
By: **Delegates Morhaim, Cryor, Redmer, and Nathan-Pulliam**
Introduced and read first time: January 25, 2001
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Water Quality - Pollution - Response Activities**

3 FOR the purpose of requiring the Department of the Environment to develop certain
4 regulations governing a process for informing the public of certain water
5 pollution incidents or emergencies; providing for the contents of the regulations;
6 requiring the procedures that the Department of the Environment develops for
7 certain water pollution incidents and emergencies to apply regardless of the
8 designated use of the impacted waterway; requiring the Department of the
9 Environment to adopt regulations under this Act by a certain date; and
10 generally relating to water pollution incidents and emergencies.

11 BY repealing and reenacting, with amendments,
12 Article - Environment
13 Section 4-405(b), 9-302, 9-313, and 9-314
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 2000 Supplement)

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

18 **Article - Environment**

19 4-405.

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

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

27 (ii) Requiring:

28 1. Spill prevention and response training;

1 2. Spill contingency plans for oil storage facilities, vessels,
2 and barges;

3 3. Spill prevention and containment equipment at oil storage
4 facilities and on vessels and barges or at other locations necessary to control oil spills
5 from vessels or barges;

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

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

9
10 vessels, and barges; and

6. Detection and control of oil spills from oil storage facilities,

11 7. Notification of vessel and barge movement.

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

16 9-302.

17 (a) The purpose of this subtitle is to establish effective programs and to
18 provide additional and cumulative remedies to prevent, abate, and control pollution of
19 the waters of this State.

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

26 (1) To improve, conserve, and manage the quality of the waters of this
27 State;

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

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

34 (4) TO PROVIDE FOR AN ORDERLY PROCESS TO INFORM THE PUBLIC
35 WHEN A WATER POLLUTION INCIDENT OR EMERGENCY IMPACTS ANY WATERS OF
36 THIS STATE AND MAY POSE A DANGER TO PUBLIC HEALTH OR THE ENVIRONMENT;
37 and

1 [(4)] (5) Through innovative and alternative methods of waste and
2 wastewater treatment, to provide and promote prevention, abatement, and control of
3 new or existing water pollution.

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

7 9-313.

8 (a) The Department may adopt rules and regulations to carry out the
9 provisions of this subtitle.

10 (b) In adopting any rule or regulation under this subtitle, the Department
11 shall consider:

12 (1) Existing physical conditions;

13 (2) The character of the area involved, including surrounding land uses;

14 (3) Priority ranking of waters as to effluent limits;

15 (4) Zoning;

16 (5) The nature of the existing receiving body of water;

17 (6) The technical feasibility of measuring or reducing the particular type
18 of water pollution;

19 (7) The economic reasonableness of measuring or reducing the particular
20 type of water pollution; and

21 (8) The purposes of this subtitle.

22 (c) Except as this subtitle otherwise provides for a particular type of rule or
23 regulation, a rule or regulation adopted under this subtitle may:

24 (1) Impose, as circumstances require, different requirements for
25 different pollutant sources and for different geographical areas;

26 (2) Apply to sources located outside this State that cause, contribute to,
27 or threaten environmental damage in this State; and

28 (3) Make special provisions for alert and abatement standards and
29 procedures for occurrences or emergencies of pollution or on other short term
30 conditions that are an acute danger to health or to the environment.

31 (D) (1) THE DEPARTMENT SHALL DEVELOP REGULATIONS CREATING AN
32 ORDERLY PUBLIC NOTIFICATION PROCESS TO BE FOLLOWED WHEN A WATER
33 POLLUTION INCIDENT OR EMERGENCY:

1 (I) IMPACTS ANY WATERWAY IN THE STATE, REGARDLESS OF THE
2 DESIGNATED USE OF THE WATERWAY; AND

3 (II) MAY POSE A DANGER TO PUBLIC HEALTH OR THE
4 ENVIRONMENT.

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

7 (I) A SEWAGE OVERFLOW;

8 (II) A COMBINED SEWAGE OVERFLOW;

9 (III) A SANITARY SEWAGE OVERFLOW;

10 (IV) A CHEMICAL SPILL;

11 (V) A HAZARDOUS WASTE SPILL; AND

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

14 (3) THE REGULATIONS DEVELOPED UNDER THIS SUBSECTION SHALL
15 INCLUDE:

16 (I) A PROCESS THROUGH WHICH THE DEPARTMENT SHALL
17 MONITOR WATER QUALITY AND IMPACTS THAT RESULT FROM A POLLUTION EVENT;
18 AND

19 (II) A PROCESS THROUGH WHICH THE DEPARTMENT SHALL
20 NOTIFY THE PUBLIC OF THE WATER POLLUTION INCIDENT OR EMERGENCY AND ITS
21 POTENTIAL IMPACTS TO PUBLIC HEALTH AND THE ENVIRONMENT.

22 (4) THE REGULATIONS DEVELOPED UNDER THIS SECTION SHALL
23 INCLUDE:

24 (I) A PROCESS FOR POSTING ALL WATERWAYS THAT ARE
25 IMPACTED BY A POLLUTION EVENT THAT MAY POSE A DANGER TO PUBLIC HEALTH
26 OR THE ENVIRONMENT;

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

30 (III) A PROCESS THROUGH WHICH THE DEPARTMENT SHALL
31 PERMANENTLY POST ANY LOCATION THAT IS A COMBINED SEWAGE OVERFLOW
32 DISCHARGE POINT OR A SANITARY SEWAGE OVERFLOW DISCHARGE POINT.

1 9-314.

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

5 (1) The public health, safety, and welfare;

6 (2) Present and future use of the waters of this State for public water
7 supply;

8 (3) The propagation of aquatic life and wildlife;

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

10 (5) Agricultural, industrial, and other legitimate uses of the waters of
11 this State.

12 (b) The rules and regulations adopted under this section shall include at least
13 the following:

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

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

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

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

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

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

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

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

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 July 1, 2001.