

Chapter 310

(House Bill 417)

AN ACT concerning

Water Pollution Control – ~~Public~~ Notification of Sewer Overflows and Treatment Plant Bypasses – Alteration

FOR the purpose of repealing a requirement that a certain report of a sewer overflow or treatment plant bypass provided to the Department of the Environment by an owner or operator of certain sewer systems or wastewater treatment plants be made by telephone; specifying the content of the procedures that the Department of the Environment, in cooperation with the Maryland Department of Health, local health departments, and local environmental health directors, is required to develop for an owner or operator of certain sewer systems or wastewater treatment plants to provide public notification of a sewer overflow or treatment plant bypass; applying the public notification requirement to treatment plant bypasses; ~~authorizing the owner or operator of certain sewer systems or wastewater treatment plants to provide the public notification in a certain manner under certain circumstances~~; making a stylistic change; making a conforming change; and generally relating to sewer overflows and treatment plant bypasses.

BY repealing and reenacting, with amendments,
 Article – Environment
 Section 9–331.1
 Annotated Code of Maryland
 (2014 Replacement Volume and 2018 Supplement)

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

Article – Environment

9–331.1.

(a) (1) The owner or operator of any sanitary sewer system, combined sewer system, or wastewater treatment plant shall report to the Department any sewer overflow or treatment plant bypass that results in the direct or potential discharge of raw or diluted sewage into the surface waters or groundwaters of the State.

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

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

(b) (1) [The] ~~SUBJECT TO PARAGRAPHS PARAGRAPH (2) AND (3)~~ OF THIS SUBSECTION, THE Department, in cooperation with the Maryland Department of Health, the local health departments, and local environmental health directors, shall develop procedures for requiring the owner or operator of any sanitary sewer system, combined sewer system, or wastewater treatment plant to provide public notification of a [sewage] SEWER overflow OR TREATMENT PLANT BYPASS.

(2) THE PROCEDURES DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

~~(I) BE APPLIED UNIFORMLY THROUGHOUT THE STATE;~~

~~(II) (I) REQUIRE THAT THE NOTIFICATION BE POSTED IN SPANISH AND ENGLISH:~~

1. IN SPANISH AND ENGLISH AT THE LOCATION OF THE SEWER OVERFLOW OR TREATMENT PLANT BYPASS;

~~2.~~ 2. ON THE WEBSITE OF THE DEPARTMENT, THE MARYLAND DEPARTMENT OF HEALTH, AND THE APPROPRIATE LOCAL HEALTH DEPARTMENT; AND

~~3.~~ 3. ON ANY SOCIAL MEDIA WEBSITE ON WHICH THE DEPARTMENT, MARYLAND DEPARTMENT OF HEALTH, OR APPROPRIATE LOCAL HEALTH DEPARTMENT REGULARLY POSTS INFORMATION; AND

~~4. AT THE LOCATION OF THE SEWER OVERFLOW OR TREATMENT PLANT BYPASS; AND~~

~~(II) (II)~~ REQUIRE NOTIFICATION WITHIN A REASONABLE TIME TO:

1. APPROPRIATE DOWNSTREAM JURISDICTIONS;

2. APPROPRIATE COUNTY GOVERNMENTS;

3. STATE PARKS IMPACTED BY THE SEWER OVERFLOW OR TREATMENT PLANT BYPASS;

4. THE DEPARTMENT OF NATURAL RESOURCES; AND

5. ANY OTHER LOCAL, STATE, OR FEDERAL LAND MANAGER IMPACTED BY THE SEWER OVERFLOW OR TREATMENT PLANT BYPASS.

~~(3) IN LIEU OF THE NOTIFICATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE OWNER OR OPERATOR OF ANY SANITARY SEWER SYSTEM, COMBINED SEWER SYSTEM, OR WASTEWATER TREATMENT PLANT MAY PROVIDE NOTICE OF A SEWER OVERFLOW OR TREATMENT PLANT BYPASS IN ITS QUARTERLY OR ANNUAL REPORT, REPORT OF INCIDENTS INCLUDED WITH WATER BILLS, OR INFORMATION ABOUT INCIDENTS AVAILABLE ON AN APPROPRIATE WEBSITE IF:~~

~~(i) THE TOTAL VOLUME OF THE SEWER OVERFLOW OR TREATMENT PLANT BYPASS AT THE TIME OF COMPLETED REPAIR IS LESS THAN 5,000 GALLONS; AND~~

~~(ii) THE MARYLAND DEPARTMENT OF HEALTH, APPROPRIATE LOCAL HEALTH DEPARTMENT, OR APPROPRIATE ENVIRONMENTAL HEALTH DIRECTOR OR THE ENVIRONMENTAL HEALTH DIRECTOR'S DESIGNEE DETERMINES THAT:~~

~~1. THE OVERFLOW DID NOT ENTER:~~

~~A. SHELLFISH HARVESTING WATERS;~~

~~B. WATERS PROTECTED AS DRINKING WATER SOURCES;~~

~~C. WATERS USED AS PUBLIC BATHING BEACHES WHERE PEOPLE MAY SWIM; OR~~

~~D. WATERS USED FOR PUBLIC RECREATION WHERE PEOPLE MAY BOAT, FISH, OR SWIM; AND~~

~~2. THERE IS NOT A RISK TO PUBLIC HEALTH.~~

(c) (1) The Maryland Department of Health and the local health departments shall make all decisions and determinations as to public health issues resulting from sewer overflows or treatment bypasses.

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

(d) The Department shall adopt regulations to implement the requirements of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.