
By: **Delegates Billings, Morhaim, D. Davis, Oaks, Cane, and Hubbard**

Introduced and read first time: January 25, 2002

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 22, 2002

CHAPTER _____

1 AN ACT concerning

2 **Drinking Water Security Act**

3 FOR the purpose of ~~repealing the provision of law that prohibits the State primary~~
4 ~~drinking water regulations from being more stringent than certain national~~
5 ~~regulations~~ authorizing the Secretary of the Department of the Environment to
6 adopt and enforce State primary drinking water regulations for a contaminant if
7 the Secretary determines that the contaminant poses a significant risk to public
8 health and that certain federal regulations concerning the contaminant are not
9 in effect; requiring the Secretary to prepare a certain report concerning the
10 proposed regulations for the contaminant; providing for the construction of a
11 certain provision of law; and generally relating to drinking water standards.

12 BY adding to
13 Article - Environment
14 Section 9-406(c)
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 2001 Supplement)

17 BY repealing and reenacting, ~~with~~ without amendments,
18 Article - Environment
19 Section 9-407
20 Annotated Code of Maryland
21 (1996 Replacement Volume and 2001 Supplement)

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

1 **Article - Environment**2 9-406.

3 (C) (1) NOTWITHSTANDING § 9-407(B) OF THIS SUBTITLE, THE SECRETARY
4 MAY ADOPT AND ENFORCE REGULATIONS FOR A CONTAMINANT IF THE SECRETARY
5 DETERMINES THAT THE CONTAMINANT POSES A SIGNIFICANT RISK TO PUBLIC
6 HEALTH AND FOR WHICH COMPLETE INTERIM OR REVISED NATIONAL PRIMARY
7 DRINKING WATER REGULATIONS ARE NOT IN EFFECT.

8 (2) AS PART OF THE SECRETARY'S DETERMINATION UNDER PARAGRAPH
9 (1) OF THIS SUBSECTION, THE SECRETARY SHALL PREPARE A REPORT THAT
10 INCLUDES:

11 (I) 1 YEAR OF STATEWIDE MONITORING DATA FOR THE
12 CONTAMINANT, WHICH IDENTIFIES LOCATIONS IN THE STATE WHERE THE
13 CONTAMINANT LEVEL MAY POSE A SIGNIFICANT RISK TO PUBLIC HEALTH;

14 (II) PEER REVIEWED ASSESSMENTS, METHODOLOGIES, AND DATA
15 CONCERNING THE PARTICULAR CONTAMINANT; AND

16 (III) A COST/BENEFIT ANALYSIS OF IMPLEMENTING THE PROPOSED
17 STANDARD FOR THE CONTAMINANT CONDUCTED BY THE DEPARTMENT THAT
18 INCLUDES:

19 1. REVIEW AND COMMENT BY THE DEPARTMENT OF
20 BUSINESS AND ECONOMIC DEVELOPMENT; AND

21 2. AFTER THE DEPARTMENT PROVIDES NOTICE OF THE
22 ANALYSIS AND A REASONABLE OPPORTUNITY TO COMMENT TO THE AFFECTED
23 PUBLIC WATER SYSTEMS, ANY SUBMITTED WRITTEN STATEMENTS FROM PUBLIC
24 WATER SYSTEMS AFFECTED BY THE PROPOSED STANDARD.

25 (3) NOTHING IN THIS SUBSECTION AFFECTS THE DEPARTMENT'S
26 AUTHORITY TO ADOPT AND ENFORCE COMPLETE INTERIM OR REVISED NATURAL
27 NATIONAL PRIMARY DRINKING WATER REGULATIONS.

28 9-407.

29 (a) The Secretary shall:

30 (1) Adopt and enforce State primary drinking water regulations; and

31 (2) Adopt and implement adequate procedures for enforcing the State
32 primary drinking water regulations.

33 (b) The State primary drinking water regulations may not:

34 (1) Be more stringent than the complete interim or revised national
35 primary drinking water regulations in effect at the time; or

1 (2) Require} ~~NOT REQUIRE~~ the addition of any substance for preventive
2 health care purposes unrelated to contamination of drinking water.

3 (c) The enforcement procedures shall:

4 (1) Include monitoring and inspection procedures; and

5 (2) Comply with all rules and regulations adopted by the Administrator
6 under the Federal Act.

7 (d) As the Administrator requires by rules or regulations adopted under the
8 Federal Act, the Secretary shall keep records and make reports with respect to the
9 Secretary's activities under this section.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect October 1, 2002.