

SENATE BILL 572

M3

4lr2651

By: **Senator M. Washington**

Introduced and read first time: January 25, 2024

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Collection and Reporting of Drinking Water and Wastewater**
3 **Documents, Data, and Information – Requirements**

4 FOR the purpose of requiring a water utility operating in the State to post on its website
5 or provide to the Department of the Environment certain documents, data, and
6 information; requiring a certain local government to provide or post on its website
7 certain data and information to a certain water utility; prohibiting the Department
8 from imposing more than a certain amount in fines on certain water utilities for each
9 reporting year; requiring the revenues from the fines imposed on water utilities that
10 fail to report certain documents, data, or information to be distributed to a special
11 fund; and generally relating to the collection and reporting of water data.

12 BY repealing and reenacting, without amendments,
13 Article – Environment
14 Section 9–101(a) and (i) and 9–401(a), (c), (h), (i), (l), (m), and (o)
15 Annotated Code of Maryland
16 (2014 Replacement Volume and 2023 Supplement)

17 BY adding to
18 Article – Environment
19 Section 9–1201 through 9–1204 to be under the new subtitle “Subtitle 12. Reporting
20 of Drinking Water and Wastewater Data and Information”
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2023 Supplement)

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

25 **Article – Environment**

26 9–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this title the following words have the meanings indicated.

2 (i) “Publicly owned treatment works” means a facility that is:

3 (1) Owned by this State or a political subdivision, municipal corporation,
4 or other public entity; and

5 (2) Used for the treatment of pollutants.

6 9–401.

7 (a) In this subtitle the following words have the meanings indicated.

8 (c) “Community water system” means a public water system that:

9 (1) Serves at least 15 service connections used by year–round residents of
10 the area served by the system; or

11 (2) Regularly serves at least 25 year–round residents.

12 (h) “Noncommunity water system” means a public water system that is not a
13 community water system.

14 (i) “Nontransient noncommunity water system” means a public water system
15 that is not a community system and that regularly serves at least 25 of the same individuals
16 over 6 months per year.

17 (l) (1) “Public water system” means a system that:

18 (i) Provides to the public water for human consumption through
19 pipes or other constructed conveyances; and

20 (ii) 1. Has at least 15 service connections; or

21 2. Regularly serves at least 25 individuals.

22 (2) “Public water system” includes:

23 (i) Any collection, treatment, storage, or distribution facility that is
24 under the control of the operator of the system and is used primarily in connection with the
25 system; and

26 (ii) Any collection or pretreatment storage facility that is not under
27 the control of the operator of the system and is used primarily in connection with the
28 system.

1 (m) "Supplier of water" means any person who owns or operates a public water
2 system.

3 (o) "Transient noncommunity water system" means a noncommunity water
4 system that does not regularly serve at least 25 of the same individuals over 6 months per
5 year.

6 **SUBTITLE 12. REPORTING OF DRINKING WATER AND WASTEWATER DATA AND**
7 **INFORMATION.**

8 **9-1201.**

9 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

11 (B) "ACCOUNT TYPE" MEANS:

12 (1) A RESIDENTIAL DRINKING WATER OR WASTEWATER ACCOUNT;

13 (2) A COMMERCIAL DRINKING WATER OR WASTEWATER ACCOUNT; OR

14 (3) AN INDUSTRIAL DRINKING WATER OR WASTEWATER ACCOUNT.

15 (C) "ANNUAL WATER QUALITY CONSUMER CONFIDENCE REPORT" MEANS
16 AN ANNUAL REPORT THAT A WATER UTILITY IS REQUIRED TO PROVIDE TO THE
17 DEPARTMENT REGARDING THE QUALITY OF THE WATER UTILITY'S DRINKING
18 WATER AND ANY RISKS ASSOCIATED WITH CONTAMINANTS DETECTED IN THE
19 WATER.

20 (D) "HOUSEHOLD WITH A LOW INCOME" MEANS A HOUSEHOLD THAT:

21 (1) HAS AN ANNUAL ADJUSTED GROSS INCOME AT OR BELOW 200%
22 OF THE FEDERAL POVERTY LEVEL; OR

23 (2) IS LOCATED IN A CENSUS TRACT WITH AN AVERAGE MEDIAN
24 INCOME AT OR BELOW 80% OF THE AVERAGE MEDIAN INCOME FOR THE STATE.

25 (E) "SERVICE AREA" MEANS THE AREA WITHIN WHICH A WATER UTILITY
26 PROVIDES WATER OR WASTEWATER SERVICE.

27 (F) "SERVICE TYPE" MEANS:

28 (1) DRINKING WATER SERVICE; OR

1 **(2) WASTEWATER SERVICE.**

2 **(G) (1) “WATER UTILITY” MEANS A PUBLIC OR PRIVATE ENTITY THAT**
3 **PROVIDES WATER OR WASTEWATER SERVICE TO CUSTOMERS IN A SERVICE AREA.**

4 **(2) “WATER UTILITY” INCLUDES:**

5 **(I) A COMMUNITY WATER SYSTEM AS DEFINED IN § 9-401 OF**
6 **THIS TITLE;**

7 **(II) A NONCOMMUNITY WATER SYSTEM AS DEFINED IN § 9-401**
8 **OF THIS TITLE;**

9 **(III) A PUBLIC WATER SYSTEM AS DEFINED IN § 9-401 OF THIS**
10 **TITLE;**

11 **(IV) A PUBLICLY OWNED TREATMENT WORKS;**

12 **(V) A SUPPLIER OF WATER AS DEFINED IN § 9-401 OF THIS**
13 **TITLE; AND**

14 **(VI) A COMPANY THAT OWNS A WATER PLANT AND SELLS OR**
15 **DISTRIBUTES WATER FOR GAIN.**

16 **(3) “WATER UTILITY” DOES NOT INCLUDE:**

17 **(I) A NONTRANSIENT NONCOMMUNITY WATER SYSTEM AS**
18 **DEFINED IN § 9-401 OF THIS TITLE; OR**

19 **(II) A TRANSIENT NONCOMMUNITY WATER SYSTEM AS DEFINED**
20 **IN § 9-401 OF THIS TITLE.**

21 **9-1202.**

22 **(A) (1) A WATER UTILITY OPERATING IN THE STATE SHALL POST ON ITS**
23 **WEBSITE OR PROVIDE TO THE DEPARTMENT THE DOCUMENTS, DATA, AND**
24 **INFORMATION REQUIRED UNDER THIS SUBTITLE AS PART OF THE WATER UTILITY’S**
25 **ANNUAL WATER QUALITY CONSUMER CONFIDENCE REPORT.**

26 **(2) ON REQUEST OF A WATER UTILITY, A LOCAL GOVERNMENT OF THE**
27 **JURISDICTION WITHIN WHICH THE WATER UTILITY IS LOCATED SHALL PROVIDE TO**
28 **THE WATER UTILITY THE DOCUMENTS, DATA, AND INFORMATION REQUIRED UNDER**
29 **THIS SUBTITLE FOR WHICH THE LOCAL GOVERNMENT HAS ACCESS.**

1 **(B) NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO PREVENT A STATE**
2 **AGENCY OR LOCAL GOVERNMENT FROM DISSEMINATING, MANAGING, OR**
3 **PUBLISHING THE DOCUMENTS, DATA, OR INFORMATION REQUIRED UNDER THIS**
4 **SECTION.**

5 **9-1203.**

6 **(A) (1) A WATER UTILITY OPERATING IN THE STATE SHALL:**

7 **(I) SUBMIT TO THE DEPARTMENT THE WATER UTILITY'S**
8 **ANNUAL WATER QUALITY CONSUMER CONFIDENCE REPORT; AND**

9 **(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
10 **SUBSECTION:**

11 **1. POST THE WATER UTILITY'S ANNUAL WATER QUALITY**
12 **CONSUMER CONFIDENCE REPORT ON ITS WEBSITE; AND**

13 **2. PROVIDE A LINK TO THE WATER UTILITY'S ANNUAL**
14 **WATER QUALITY CONSUMER CONFIDENCE REPORT TO THE DEPARTMENT.**

15 **(2) IF A WATER UTILITY DOES NOT HAVE A WEBSITE, THE**
16 **DEPARTMENT SHALL POST THE WATER UTILITY'S ANNUAL WATER QUALITY**
17 **CONSUMER CONFIDENCE REPORT ON THE DEPARTMENT'S WEBSITE.**

18 **(B) THE DEPARTMENT SHALL POST THE LINK PROVIDED UNDER**
19 **SUBSECTION (A)(1) OF THIS SECTION ON ITS WEBSITE.**

20 **(C) (1) IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION, A**
21 **WATER UTILITY OPERATING IN THE STATE SHALL INCLUDE IN THE WATER UTILITY'S**
22 **ANNUAL WATER QUALITY CONSUMER CONFIDENCE REPORT THE FOLLOWING**
23 **DOCUMENTS:**

24 **(I) TERMINATION OF SERVICE AND LATE PAYMENT POLICIES;**

25 **(II) METHOD OF NOTICES PROVIDED BEFORE TERMINATION OF**
26 **SERVICE;**

27 **(III) INFORMATION ON THE NUMBER OF NOTICES PROVIDED**
28 **BEFORE TERMINATION OF SERVICE;**

1 (IV) POLICIES RELATED TO FEES AND CHARGES ASSOCIATED
2 WITH TERMINATION OF SERVICE OR LATE PAYMENT, INCLUDING:

3 1. THE EVENTS THAT RESULT IN FEES AND CHARGES
4 ASSOCIATED WITH TERMINATION OF SERVICE OR LATE PAYMENT; AND

5 2. THE AMOUNT OF THE FEES AND CHARGES
6 ASSOCIATED WITH TERMINATION OF SERVICE OR LATE PAYMENT;

7 (V) PAYMENT PLAN BROCHURES OR REFERENCE MATERIALS
8 PROVIDED TO CUSTOMERS SEEKING ASSISTANCE;

9 (VI) WRITTEN MATERIALS DESCRIBING ANY ALTERNATIVE RATE
10 STRUCTURES OR OTHER ASSISTANCE THAT IS AVAILABLE; AND

11 (VII) CONTACT INFORMATION AT THE WATER UTILITY FOR
12 CUSTOMERS TO DISCUSS BILLS, SEEK ASSISTANCE, OR ADDRESS A TERMINATION OF
13 SERVICE.

14 (2) IF ANY OF THE DOCUMENTS REQUIRED UNDER PARAGRAPH (1) OF
15 THIS SUBSECTION ARE PROVIDED TO CUSTOMERS IN ACCORDANCE WITH A LOCAL
16 LAW OR ORDINANCE, THE WATER UTILITY SHALL INCLUDE A COPY OF, LINK TO, OR
17 CITATION OF THE LOCAL LAW OR ORDINANCE.

18 (3) IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION, A
19 WATER UTILITY OPERATING IN THE STATE SHALL INCLUDE IN THE WATER UTILITY'S
20 ANNUAL WATER QUALITY CONSUMER CONFIDENCE REPORT THE FOLLOWING DATA
21 AND INFORMATION:

22 (I) A BALANCE SHEET, AN INCOME STATEMENT, AND A CASH
23 FLOW STATEMENT; AND

24 (II) THE NUMBER OF ACCOUNTS FOR WHICH DRINKING WATER
25 OR WASTEWATER SERVICE WAS DISCONNECTED OR TERMINATED, DISAGGREGATED
26 BY:

27 1. ACCOUNT TYPE;

28 2. SERVICE TYPE; AND

29 3. MONTH.

1 **(A) (1) A WATER UTILITY THAT FAILS TO REPORT OR POST ON ITS**
2 **WEBSITE THE DOCUMENTS, DATA, OR INFORMATION REQUIRED UNDER THIS**
3 **SUBTITLE IS SUBJECT TO A CIVIL PENALTY UNDER THIS SECTION.**

4 **(2) (I) SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS**
5 **SUBSECTION, A WATER UTILITY THAT PROVIDES SERVICE TO 3,301 OR MORE**
6 **CUSTOMERS IN A SERVICE AREA THAT FAILS TO REPORT OR POST ON ITS WEBSITE**
7 **THE DOCUMENTS, DATA, OR INFORMATION REQUIRED UNDER THIS SUBTITLE IS**
8 **SUBJECT TO A FINE NOT EXCEEDING \$1,000 FOR EACH 15 DAYS THAT PASS:**

9 **1. AFTER THE FINE ASSESSED UNDER THIS**
10 **SUBPARAGRAPH; AND**

11 **2. UNTIL THE WATER UTILITY PROVIDES OR POSTS ON**
12 **ITS WEBSITE THE REQUIRED DOCUMENTS, DATA, OR INFORMATION.**

13 **(II) SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS**
14 **SUBSECTION, A WATER UTILITY THAT PROVIDES SERVICE TO BETWEEN 501 AND**
15 **3,300 CUSTOMERS IN A SERVICE AREA THAT FAILS TO REPORT OR POST ON ITS**
16 **WEBSITE THE DOCUMENTS, DATA, OR INFORMATION REQUIRED UNDER THIS**
17 **SUBTITLE IS SUBJECT TO A FINE NOT EXCEEDING \$500 FOR EACH 30 DAYS THAT**
18 **PASS:**

19 **1. AFTER THE FINE ASSESSED UNDER THIS**
20 **SUBPARAGRAPH; AND**

21 **2. UNTIL THE WATER UTILITY PROVIDES OR POSTS ON**
22 **ITS WEBSITE THE REQUIRED DOCUMENTS, DATA, OR INFORMATION.**

23 **(III) SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS**
24 **SUBSECTION, A WATER UTILITY THAT SERVES 500 PEOPLE OR FEWER THAT FAILS**
25 **TO POST OR PROVIDE TO THE DEPARTMENT THE DOCUMENTS, DATA, OR**
26 **INFORMATION REQUIRED UNDER THIS SUBTITLE IS SUBJECT TO A FINE NOT**
27 **EXCEEDING \$100 FOR EACH 30 DAYS THAT PASS:**

28 **1. AFTER THE FINE ASSESSED UNDER THIS**
29 **SUBPARAGRAPH; AND**

30 **2. UNTIL THE WATER UTILITY POSTS OR PROVIDES TO**
31 **THE DEPARTMENT THE DOCUMENTS, DATA, OR INFORMATION.**

1 **(3) THE DEPARTMENT MAY WAIVE THE FINES UNDER PARAGRAPH**
2 **(2)(I) THROUGH (III) OF THIS SUBSECTION IF A WATER UTILITY DEMONSTRATES**
3 **THAT:**

4 **(I) THE MISSING OR INCOMPLETE DOCUMENTS, DATA, OR**
5 **INFORMATION CANNOT BE RETRIEVED RETROACTIVELY; AND**

6 **(II) THE WATER UTILITY HAS A PLAN FOR OBTAINING THE**
7 **DOCUMENTS, DATA, OR INFORMATION FOR THE NEXT REPORTING CYCLE.**

8 **(4) FOR EACH REPORTING YEAR, THE DEPARTMENT MAY NOT**
9 **IMPOSE MORE THAN:**

10 **(I) \$5,000 IN FINES ON A WATER UTILITY THAT PROVIDES**
11 **SERVICE TO 3,301 OR MORE CUSTOMERS IN A SERVICE AREA;**

12 **(II) \$2,500 IN FINES ON A WATER UTILITY THAT PROVIDES**
13 **SERVICE TO BETWEEN 501 AND 3,300 CUSTOMERS IN A SERVICE AREA; AND**

14 **(III) \$500 IN FINES ON A WATER UTILITY THAT PROVIDES**
15 **SERVICE TO 500 OR FEWER CUSTOMERS IN A SERVICE AREA.**

16 **(B) (1) THE REVENUES FROM THE FINES IMPOSED UNDER THIS SECTION**
17 **SHALL BE DISTRIBUTED TO A SPECIAL FUND, TO BE USED ONLY FOR ENSURING**
18 **HOUSEHOLDS WITH A LOW INCOME HAVE ACCESS TO DRINKING WATER AND**
19 **WASTEWATER SERVICES.**

20 **(2) THE DEPARTMENT SHALL ADOPT REGULATIONS FOR EXPENDING**
21 **THE REVENUE IN THE SPECIAL FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2024.