

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 1, 2005

CHAPTER _____

1 AN ACT concerning

2 **Oil Spills - Methyl Tertiary Butyl Ether Oil Discharge - Groundwater**
3 **Contamination - Notification**

4 FOR the purpose of requiring the Maryland Department of the Environment to
5 provide a certain notice to a certain local health department upon a finding by
6 the Department of certain chemical contaminants at certain levels in certain
7 groundwater samples; requiring a local health department to provide property
8 owners located within a certain distance of a site found to be contaminated with
9 a certain amount of methyl tertiary butyl ether amounts of certain chemicals
10 with a certain notice; requiring a person responsible for a certain oil ~~spillage~~
11 discharge to be liable for the costs to the Department of providing a certain
12 notice; ~~defining a certain term~~; and generally relating to notifying the public of
13 the presence of methyl tertiary butyl ether chemical contaminants in
14 groundwater.

15 BY ~~repealing and reenacting, with amendments, adding to~~
16 Article - Environment
17 Section ~~4-409~~ 4-411.2
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 4-409.

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

4 (1) TO any other person for any damage to his real or personal property
5 directly caused by the spillage; AND6 (2) TO THE DEPARTMENT FOR THE COSTS ASSOCIATED WITH PROVIDING
7 THE NOTICE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION.8 (b) (1) In this subsection, "owner of an underground oil storage tank"
9 includes any person who:

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

11 (ii) Acquires, other than through a lease or rental, and uses an
12 underground oil storage tank.13 (2) The Department shall adopt regulations requiring the owner of an
14 underground oil storage tank to provide evidence of financial responsibility for costs
15 of cleanup, corrective action, and third party liability in the event of a discharge.16 (3) Tanks subject to the financial responsibility requirements of this
17 subsection shall be the same as those tanks for which financial assurance is required
18 under Subtitle I of the Resource Conservation and Recovery Act, and limits of
19 coverage shall be the same as those imposed under that act.20 (C) (1) IN THIS SUBSECTION, "MTBE" MEANS METHYL TERTIARY BUTYL
21 ETHER.22 (2) UPON A FINDING BY THE DEPARTMENT THAT MTBE IS PRESENT IN A
23 MONITORING WELL OR SOIL SAMPLE IN EXCESS OF 20 PARTS PER BILLION AND IN
24 ACCORDANCE WITH PARAGRAPH (3) OF THIS PARAGRAPH, THE DEPARTMENT SHALL
25 NOTIFY EACH OWNER OF PROPERTY LOCATED WITHIN ONE HALF MILE OF THE SITE
26 FROM WHICH THE SAMPLE WAS TAKEN.

27 4-411.2.

28 (A) WITHIN 14 DAYS OF THE FINDING, THE DEPARTMENT SHALL NOTIFY THE
29 APPROPRIATE LOCAL HEALTH DEPARTMENT OF A FINDING THAT A GROUNDWATER
30 MONITORING WELL SAMPLE TAKEN FROM A HIGH-RISK GROUNDWATER USE AREA,
31 AS DEFINED BY THE DEPARTMENT, CONTAINS:32 (1) METHYL TERTIARY BUTYL ETHER AT OR IN EXCESS OF 20 PARTS PER
33 BILLION;34 (2) BENZENE AT OR IN EXCESS OF 5 PARTS PER BILLION; OR

1 (3) A COMBINATION OF BENZENE, TOLUENE, ETHYL BENZENE, AND
2 XYLENE AT OR IN EXCESS OF 100 PARTS PER BILLION.

3 (B) (1) THE LOCAL HEALTH DEPARTMENT SHALL NOTIFY EACH OWNER OF
4 PROPERTY WITHIN ONE-HALF MILE OF THE SITE FROM WHICH THE SAMPLE WAS
5 TAKEN.

6 ~~(2)~~ THE NOTIFICATION SHALL:

7 (I) BE MAILED WITHIN 14 DAYS OF THE ~~FINDING BY THE~~
8 ~~DEPARTMENT RECEIPT OF A NOTICE FROM THE DEPARTMENT UNDER SUBSECTION~~
9 (A) OF THIS SECTION;

10 (II) BE MAILED VIA CERTIFIED MAIL; AND

11 (III) PROVIDE THE PROPERTY OWNER WITH INFORMATION
12 ~~REGARDING:~~ REGARDING THE AMOUNT OF CONTAMINATION AT THE SITE.

13 (C) THE PERSON RESPONSIBLE FOR THE RELEASE THAT RESULTED IN THE
14 GROUNDWATER CONTAMINATION SHALL REIMBURSE THE LOCAL HEALTH
15 DEPARTMENT FOR THE COSTS ASSOCIATED WITH PROVIDING THE NOTICE
16 REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.

17 1. ~~THE AMOUNT OF MTBE CONTAMINATION AT THE SITE;~~

18 2. ~~THE ACTIONS THE DEPARTMENT IS TAKING TO ADDRESS~~
19 ~~THE CONTAMINATION; AND~~

20 3. ~~THE ACTIONS THAT THE PROPERTY OWNER SHOULD~~
21 ~~TAKE TO PROTECT THE OWNER'S HEALTH AND PROPERTY.~~

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