

SENATE BILL 246

Unofficial Copy
M3

2002 Regular Session
(2lr0138)

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Environmental Matters --

Introduced by **The President (Administration) and Senators Dyson,
Forehand, Frosh, Pinsky, and Van Hollen**

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.

President.

CHAPTER _____

1 AN ACT concerning

2 **Drinking Water –~~State Primary Drinking Water Regulations~~ Security Act**

3 FOR the purpose of ~~removing the prohibition against prohibiting the Secretary of the~~
4 ~~Environment from adopting and enforcing State primary drinking water~~
5 ~~regulations that are more stringent than certain national drinking water~~
6 ~~regulations unless the Secretary makes a certain finding; prohibiting the State~~
7 ~~primary drinking water regulations from being less stringent than certain~~
8 ~~national drinking water regulations in effect during a certain period; and~~
9 ~~generally relating to State primary drinking water regulations; authorizing the~~
10 ~~Secretary of the Department of the Environment to adopt and enforce State~~
11 ~~primary drinking water regulations for a contaminant if the Secretary~~
12 ~~determines that the contaminant poses a significant risk to public health and~~
13 ~~that certain federal regulations concerning the contaminant are not in effect;~~
14 ~~requiring the Secretary to prepare a certain report concerning the proposed~~
15 ~~regulations for the contaminant; providing for the construction of a certain~~
16 ~~provision of law; and generally relating to drinking water standards.~~

1 BY adding to
2 Article - Environment
3 Section 9-406(c)
4 Annotated Code of Maryland
5 (1996 Replacement Volume and 2001 Supplement)

6 BY repealing and reenacting, ~~with~~ without amendments,
7 Article - Environment
8 Section 9-407
9 Annotated Code of Maryland
10 (1996 Replacement Volume and 2001 Supplement)

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

13 **Article - Environment**

14 9-406.

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

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

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

26 (II) PEER REVIEWED ASSESSMENTS, METHODOLOGIES, AND DATA
27 CONCERNING THE PARTICULAR CONTAMINANT; AND

28 (III) A COST/BENEFIT ANALYSIS OF IMPLEMENTING THE
29 PROPOSED STANDARD FOR THE CONTAMINANT CONDUCTED BY THE DEPARTMENT
30 THAT INCLUDES:

31 1. REVIEW AND COMMENT BY THE DEPARTMENT OF
32 BUSINESS AND ECONOMIC DEVELOPMENT; AND

33 2. AFTER THE DEPARTMENT PROVIDES NOTICE OF THE
34 ANALYSIS AND A REASONABLE OPPORTUNITY TO COMMENT TO THE AFFECTED
35 PUBLIC WATER SYSTEMS, ANY SUBMITTED WRITTEN STATEMENTS FROM PUBLIC
36 WATER SYSTEMS AFFECTED BY THE PROPOSED STANDARD.

1 ~~(3)~~ (1) NOTHING IN THIS SUBSECTION AFFECTS THE DEPARTMENT'S
 2 AUTHORITY TO ADOPT AND ENFORCE COMPLETE INTERIM OR REVISED NATIONAL
 3 PRIMARY DRINKING WATER REGULATIONS.

4 9-407.

5 (a) The Secretary shall:

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

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

9 (b) ~~(1)~~ The State primary drinking water regulations may not:

10 ~~(1)~~ ~~(1)~~ (1) Be more stringent than the complete interim or revised
 11 national primary drinking water regulations in effect at the time, ~~UNLESS THE~~
 12 ~~SECRETARY FINDS THAT THE MORE STRINGENT REGULATIONS ARE NECESSARY TO~~
 13 ~~PROTECT PUBLIC HEALTH;~~ or

14 ~~(2)~~ ~~(1)~~ (2) Require ~~REQUIRE~~ the addition of any substance for
 15 preventive health care purposes unrelated to contamination of drinking water.

16 ~~(2)~~ NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, THE
 17 STATE PRIMARY DRINKING WATER REGULATIONS MAY NOT BE LESS STRINGENT
 18 THAN THE COMPLETE INTERIM OR REVISED NATIONAL PRIMARY DRINKING WATER
 19 REGULATIONS IN EFFECT IN JANUARY 2002.

20 (c) The enforcement procedures shall:

21 (1) Include monitoring and inspection procedures; and

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

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

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

