

HOUSE BILL 824

M3

3lr1850

By: **Delegates Szeliga and Jacobs**

Introduced and read first time: February 6, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Sewer Overflow or Treatment Plant Bypass – Electronic**
3 **Notice**

4 FOR the purpose of requiring the Department of the Environment to publish all sewer
5 overflow and treatment plant bypass reports on a single page on its Web site;
6 requiring the Department to develop and maintain a list containing the
7 electronic mail addresses of persons interested in receiving an electronic mail
8 notification of a sewer overflow or treatment plant bypass; requiring the
9 Department to include certain addresses on the list under certain
10 circumstances; requiring the Department to remove certain addresses from the
11 list under certain circumstances; requiring the Department, on receipt of a
12 telephone notification of a sewer overflow or treatment plant bypass, to notify
13 by electronic mail certain members of the General Assembly and certain other
14 persons; and generally relating to electronic notice of sanitary sewer overflows
15 and wastewater treatment plant bypasses.

16 BY repealing and reenacting, with amendments,
17 Article – Environment
18 Section 9–331.1
19 Annotated Code of Maryland
20 (2007 Replacement Volume and 2012 Supplement)

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

23 **Article – Environment**

24 9–331.1.

25 (a) (1) The owner or operator of any sanitary sewer system, combined
26 sewer system, or wastewater treatment plant shall report to the Department any

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 sewer overflow or treatment plant bypass that results in the direct or potential
2 discharge of raw or diluted sewage into the surface waters or groundwaters of the
3 State.

4 (2) The report shall be made by telephone as soon as practicable but
5 no later than 24 hours after the time that the operator or owner became aware of the
6 event.

7 (3) Within 5 calendar days after the telephone notification of the
8 event, the owner or operator shall provide the Department with a written report
9 regarding the incident that includes any information required by the Department.

10 (4) **THE DEPARTMENT SHALL PUBLISH ALL SEWER OVERFLOW
11 AND TREATMENT PLANT BYPASS REPORTS ON A SINGLE PAGE ON THE
12 DEPARTMENT'S WEB SITE.**

13 **(B) (1) THE DEPARTMENT SHALL:**

14 **(I) DEVELOP AND MAINTAIN A LIST CONTAINING THE
15 ELECTRONIC MAIL ADDRESSES OF PERSONS INTERESTED IN RECEIVING AN
16 ELECTRONIC MAIL NOTIFICATION OF A SEWER OVERFLOW OR TREATMENT
17 PLANT BYPASS;**

18 **(II) INCLUDE ON THE LIST DEVELOPED UNDER ITEM (I) OF
19 THIS PARAGRAPH THE ELECTRONIC MAIL ADDRESS OF EACH PERSON THAT
20 REQUESTS TO BE INCLUDED AND PROVIDES AN ADDRESS TO THE DEPARTMENT;
21 AND**

22 **(III) REMOVE FROM THE LIST DEVELOPED UNDER ITEM (I)
23 OF THIS PARAGRAPH THE ELECTRONIC MAIL ADDRESS OF ANY PERSON THAT
24 REQUESTS TO BE REMOVED FROM THE LIST.**

25 **(2) ON RECEIPT OF A TELEPHONE NOTIFICATION OF A SEWER
26 OVERFLOW OR TREATMENT PLANT BYPASS UNDER SUBSECTION (A) OF THIS
27 SECTION, THE DEPARTMENT SHALL NOTIFY BY ELECTRONIC MAIL:**

28 **(I) EACH MEMBER OF THE GENERAL ASSEMBLY
29 REPRESENTING THE DISTRICT IN WHICH THE OVERFLOW OR BYPASS OCCURRED
30 OR ANY OTHER DISTRICT WITHIN 1 MILE OF THE OVERFLOW OR BYPASS; AND**

31 **(II) EACH PERSON INCLUDED ON THE LIST OF INTERESTED
32 PERSONS DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

1 **[(b)] (C)** The Department, in cooperation with the Department of Health
2 and Mental Hygiene, the local health departments, and local environmental health
3 directors, shall develop procedures for requiring the owner or operator of any sanitary
4 sewer system, combined sewer system, or wastewater treatment plant to provide
5 public notification of a sewage overflow.

6 **[(c)] (D)** (1) The Department of Health and Mental Hygiene and the
7 local health departments shall make all decisions and determinations as to public
8 health issues resulting from sewer overflows or treatment bypasses.

9 (2) The owner or operator of any sanitary sewer system, combined
10 sewer system, or wastewater treatment plant is not responsible for making public
11 health determinations regarding sewer overflow or treatment plant bypasses.

12 **[(d)] (E)** The Department shall adopt regulations to implement the
13 requirements of this section.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2013.