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By: **Delegates Glassman, Benson, Boteler, Boutin, V. Clagett, DeBoy, Gaines, Gilleland, Hogan, Impallaria, James, Jennings, Kach, Love, McComas, McDonough, Montgomery, and Shewell**

Introduced and read first time: January 28, 2005

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 1, 2005

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Nontransient Noncommunity Water Systems - Methyl Tertiary Butyl Ether -**  
 3 **Testing**

4 FOR the purpose of requiring certain water systems to test the water provided by the  
 5 system for the presence of methyl tertiary butyl ether, report the findings to the  
 6 Department of the Environment, and provide certain users with a certain notice  
 7 under certain circumstances; ~~authorizing the Department to adopt certain~~  
 8 ~~regulations~~; and generally relating to nontransient noncommunity water  
 9 systems.

10 BY repealing and reenacting, without amendments,  
 11 Article - Environment  
 12 Section 9-401(a) and (i)  
 13 Annotated Code of Maryland  
 14 (1996 Replacement Volume and 2004 Supplement)

15 BY repealing and reenacting, with amendments,  
 16 Article - Environment  
 17 Section ~~9-417~~ 9-410  
 18 Annotated Code of Maryland  
 19 (1996 Replacement Volume and 2004 Supplement)

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

1 **Article - Environment**

2 9-401.

3 (a) In this subtitle the following words have the meanings indicated.

4 (i) "Nontransient noncommunity water system" means a public  
5 water system that is not a community system and that regularly serves at least 25 of  
6 the same individuals over 6 months per year.7 ~~9-417.~~8 ~~(A) Each new community and nontransient noncommunity water supply~~  
9 ~~system that commences operation after October 1, 1999 shall demonstrate to the~~  
10 ~~Department that it has the technical, managerial, and financial capacity to operate~~  
11 ~~the proposed water system in accordance with the drinking water regulations in~~  
12 ~~effect, or likely to be in effect, on the date of the commencement of operations.~~13 ~~(B) EACH NONTRANSIENT NONCOMMUNITY WATER SYSTEM, INCLUDING~~  
14 ~~THOSE SYSTEMS THAT PRIMARILY PROVIDE BOTTLED WATER, SHALL:~~15 ~~(1) AT A FREQUENCY DETERMINED BY THE DEPARTMENT, BUT NOT~~  
16 ~~LESS THAN ONCE PER YEAR, TEST THE WATER PROVIDED BY THE SYSTEM FOR THE~~  
17 ~~PRESENCE OF METHYL TERTIARY BUTYL ETHER;~~18 ~~(2) REPORT THE FINDINGS TO THE DEPARTMENT; AND~~19 ~~(3) IF THE LEVEL OF METHYL TERTIARY BUTYL ETHER IN THE TESTING~~  
20 ~~SAMPLE MEETS OR EXCEEDS 20 PARTS PER BILLION, NOTIFY THE PERSONS~~  
21 ~~REGULARLY SERVED BY THE SYSTEM THAT THE SYSTEM HAS EXCEEDED THE STATE~~  
22 ~~ACTION LEVEL FOR METHYL TERTIARY BUTYL ETHER.~~23 ~~(C) THE DEPARTMENT MAY ADOPT REGULATIONS NECESSARY FOR THE~~  
24 ~~IMPLEMENTATION OF THIS SECTION.~~25 ~~9-410.~~26 (a) Each supplier of water shall give notice to the Department and the persons  
27 served by the system whenever the system:28 (1) Fails to comply with an applicable maximum contaminant level,  
29 treatment technique requirement, or testing procedure prescribed by a drinking  
30 water regulation or fails to perform required monitoring;31 (2) Is subject to variance granted for an inability to meet a maximum  
32 contaminant level;33 (3) Is subject to an exemption;34 (4) Fails to comply with the requirements set by a variance or  
35 exemption; or

1           (5)     Has concentration levels of an unregulated contaminant for which  
2 the State may require notice due to the risk to public health.

3     (b)     Each notice shall:

4           (1)     State the nature and possible health effects that may result;

5           (2)     Be provided to the persons served by the water system;

6           (3)     Be issued in a timely manner by means of radio, television,  
7 newspaper of general circulation, written notice, or other means acceptable to the  
8 Department; and

9           (4)     Be in a form readily understandable by the affected population.

10     (c)     (1)     By rule or regulation, the Secretary shall adopt notice requirements  
11 to meet the requirements of this section.

12           (2)     The rules and regulations shall establish notification standards and  
13 procedures that include the manner, frequency, form, and content of the notices.

14     (d)     For violations with the potential to have serious adverse effects on human  
15 health as a result of short-term exposure, the supplier of water shall provide notice as  
16 soon as practicable, but not later than 24 hours after the occurrence of the violation.

17     (e)     For violations other than the violations described in subsection (d) of this  
18 section, the supplier of water shall provide written notice to each person served by the  
19 system in an annual report, or by mail not later than 1 year after the violation.

20     (F)     (1)     EACH NONTRANSIENT NONCOMMUNITY WATER SYSTEM,  
21 INCLUDING THOSE SYSTEMS THAT PRIMARILY PROVIDE BOTTLED WATER, SHALL:

22           (I)     AT A FREQUENCY DETERMINED BY THE DEPARTMENT, TEST  
23 THE WATER PROVIDED BY THE SYSTEM FOR THE PRESENCE OF METHYL TERTIARY  
24 BUTYL ETHER; AND

25           (II)    REPORT THE TEST RESULTS TO THE DEPARTMENT.

26           (2)     IF A TEST CONDUCTED UNDER THIS SUBSECTION INDICATES THAT  
27 THE LEVEL OF METHYL TERTIARY BUTYL ETHER IN THE DRINKING WATER EXCEEDS  
28 THE STATE ADVISORY LEVEL, AS DETERMINED BY THE DEPARTMENT, THE WATER  
29 SYSTEM SHALL GIVE NOTICE OF THAT FACT TO:

30           (I)     THE PERSONS REGULARLY SERVED BY THE WATER SYSTEM;  
31 AND

32           (II)    IF THE WATER SYSTEM SERVES A DAY CARE CENTER, AN  
33 ELEMENTARY OR SECONDARY SCHOOL, OR ANY OTHER FACILITY THAT REGULARLY  
34 SERVES MINORS, THE PARENTS OR LEGAL GUARDIANS OF ALL MINORS REGULARLY  
35 SERVED BY THE WATER SYSTEM.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2005.