOR WHICH PUBLIC~~
28 ~~NOTIFICATION IS REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE:~~

- 29 (I) ~~A SEWAGE OVERFLOW;~~
- 30 (II) ~~A COMBINED SEWAGE OVERFLOW;~~
- 31 (III) ~~A SANITARY SEWAGE OVERFLOW;~~
- 32 (IV) ~~A CHEMICAL SPILL;~~

1 (V) A HAZARDOUS WASTE SPILL; AND

2 (VI) ANY OTHER DISCHARGE INTO THE WATERS OF THIS STATE
3 THAT MAY POSE A DANGER TO PUBLIC HEALTH.

4 (3) ~~THE REGULATIONS DEVELOPED UNDER THIS SUBSECTION SHALL~~
5 ~~INCLUDE:~~

6 (I) ~~A PROCESS THROUGH WHICH THE DEPARTMENT SHALL~~
7 ~~MONITOR WATER QUALITY AND IMPACTS THAT RESULT FROM A POLLUTION EVENT;~~
8 ~~AND~~

9 (II) ~~A PROCESS THROUGH WHICH THE DEPARTMENT SHALL~~
10 ~~NOTIFY THE PUBLIC OF THE WATER POLLUTION INCIDENT OR EMERGENCY AND ITS~~
11 ~~POTENTIAL IMPACTS TO PUBLIC HEALTH AND THE ENVIRONMENT.~~

12 (4) ~~THE REGULATIONS DEVELOPED UNDER THIS SECTION SHALL~~
13 ~~INCLUDE:~~

14 (I) ~~A PROCESS FOR POSTING ALL WATERWAYS THAT ARE~~
15 ~~IMPACTED BY A POLLUTION EVENT THAT MAY POSE A DANGER TO PUBLIC HEALTH~~
16 ~~OR THE ENVIRONMENT;~~

17 (II) ~~A PROCESS THROUGH WHICH THE DEPARTMENT MAY REMOVE~~
18 ~~POSTINGS FROM WATERWAYS WHEN MONITORING INDICATES THAT THE POTENTIAL~~
19 ~~DANGER TO PUBLIC HEALTH AND THE ENVIRONMENT NO LONGER EXISTS; AND~~

20 (III) ~~A PROCESS THROUGH WHICH THE DEPARTMENT SHALL~~
21 ~~PERMANENTLY POST ANY LOCATION THAT IS A COMBINED SEWAGE OVERFLOW~~
22 ~~DISCHARGE POINT OR A SANITARY SEWAGE OVERFLOW DISCHARGE POINT.~~

23 9-314.

24 (a) ~~The Department may adopt rules and regulations that set, for the waters~~
25 ~~of this State, water quality standards and effluent standards. These standards shall~~
26 ~~be designed to protect:~~

27 (1) ~~The public health, safety, and welfare;~~

28 (2) ~~Present and future use of the waters of this State for public water~~
29 ~~supply;~~

30 (3) ~~The propagation of aquatic life and wildlife;~~

31 (4) ~~Recreational use of the waters of this State; and~~

32 (5) ~~Agricultural, industrial, and other legitimate uses of the waters of~~
33 ~~this State.~~

34 (b) ~~The rules and regulations adopted under this section shall include at least~~
35 ~~the following:~~

1 (1) Water quality standards that specify the maximum permissible short
2 term and long term concentrations of pollutants in the water, the minimum
3 permissible concentrations of dissolved oxygen and other desirable matter in the
4 water, and the temperature range for the water.

5 (2) Effluent standards that specify the maximum loading or
6 concentrations and the physical, thermal, chemical, biological, and radioactive
7 properties of wastes that may be discharged into the waters of this State.

8 (3) Definition of technique for filling and sealing abandoned water wells
9 and holes, for disposal wells, for deep mines and surface mines, and for landfills to
10 prevent groundwater contamination, seepage, and drainage into the waters of this
11 State.

12 (4) Requirements for the sale, offer, use, or storage of pesticides and
13 other substances that the Department finds to constitute water pollution hazards.

14 (5) ~~[Procedures] IN ACCORDANCE WITH § 9-313 OF THIS SUBTITLE,~~
15 ~~PROCEDURES for water pollution incidents or emergencies that [constitute an acute~~
16 ~~danger] MAY POSE A DANGER to PUBLIC health or the environment REGARDLESS OF~~
17 ~~THE DESIGNATED USE OF THE IMPACTED WATERWAY.~~

18 (6) Provisions for equipment and procedures for monitoring pollutants,
19 collecting samples, and logging and reporting of monitoring.

20 (e) Effluent standards set under this section shall be at least as stringent as
21 those specified by the National Pollutant Discharge Elimination System.

22 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Department of the~~
23 ~~Environment shall adopt the regulations required by Section 1 of this Act by~~
24 ~~December 1, 2001.~~

25 9-331.1.

26 (A) (1) THE OWNER OR OPERATOR OF ANY SANITARY SEWER SYSTEM,
27 COMBINED SEWER SYSTEM, OR WASTEWATER TREATMENT PLANT SHALL REPORT TO
28 THE DEPARTMENT ANY SEWER OVERFLOW OR TREATMENT PLANT BYPASS THAT
29 RESULTS IN THE DIRECT OR POTENTIAL DISCHARGE OF RAW OR DILUTED SEWAGE
30 INTO THE SURFACE WATERS OR GROUND WATERS OF THE STATE.

31 (2) THE REPORT SHALL BE MADE BY TELEPHONE AS SOON AS
32 PRACTICABLE BUT NO LATER THAN 24 HOURS AFTER THE TIME THAT THE OPERATOR
33 OR OWNER BECAME AWARE OF THE EVENT.

34 (3) WITHIN 5 CALENDAR DAYS AFTER THE TELEPHONE NOTIFICATION
35 OF THE EVENT, THE OWNER OR OPERATOR SHALL PROVIDE THE DEPARTMENT WITH
36 A WRITTEN REPORT REGARDING THE INCIDENT THAT INCLUDES ANY INFORMATION
37 REQUIRED BY THE DEPARTMENT.

1 (B) THE DEPARTMENT, IN COOPERATION WITH THE DEPARTMENT OF HEALTH
2 AND MENTAL HYGIENE, THE LOCAL HEALTH DEPARTMENTS, AND LOCAL
3 ENVIRONMENTAL HEALTH DIRECTORS, SHALL DEVELOP PROCEDURES FOR
4 REQUIRING THE OWNER OR OPERATOR OF ANY SANITARY SEWER SYSTEM,
5 COMBINED SEWER SYSTEM, OR WASTEWATER TREATMENT PLANT TO PROVIDE
6 PUBLIC NOTIFICATION OF A SEWAGE OVERFLOW.

7 (C) (1) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND THE
8 LOCAL HEALTH DEPARTMENTS SHALL MAKE ALL DECISIONS AND DETERMINATIONS
9 AS TO PUBLIC HEALTH ISSUES RESULTING FROM SEWER OVERFLOWS OR
10 TREATMENT BYPASSES.

11 (2) THE OWNER OR OPERATOR OF ANY SANITARY SEWER SYSTEM,
12 COMBINED SEWER SYSTEM, OR WASTEWATER TREATMENT PLANT IS NOT
13 RESPONSIBLE FOR MAKING PUBLIC HEALTH DETERMINATIONS REGARDING SEWER
14 OVERFLOW OR TREATMENT PLANT BYPASSES.

15 (C) (D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE
16 REQUIREMENTS OF THIS SECTION.

17 SECTION ~~3- 2. AND BE IT FURTHER ENACTED, That this Act shall take
18 effect ~~July~~ October 1, 2001.~~