A BILL ENTITLED

AN ACT concerning

Department of the Environment – Operation of Sewerage Systems and Refuse Disposal Works – Deficiency Reports

FOR the purpose of requiring the Department of the Environment, for a sewerage system or refuse disposal system for which the Maryland Environmental Service has taken charge, to produce a report detailing the parts of the system or works that are deficient and the plans to correct these deficiencies, and a biweekly report providing updates on the steps taken to correct these deficiencies; and generally relating to the operation of sewerage systems and refuse disposal works.

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 3–109(c)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

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

Article – Natural Resources

3–109.

(c) (1) Upon the failure of a municipality or person to comply with an order of the Secretary of the Environment to correct deficiencies on the operation of sewerage systems or refuse disposal works as provided in Title 9 of the Environment Article, the Secretary of the Environment shall direct the Service to take charge of and operate the systems or works to secure the results demanded by the Secretary of the Environment.

(2) Except as provided in subsection (e) of this section, upon the receipt of...
the directive from the Secretary of the Environment, the Service immediately shall take charge of and operate the systems or works to secure the results set forth in the directive of the Secretary of the Environment. All costs for maintenance, operation, and other services including legal fees incidental to taking possession of the sewerage system or refuse disposal works shall be charged to the municipality or person against which or whom the original order of the Secretary of the Environment was served.

(3) (i) Funds to pay the Service for services rendered under this subsection shall be raised in the case of a municipality under Title 9 of the Environment Article.

(ii) If the order is issued against a person, the Service shall bill the person for the full cost of services rendered.

(iii) If payment is not made within 60 days, the costs become a lien against the sewerage system or refuse disposal works if it is recorded and indexed as provided in this subtitle, and the Executive Director shall refer the matter to the Attorney General for collection.

(4) (I) If the Secretary of the Environment directs the Service to take charge of a sewerage system or refuse disposal works in accordance with paragraph (1) of this subsection, the Department of the Environment shall produce a report detailing the parts of the system or works that are deficient and the plan to correct these deficiencies.

(ii) The report required under subparagraph (i) of this paragraph shall be made available to the General Assembly, in accordance with § 2–1257 of the State Government Article, and to the general public on the Department of the Environment’s website by the close of business of the next Friday.

(iii) In addition to the report produced under subparagraph (i) of this paragraph, the Department of the Environment shall produce a biweekly report, to be made available to the General Assembly, in accordance with § 2–1257 of the State Government Article, and to the general public on the Department of the Environment’s website, providing updates on steps taken to correct the deficiencies outlined in the initial report.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.