

**Department of Legislative Services**

Maryland General Assembly

2001 Session

**FISCAL NOTE**

**Revised**

House Bill 276 (Delegate Morhaim, *et al.*)

Environmental Matters

Economic and Environmental Affairs

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**Environment - Sanitary Sewer Overflows - Reporting**

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This bill requires the owner or operator of any sanitary sewer system, combined sewer system, or wastewater treatment plant to report to the Maryland Department of the Environment (MDE) any sewer overflow or treatment plant bypass that results in a direct or potential discharge of raw or diluted sewage into the surface waters or ground waters of the State. The report must be made by telephone as soon as practicable but no later than 24 hours after the time that the operator or owner became aware of the event. Within five calendar days after the notification, the owner or operator must provide MDE with a written report regarding the incident.

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**Fiscal Summary**

**State Effect:** Because the bill essentially codifies current practice, the bill would not materially affect State operations or finances.

**Local Effect:** Because the bill essentially codifies current practice, the bill would not materially affect local operations or finances.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** MDE, in cooperation with the Department of Health and Mental Hygiene (DHMH), local health departments, and local environmental health directors, must develop procedures for requiring owners and operators to provide public notification of a sewage overflow. DHMH and the local health departments will continue to make all decisions and determinations regarding public health issues resulting from sewer overflows or treatment bypasses. MDE must adopt regulations to implement the requirements of the bill.

**Current Law:** By rule, regulation, order, permit, or otherwise, MDE may require the owner or operator of any source of a discharge of pollutants or of any source that is an industrial user of a publicly owned treatment works to make reports and to provide MDE any information that MDE requires about the discharge of pollutants into the waters of the State or the introduction of pollutants into publicly owned treatment works. MDE currently requires owners or operators of publicly owned sewage systems to notify MDE within 24 hours of all sewage overflows and spills. Privately owned sewage systems are also subject to pollution reporting requirements.

**Background:** When an underground sewer pipe gets blocked, or when a valve breaks, local governments must often divert raw sewage into a stream to prevent it from backing up into homes or overflowing into the streets. According to the U. S. Environmental Protection Agency, sewage discharges are one of the leading causes of stream pollution in the country.

Aging sewerage systems and combined sewerage overflows in Maryland have discharged millions of gallons of raw sewage into the Chesapeake Bay's tributaries in recent months, resulting in the release of an unknown quantity of nutrients into the Chesapeake Bay. In September 2000 approximately 10.3 million gallons of raw sewage were spilled into Colgate Creek from a Dundalk pumping station due to a break in a 45-year old valve. Over 1.6 million gallons were poured into Jones Falls in September 2000 as runoff from heavy rains overwhelmed a sewer line under repair. In July 2000 over 4 million gallons of sewage were dumped into Jones Falls because of a blockage in the sewer line. These incidents followed another major spill in September 1999 in which approximately 24 million gallons of raw sewage spilled from a pumping station into Baltimore's Inner Harbor when heavy rainfall from a tropical storm flooded the facility. Concern has been raised that public notification of these incidents was not provided in a timely manner.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of the Environment; Washington Suburban Sanitary Commission; Allegany, Calvert, Caroline, Howard, Montgomery, Prince George's, Talbot, and Wicomico counties; Baltimore City; Department of Legislative Services

**Fiscal Note History:** First Reader –February 22, 2001  
ncs/cer Revised – House Third Reader – April 5, 2001  
Revised – Enrolled Bill – April 25, 2001

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