

MDEM - HB0624 - Environment - Suppliers of Water -

Uploaded by: Anna Sierra

Position: FWA



Wes Moore | Governor
Aruna Miller | Lt. Governor
Russell J. Strickland | Secretary

Favorable with Amendments - HB0624
Environment - Suppliers of Water - Notification Requirements

Maryland Department of Emergency Management
Environment and Transportation Committee
Hearing Date: 22 February 2023

Chairman Kumar P. Barve
Environment and Transportation Committee
Room 251
House Office Building
Annapolis, Maryland 20401

Chairman Barve,

The Maryland Department of Emergency Management writes today **in support of HB0624 with amendments.**

MDEM supports the requirement for suppliers of water to give notice to MDEM in the event of a positive E. coli test. Information sharing is critical during all incidents, including those with potential public health hazards. The role of the Department of Emergency Management for all incidents, regardless of the hazard, is to support local jurisdictions and coordinate the State response, and early notification will assist us in our efforts.

However, MDEM does not have the authority to issue boil water advisories as required by (B)(2) (page 3, lines 4-7). As such, we respectfully recommend amending the bill to remove that requirement. MDEM has relayed this request with the sponsor and are willing to continue working with the Committee on this item.

MDEM appreciates the opportunity to share this information with the Committee on HB0624. If you have any questions, please contact Anna Sierra, MDEM legislative liaison: anna.sierra1@maryland.gov.

Notification Reqs Sign-on FWA Testimony.docx.pdf

Uploaded by: Taylor Smith-Hams

Position: FWA

February 22, 2023

Environment - Suppliers of Water - Notification Requirements (HB0624)

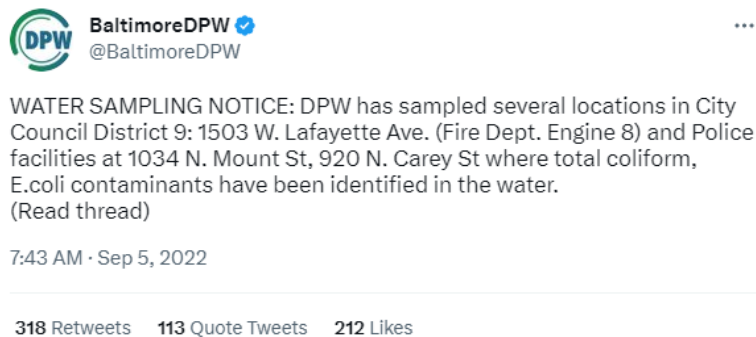
Position: FAVORABLE WITH AMENDMENT

Dear Chairperson Barve and Members of the Environment and Transportation Committee,

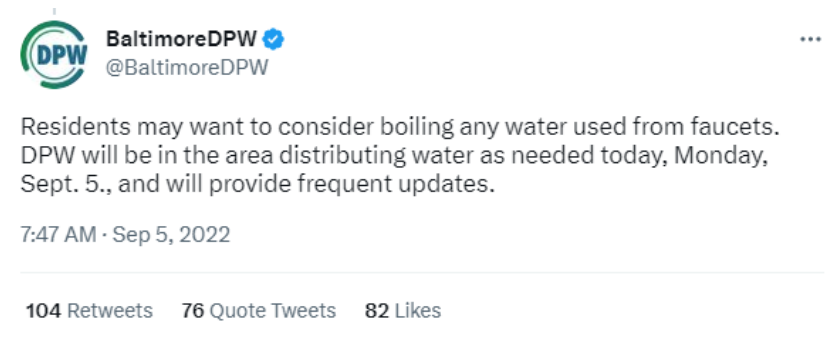
The undersigned organizations write today to share our support for the Environment - Suppliers of Water - Notification Requirements (HB0624) with a suggested strengthening amendment. While this legislation aims to improve communication to the public about drinking water contamination, it does not go far enough and will not address a key gap in current policy that exacerbated a public health crisis in West Baltimore last year.

On Labor Day, Baltimore City residents awoke to confusing and incomplete messages on social media about potential *E. Coli* contamination in their drinking water. *Escherichia coli* (*E. coli*) are bacteria commonly found in the intestines and feces of people and animals. Some strains of *E. coli* can cause intestinal infections, urinary tract infections, meningitis, septicemia, and other illnesses.¹ Small children and the elderly are most vulnerable to *E. coli*.

At 7:43am on Monday, September 5th, the Department of Public Works (DPW) tweeted that water at a police station and fire station in West Baltimore had tested positive for *E. Coli*.²



Four minutes later, DPW tweeted that “residents may want to consider boiling any water used from faucets.”³



¹ Water Science School. (5 June 2018). [Bacteria and E. Coli in Water](#). U.S. Geological Survey.

² Baltimore City Department of Public Works [@BaltimoreDPW]. (5 Sept 2022). “[Water Sampling Notice](#).” *Twitter*.

³ Baltimore City Department of Public Works [@BaltimoreDPW]. (5 Sept 2022). “[Residents may want to consider boiling any water...](#)” *Twitter*.

The Department shared a few more tweets about sites where residents could collect jugs of clean water and then went silent for **over nine hours**, leaving residents of the immediately affected area, all of Baltimore City, and many surrounding communities wondering what was happening. Baltimore City officials did not provide a press release about the *E. Coli* contamination or issue a boil water advisory until 4:38pm that evening.⁴

Later, DPW revealed that the first test for *E. Coli* came back positive at 11:30am on Saturday, September 3rd – **two days** before any information was communicated to the public. A second test confirming the contamination came back positive on Sunday, September 4th at 9am.⁵ City and Maryland Department of the Environment employees were apparently informed immediately when the second test came back positive, but that information was not provided to potentially impacted residents until those early morning tweets the next day (along with a few messages posted on NextDoor and flyers handed out to some residents door-to-door).⁶

In contrast, when a water main break reduced water pressure in northern Baltimore County on Monday of last week, DPW issued a press release and a precautionary boil water advisory the following evening – even though no *E. coli* or other contamination had been detected.⁷ We are glad to see that residents of Baltimore County received information about potential contamination in their drinking water and were provided with timely, detailed instructions on how to take precautions while the water main was repaired. However, the stark difference in communication to the public about actual *E. coli* contamination and reduced water pressure with the potential to lead to contamination invites scrutiny, particularly given the demographic differences between West Baltimore and northern Baltimore County.

We hope that DPW learned valuable lessons from its poor handling of the September 2022 *E. coli* crisis in West Baltimore, leading to prompt and more thorough messaging in Baltimore County five months later. But it is not lost on us that predominantly Black and poor residents of West Baltimore were deprived of critical public health information in a timely manner after dangerous bacteria were positively identified in their water, while their wealthier, whiter counterparts in the County were warned much earlier about the *potential* for contamination.

This bill aims to improve communication about future drinking water contamination to prevent repeats of the mistakes made in September by requiring water suppliers to use at least three methods to communicate with the public and expanding the forms of communication to include text messages and robocalls. Hopefully these changes will reduce the likelihood that a supplier will rely so heavily on social media in the future; however, they will not address a key issue exposed during the 2022 *E. coli* crisis in Baltimore City: the timeliness of a boil water advisory.

Currently, water suppliers are not required to notify the public about *E. coli* or other contaminants in their drinking water until a second test verifies the positive result. We believe that residents have the

⁴ Baltimore City Department of Public Works. (5 Sept 2022). "[DPW Issues Boil Water Advisory for Parts of West Baltimore.](#)"

⁵ Baltimore City Council Rules and Legislative Oversight Committee. (15 Sept 2022). [Informational Hearing - 2022 Labor Day Weekend E. Coli Positive Tests and Baltimore City Government's Response.](#)

⁶ Emily Opilo, Christine Condon & Scott Dance. (6 Sept 2022). [Frustration builds over Baltimore E. coli contaminated water as day passes without updates.](#) *The Baltimore Sun.*

⁷ Baltimore City Council Rules and Legislative Oversight Committee. (14 Feb 2023). [Baltimore City Department of Public Works \(DPW\) Issues a Precautionary Boil Water Advisory for Northern Baltimore County Residents and Businesses Impacted by 20-inch Water Main Break.](#)

right to know about ANY positive test for bacteria or other contaminants in their drinking water as soon as they are discovered. That is why **we recommend this bill include an amendment requiring the issuance of a precautionary boil water advisory within 2 hours of the first positive *E. coli* detection.**

We understand that there are concerns about false positives, but the priority when it comes to public health should always be precaution. Public officials should trust their constituents enough to provide us with timely information that impacts our health so that we can take any precautions we deem fit while secondary tests are completed and verified. The common retort that sharing preliminary positive results could lead to “panic” is, frankly, offensive and paternalistic. When the City bungled the response to the *E. coli* crisis in September, it was residents who stepped up to keep their neighbors safe by distributing water, information, and other forms of mutual aid. Given the complete breakdown in communication in Baltimore in September, it is clear that early and often communication must be the practice going forward.

The September 2022 drinking water crisis in West Baltimore was a stark reminder of the systemic problems with Baltimore’s water infrastructure that stem from decades of inequitable infrastructure investments and environmental racism. While the work to rebuild, repair, and maintain Baltimore’s water infrastructure is a long-term project, we must ensure that residents have access to timely and detailed information about the quality of their drinking water now. This bill, with our suggested amendment, will improve notification requirements to ensure that residents do not have to wait days to find out about potential contamination and are instead empowered with information so they can take steps to proactively protect themselves and their families while additional testing is conducted.

We urge a favorable report on HB0624 with this suggested strengthening amendment.

Sincerely,

Blue Water Baltimore
Clean Water Action
Food & Water Watch
Waterkeepers Chesapeake

MDE HB0624 FWA.pdf

Uploaded by: Tyler Abbott

Position: FWA



**The Maryland Department of the Environment
Secretary Serena McIlwain**

HB0624

Environment - Suppliers of Water - Notification Requirements

Position: Support with Amendments

Committee: Environment & Transportation

Date: February 22, 2023

From: Gabrielle Leach

The Maryland Department of the Environment (MDE or the Department) **SUPPORTS WITH AMENDMENTS** House Bill 624. This bill would change public notification requirements and add certain requirements that are specific to E. coli. HB 624 would do the following:

- Amends the acceptable means of notification to add the following methods: text message, robocall, or “any other means acceptable to the Department.”
- Requires a supplier of water to issue notification through at least three (3) of the approved methods (radio, TV, newspaper, written notice, text message, robocall, or any other means approved by the Department).
- Requires each supplier of water to notify the Department and the Maryland Department of Emergency Management (MDEM) if there is a positive test for E. coli in the system; and
- Upon receipt of notice, the Department and MDEM shall immediately begin preparations for issuing a boil water advisory.

Bill Amendment:

Though MDE can assist with the boil water advisory, the preparation and distribution of such an action is the responsibility of the supplier of water. As such, MDE would like (B) (1) on page 2, lines 4-7 struck from the bill. MDE has met with the sponsor on this amendment and is open to continuing the conversation.

For the reasons detailed above, MDE urges a **FAVORABLE WITH AMENDMENTS** report for HB 624.

HB0624-ET-UNF.pdf

Uploaded by: Nina Themelis

Position: UNF



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

HB 624

February 22, 2023

TO: Members of the Environment & Transportation Committee
FROM: Nina Themelis, Interim Director of Mayor's Office of Government Relations
RE: House Bill 624 – Environment – Suppliers of Water – Notification Requirement
POSITION: OPPOSE

Chair Barve, Vice Chair Stein, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) opposes House Bill (HB) 624.

HB 624 would alter the means by which a supplier of water must give notice to the Department of the Environment (MDE) and certain individuals and entities under certain circumstances; require that a supplier of water use a certain minimum number of means to give the notice; require a supplier of water to give notice to MDE and the Maryland Department of Emergency Management (MDEM) if there is a positive test for E. coli in the system; require MDE and MDEM to immediately begin certain preparations on receipt of a notice of a positive test for E. coli in a public water system; and generally relating to public water systems and suppliers of water.

The City of Baltimore's water system is a regional supplier of drinking water to more than 1.8 million customers in Baltimore City and the surrounding region. Baltimore, Carroll, Howard, and Harford counties are all customers of the City's system. Baltimore County receives potable water from the City's system and these customers are billed directly by the City for their usage. Carroll County is a wholesale purchaser of raw water that they withdraw from the City's Liberty Reservoir, which they treat and distribute to their customers in the Freedom District. Howard County is a wholesale purchaser of the City's potable water that they distribute and bill directly to a portion of their residents. Harford County is a wholesale purchaser of raw water.

The City performs routine testing of the water distribution system to monitor the amount of chlorine residual in the distributed water and to test for the potential presence of bacterium. These tests are performed at 90 sampling points in the City and County. This sampling is in addition to the multiple daily and hourly testing performed at the filtration plants before the treated water enters the distribution system. Under the "Revised Total Coliform Rule" (RTCR), a water utility is required to notify MDE if there is a positive test for E.coli for a water sample taken within the distribution system. The test samples are required to "sit" for 24 hours to determine if there is any indication of bacterium growth. If the test is positive, MDE is notified. In addition, a second confirmation test is taken, the sample sits for 24 hours, and if the e.coli presence is confirmed, the City MUST notify MDE within 24 hours and a series of actions are taken to flush the system. The water utility also notifies Baltimore City's Office of Emergency Management (OEM) whose staff coordinates the event with all City agencies and any affected county and State partners, including MDE. MDE, working with the City, defines the impacted area based on the City's sampling and testing data, and approves all public messaging before it can be released. Notification of affected customers is tailored to each event, and multiple means are used, including door-to-door outreach, social media, traditional media outlets, etc.

For the above reasons, HB 624 is unnecessary and duplicative. The BCA respectfully requests an **unfavorable** report on HB 624.

*Annapolis – phone: 410.269.0207 • fax: 410.269.6785
Baltimore – phone: 410.396.3497 • fax: 410.396.5136
<https://mogr.baltimorecity.gov/>*

HB_624_Amendment_Sponsor

Uploaded by: Amprey Del. Marlon

Position: INFO

UNOFFICIAL COPY OF HOUSE BILL 624

HOUSE BILL 624

M3, E4

3lr2848

By: **Delegate Amprey**

Introduced and read first time: February 3, 2023

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Suppliers of Water - Notification Requirements**

3 FOR the purpose of altering the means by which a supplier of water must give notice to the
4 Department of the Environment and certain individuals and entities under certain
5 circumstances; requiring that a supplier of water use a certain minimum number of
6 means to give the notice; requiring a supplier of water to give notice to the
7 Department of the Environment and the Maryland Department of Emergency
8 Management if there is a positive test for E. coli in the system; requiring the
9 ~~Department of the Environment and the Maryland Department of Emergency~~
10 ~~Management~~ supplier of water for a water system that has a positive test for E. coli to
11 immediately begin certain preparations ~~on receipt of a notice of a~~
12 ~~positive test for E. coli in a public water system~~; and generally relating to public
water systems and suppliers of water.

13 BY repealing and reenacting, with amendments,
14 Article - Environment
15 Section 9-410
16 Annotated Code of Maryland
17 (2014 Replacement Volume and 2022 Supplement)

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

20 **Article - Environment**

21 9-410.

22 (a) **(1)** Each supplier of water shall give notice to the Department and the
23 persons served by the system and shall give written notice to noncollegiate educational
24 institutions, public schools, family child care homes, and child care centers whenever the
25 system:

2

UNOFFICIAL COPY OF HOUSE BILL 624

1 [(1)] (I) Fails to comply with an applicable maximum contaminant level,
 2 treatment technique requirement, or testing procedure prescribed by a drinking water
 3 regulation or fails to perform required monitoring;

4 [(2)] (II) Is subject to variance granted for an inability to meet a maximum
 5 contaminant level;

6 [(3)] (III) Is subject to an exemption;

7 [(4)] (IV) Fails to comply with the requirements set by a variance or
 8 exemption; or

9 [(5)] (V) Has concentration levels of an unregulated contaminant for
 10 which the State may require notice due to the risk to public health.

11 [(b)] (2) Each notice **GIVEN UNDER PARAGRAPH (1) OF THIS SUBSECTION**
 12 shall:

13 [(1)] (I) State the nature and possible health effects that may result;

14 [(2)] (II) Be provided to the persons served by the water system;

15 [(3)] (III) Be issued in a timely manner by **AT LEAST THREE OF THE**
 16 **FOLLOWING** means [of radio, television, newspaper of general circulation, written notice,
 17 or other means acceptable to the Department]:

18 1. **RADIO;**

19 2. **TELEVISION;**

20 3. **NEWSPAPER OF GENERAL CIRCULATION;**

21 4. **WRITTEN NOTICE;**

22 5. **TEXT MESSAGE;**

23 6. **ROBOCALL; OR**

24 7. **ANY OTHER MEANS AUTHORIZED BY THE**
 25 **DEPARTMENT;** and

26 [(4)] (IV) Be in a form readily understandable by the affected population.

27 (B) (1) **IN ADDITION TO THE NOTICE REQUIREMENTS UNDER**

3

UNOFFICIAL COPY OF HOUSE BILL 624

1 SUBSECTION (A) OF THIS SECTION, EACH SUPPLIER OF WATER SHALL GIVE NOTICE
 2 TO THE DEPARTMENT AND THE MARYLAND DEPARTMENT OF EMERGENCY
 3 MANAGEMENT IF THERE IS A POSITIVE TEST FOR E. COLI IN THE SYSTEM.

4 (2) ~~ON RECEIPT OF A NOTICE UNDER PARAGRAPH (1) OF THIS~~
 5 ~~SUBSECTION, THE DEPARTMENT AND THE MARYLAND DEPARTMENT OF~~
 6 ~~EMERGENCY MANAGEMENT IF THERE IS A POSITIVE TEST FOR E. COLI IN A WATER SYSTEM, THE SUPPLIER~~
 7 ~~OF WATER FOR THE SYSTEM SHALL IMMEDIATELY BEGIN PREPARATIONS FOR~~
 8 ~~ISSUING A BOIL WATER ADVISORY.~~

8 (c) (1) By rule or regulation, the Secretary shall adopt notice requirements to
 9 meet the requirements of this section.

10 (2) The rules and regulations shall establish notification standards and
 11 procedures that include the manner, frequency, form, and content of the notices.

12 (d) For violations with the potential to have serious adverse effects on human
 13 health as a result of short-term exposure, the supplier of water shall provide notice as soon
 14 as practicable, but not later than 24 hours after the occurrence of the violation.

15 (e) For violations other than the violations described in subsection (d) of this
 16 section, the supplier of water shall provide written notice to each person served by the
 17 system in an annual report, or by mail not later than 1 year after the violation.

18 (f) (1) Each nontransient noncommunity water system, including those
 19 systems that primarily provide bottled water, shall:

20 (i) At a frequency determined by the Department, test the water
 21 provided by the system for the presence of methyl tertiary butyl ether; and

22 (ii) Report the test results to the Department.

23 (2) If a test conducted under this subsection indicates that the level of
 24 methyl tertiary butyl ether in the drinking water exceeds the State advisory level, as
 25 determined by the Department, the water system shall give notice of that fact to:

26 (i) The persons regularly served by the water system; and

27 (ii) If the water system serves a child care center, an elementary or
 28 secondary school, or any other facility that regularly serves minors, the parents or legal
 29 guardians of all minors regularly served by the water system.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 31 October 1, 2023.

HB_624_Sponsor Amendment _ Amprey

Uploaded by: Amprey Del. Marlon

Position: INFO



HB0624/453226/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

20 FEB 23
15:25:53

BY: Delegate Amprey

(To be offered in the Environment and Transportation Committee)

AMENDMENTS TO HOUSE BILL 624

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the first “Department” in line 9 down through “Management” in line 10 and substitute “supplier of water for a water system that has a positive test for E. coli”; and in lines 10 and 11, strike “on receipt of a notice of a positive test for E. coli in a public water system”.

AMENDMENT NO. 2

On page 3, strike beginning with “ON” in line 4 down through “MANAGEMENT” in line 6 and substitute “**IF THERE IS A POSITIVE TEST FOR E. COLI IN A WATER SYSTEM, THE SUPPLIER OF WATER FOR THE SYSTEM**”.