

# HOUSE BILL 498

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By: **Delegates Kach, Impallaria, Jennings, and McDonough**

Introduced and read first time: January 30, 2008

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Groundwater Contamination - Level of Methyl Tertiary Butyl Ether - Notice**  
3 **and Cleanup**

4 FOR the purpose of altering the level of methyl tertiary butyl ether groundwater  
5 contamination requiring notification of a local health department and certain  
6 property owners by the Department of the Environment; requiring the  
7 Department to adopt regulations to ensure the cleanup of methyl tertiary butyl  
8 ether in a certain area; requiring a person responsible for a certain release to  
9 reimburse the Department for certain costs; and generally relating to methyl  
10 tertiary butyl ether groundwater contamination notice and cleanup  
11 requirements.

12 BY repealing and reenacting, with amendments,  
13 Article - Environment  
14 Section 4-411.2  
15 Annotated Code of Maryland  
16 (2007 Replacement Volume and 2007 Supplement)

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

19 **Article - Environment**

20 4-411.2.

21 (a) Within 14 days of the finding, the Department shall notify the  
22 appropriate local health department of a finding that a groundwater monitoring well  
23 sample taken from a high-risk groundwater use area, as defined by the Department,  
24 contains:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) Methyl tertiary butyl ether at or in excess of [20] 5 parts per  
2 billion;

3 (2) Benzene at or in excess of 5 parts per billion; or

4 (3) A combination of benzene, toluene, ethyl benzene, and xylene at or  
5 in excess of 100 parts per billion.

6 (b) (1) Except as provided in paragraph (2) of this subsection, the  
7 Department shall notify each owner of property within one-half mile of the site from  
8 which the sample was taken.

9 (2) If the Department and the local health department agree, the local  
10 health department shall give the notice required under this section.

11 (3) The notification shall:

12 (i) Be mailed within 14 days of the receipt of a notice from the  
13 Department under subsection (a) of this section;

14 (ii) Be mailed via certified mail; and

15 (iii) Provide the property owner with information regarding the  
16 amount of contamination at the site.

17 (c) **THE DEPARTMENT SHALL ADOPT REGULATIONS TO ENSURE THE**  
18 **CLEANUP OF METHYL TERTIARY BUTYL ETHER AT A LEVEL AT OR IN EXCESS OF**  
19 **5 PARTS PER BILLION FROM A HIGH-RISK GROUNDWATER USE AREA.**

20 (D) The person responsible for the release that resulted in the groundwater  
21 contamination shall:

22 (1) [reimburse] **REIMBURSE** the Department or the local health  
23 department for the costs associated with providing the notice required under  
24 subsection (b) of this section; **AND**

25 (2) **REIMBURSE THE DEPARTMENT FOR THE COSTS OF A**  
26 **CLEANUP OF METHYL TERTIARY BUTYL ETHER UNDER SUBSECTION (C) OF THIS**  
27 **SECTION, INCLUDING ATTORNEYS' FEES AND LITIGATION COSTS.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2008.