

Department of Legislative Services

Maryland General Assembly

2002 Session

FISCAL NOTE

Revised

House Bill 444

(Delegates Morhaim and Redmer)

Environmental Matters

Education, Health, and Environmental Affairs

Environment - Wastewater Treatment Facilities - Notice of Discharges

This bill provides that the Maryland Department of the Environment (MDE) must require, as a condition for all publicly owned treatment works discharge permits, a permit holder to post permanent signs including several specified items. The bill specifies requirements relating to the location and visibility of the signs.

Fiscal Summary

State Effect: The bill's requirements could be handled with existing budgeted resources.

Local Effect: Local jurisdictions that own and operate wastewater treatment plants could incur increased expenditures related to posting signs at discharge points; however, any increase is not anticipated to be significant for any given jurisdiction.

Small Business Effect: None.

Analysis

Bill Summary: The signs must include the name of the permitted facility, the permit number, the points of discharge or outfall number, and a warning regarding the nature of the discharge. The bill requires specified warning statements for publicly owned wastewater treatment facilities, "combined sewer systems," and wastewater collection systems that have a designed, permanent overflow point prior to reaching a treatment plant. "Combined sewer systems" means a wastewater collection system designed to carry sanitary sewage and stormwater in a single pipe to a treatment facility. The signs must be posted at each "point of discharge" and at each point at which the discharge

enters into or onto property not owned by the permit holder. “Point of discharge” means that location in or adjacent to a body of water at which any mixture of liquid and other materials is discharged or deposited. The signs must be at least three feet above ground level and clearly visible to persons on the adjoining property and waters. The bill specifies the required size of the lettering on the signs.

Current Law: A person must hold a discharge permit issued by MDE before the person may construct, install, modify, extend, alter, or operate an industrial, commercial, or recreational facility or disposal system, a State-owned treatment facility, or any other outlet or establishment if its operation could cause or increase the discharge of pollutants into the waters of the State. MDE may issue a discharge permit if it finds that the discharge meets all applicable State and federal water quality standards and effluent limitations and all other applicable requirements. MDE may make the issuance of a discharge permit contingent on any conditions MDE considers necessary to prevent violation of the State’s water pollution control laws.

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. Chapter 602 of 2001 requires MDE, in cooperation with the Department of Health and Mental Hygiene, local health departments, and local environmental health directors, to develop procedures for requiring owners and operators to provide public notification of a sewage overflow. No specific requirements relating to the posting of permanent signs at discharge points exists.

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 years, 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 was raised that public notification of these incidents was not provided in a timely manner.

Pursuant to Chapter 602 of 2001, MDE is currently developing regulations pertaining to public notification of sewer overflows. MDE advises that the regulations being developed do not currently contain any requirements relating to the posting of permanent signs at discharge points. According to MDE, public health decisions relating to the posting of overflows and discharge points has been referred to the local health departments.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of the Environment, Department of Legislative Services

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