

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

Introduced and read first time: January 28, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Oil Spills - Methyl Tertiary Butyl Ether - Notification**

3 FOR the purpose of requiring the Maryland Department of the Environment to
4 provide property owners located within a certain distance of a site found to be
5 contaminated with a certain amount of methyl tertiary butyl ether with a
6 certain notice; requiring a person responsible for a certain oil spillage to be
7 liable for the costs to the Department of providing a certain notice; defining a
8 certain term; and generally relating to notifying the public of the presence of
9 methyl tertiary butyl ether.

10 BY repealing and reenacting, with amendments,
11 Article - Environment
12 Section 4-409
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 2004 Supplement)

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

17 **Article - Environment**

18 4-409.

19 (a) The person responsible for the oil spillage shall be liable [to]:

20 (1) TO any other person for any damage to his real or personal property
21 directly caused by the spillage; AND

22 (2) TO THE DEPARTMENT FOR THE COSTS ASSOCIATED WITH PROVIDING
23 THE NOTICE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION.

24 (b) (1) In this subsection, "owner of an underground oil storage tank"
25 includes any person who:

1 (i) Causes an underground oil storage tank to be installed; or

2 (ii) Acquires, other than through a lease or rental, and uses an
3 underground oil storage tank.

4 (2) The Department shall adopt regulations requiring the owner of an
5 underground oil storage tank to provide evidence of financial responsibility for costs
6 of cleanup, corrective action, and third party liability in the event of a discharge.

7 (3) Tanks subject to the financial responsibility requirements of this
8 subsection shall be the same as those tanks for which financial assurance is required
9 under Subtitle I of the Resource Conservation and Recovery Act, and limits of
10 coverage shall be the same as those imposed under that act.

11 (C) (1) IN THIS SUBSECTION, "MTBE" MEANS METHYL TERTIARY BUTYL
12 ETHER.

13 (2) UPON A FINDING BY THE DEPARTMENT THAT MTBE IS PRESENT IN A
14 MONITORING WELL OR SOIL SAMPLE IN EXCESS OF 20 PARTS PER BILLION AND IN
15 ACCORDANCE WITH PARAGRAPH (3) OF THIS PARAGRAPH, THE DEPARTMENT SHALL
16 NOTIFY EACH OWNER OF PROPERTY LOCATED WITHIN ONE-HALF MILE OF THE SITE
17 FROM WHICH THE SAMPLE WAS TAKEN.

18 (3) THE NOTIFICATION SHALL:

19 (I) BE MAILED WITHIN 14 DAYS OF THE FINDING BY THE
20 DEPARTMENT;

21 (II) BE MAILED VIA CERTIFIED MAIL; AND

22 (III) PROVIDE THE PROPERTY OWNER WITH INFORMATION
23 REGARDING:

24 1. THE AMOUNT OF MTBE CONTAMINATION AT THE SITE;

25 2. THE ACTIONS THE DEPARTMENT IS TAKING TO ADDRESS
26 THE CONTAMINATION; AND

27 3. THE ACTIONS THAT THE PROPERTY OWNER SHOULD
28 TAKE TO PROTECT THE OWNER'S HEALTH AND PROPERTY.

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