

SENATE BILL 418

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M3

2001 Regular Session  
(11r1160)

**ENROLLED BILL**

-- *Economic and Environmental Affairs/Environmental Matters* --

Introduced by **Senators Frosh, Currie, Green, and Pinsky**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

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Proofreader.

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

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Environment - Sanitary Sewer Overflows - Reporting**

3 FOR the purpose of requiring the owner or operator of certain sewer systems or  
4 wastewater treatment plants to provide certain reports of certain overflows or  
5 treatment plant bypasses within certain periods of time to the Department of  
6 the Environment; requiring the Department, in cooperation with certain  
7 agencies, to develop procedures for requiring the owner or operator of certain  
8 sewer systems or wastewater treatment plants to provide certain public  
9 notification of certain sewage overflows; requiring the Department of Health and  
10 Mental Hygiene and local health departments to make certain decisions and  
11 determinations about certain issues; providing that a certain owner or operator is  
12 not responsible for making certain decisions or determinations; requiring the  
13 Department of the Environment to adopt regulations implementing the  
14 requirements of this Act; and generally relating to the reporting of sewer  
15 overflows.

16 BY adding to

1 Article - Environment  
2 Section 9-331.1  
3 Annotated Code of Maryland  
4 (1996 Replacement Volume and 2000 Supplement)

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

7 **Article - Environment**

8 9-331.1.

9 (A) (1) THE OWNER OR OPERATOR OF ANY SANITARY SEWER SYSTEM,  
10 COMBINED SEWER SYSTEM, OR WASTEWATER TREATMENT PLANT SHALL REPORT TO  
11 THE DEPARTMENT ~~A SIGNIFICANT~~ ANY SEWER OVERFLOW OR TREATMENT PLANT  
12 BYPASS THAT RESULTS IN THE DIRECT OR POTENTIAL DISCHARGE OF RAW OR  
13 DILUTED SEWAGE INTO THE SURFACE WATERS OR GROUND WATERS OF THE STATE.

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

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

21 (B) THE DEPARTMENT, IN COOPERATION WITH THE DEPARTMENT OF HEALTH  
22 AND MENTAL HYGIENE, THE LOCAL HEALTH DEPARTMENTS, AND LOCAL  
23 ENVIRONMENTAL HEALTH DIRECTORS, SHALL DEVELOP PROCEDURES FOR  
24 REQUIRING THE OWNER OR OPERATOR OF ANY SANITARY SEWER SYSTEM,  
25 COMBINED SEWER SYSTEM, OR WASTEWATER TREATMENT PLANT TO PROVIDE  
26 PUBLIC NOTIFICATION OF A SEWAGE OVERFLOW.

27 (C) (1) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND THE  
28 LOCAL HEALTH DEPARTMENTS SHALL MAKE ALL DECISIONS AND DETERMINATIONS  
29 AS TO PUBLIC HEALTH ISSUES RESULTING FROM SEWER OVERFLOWS OR  
30 TREATMENT BYPASSES.

31 (2) THE OWNER OR OPERATOR OF ANY SANITARY SEWER SYSTEM,  
32 COMBINED SEWER SYSTEM, OR WASTEWATER TREATMENT PLANT IS NOT  
33 RESPONSIBLE FOR MAKING PUBLIC HEALTH DETERMINATIONS REGARDING SEWER  
34 OVERFLOW OR TREATMENT PLANT BYPASSES.

35 ~~(C)~~ (D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE  
36 REQUIREMENTS OF THIS SECTION.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
38 October 1, 2001.

