

HOUSE BILL 624

M3, E4

3lr2848

By: **Delegate Amprey**

Introduced and read first time: February 3, 2023

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2023

CHAPTER _____

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 certain supplier of water use a certain minimum
6 number of means to give the notice; requiring a supplier of water to give notice to
7 the 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
11 to immediately begin certain preparations on receipt of a notice of a positive test for
12 E. coli in a public water system; altering the notice requirements a water supplier
13 must give for certain violations; altering the notice requirements a water system
14 must give when a test of water provided by the system indicates the presence of
15 methyl tertiary butyl ether; and generally relating to public water systems and
16 suppliers of water.

17 BY repealing and reenacting, with amendments,

18 Article – Environment

19 Section 9–410

20 Annotated Code of Maryland

21 (2014 Replacement Volume and 2022 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

23 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Environment

9–410.

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

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

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

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

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

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

[(b)] (2) ~~Each~~ **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EACH** notice **GIVEN UNDER PARAGRAPH (1) OF THIS SUBSECTION** shall:

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

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

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

1. RADIO;

2. TELEVISION;

3. NEWSPAPER OF GENERAL CIRCULATION;

4. WRITTEN NOTICE;

5. TEXT MESSAGE;

1 **6. ROBOCALL; OR**

2 **7. ANY OTHER MEANS AUTHORIZED BY THE**
3 **DEPARTMENT; and**

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

5 **(3) EACH NOTICE GIVEN UNDER PARAGRAPH (1) OF THIS**
6 **SUBSECTION BY A SUPPLIER OF WATER THAT OWNS OR OPERATES A COMMUNITY**
7 **WATER SYSTEM THAT SERVES AT LEAST 3,300 CUSTOMERS SHALL BE ISSUED IN A**
8 **TIMELY MANNER BY AT LEAST THREE OF THE MEANS SPECIFIED IN PARAGRAPH**
9 **(2)(III) OF THIS SUBSECTION.**

10 **(B) (1)** IN ADDITION TO THE NOTICE REQUIREMENTS UNDER
11 SUBSECTION (A) OF THIS SECTION, EACH SUPPLIER OF WATER SHALL GIVE NOTICE
12 TO THE DEPARTMENT AND THE MARYLAND DEPARTMENT OF EMERGENCY
13 MANAGEMENT IF THERE IS A CONFIRMED POSITIVE TEST FOR E. COLI IN THE
14 SYSTEM.

15 **~~(2) ON RECEIPT OF A NOTICE UNDER PARAGRAPH (1) OF THIS~~**
16 **~~SUBSECTION, THE DEPARTMENT AND THE MARYLAND DEPARTMENT OF~~**
17 **~~EMERGENCY MANAGEMENT~~ IF THERE IS A POSITIVE TEST FOR E. COLI IN A WATER**
18 **SYSTEM, THE SUPPLIER OF WATER FOR THE SYSTEM SHALL IMMEDIATELY BEGIN**
19 **PREPARATIONS FOR ISSUING A BOIL WATER ADVISORY.**

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

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

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

27 **(e)** For violations other than the violations described in subsection (d) of this
28 section **THAT HAVE THE POTENTIAL FOR LONG-TERM HEALTH EFFECTS**, the supplier
29 of water shall ~~provide written~~ **DIRECTLY DELIVER** notice to each person served by the
30 system ~~in an annual report, or by mail not later than 1 year after the violation~~ **AS SOON**
31 **AS PRACTICABLE, BUT NOT LATER THAN 30 DAYS AFTER LEARNING OF THE**
32 **VIOLATION.**

33 **(F) FOR VIOLATIONS OTHER THAN THE VIOLATIONS DESCRIBED IN**
34 **SUBSECTIONS (D) AND (E) OF THIS SECTION, THE SUPPLIER OF WATER SHALL**

DIRECTLY DELIVER NOTICE TO EACH PERSON SERVED BY THE SYSTEM NOT LATER THAN 1 YEAR AFTER LEARNING OF THE VIOLATION.

~~(F)~~ **(G)** (1) Each **COMMUNITY WATER SYSTEM AND** nontransient noncommunity water system, including those systems that primarily provide bottled water, shall:

(i) At a frequency determined by the Department, ~~test~~ **ENSURE THAT** the water provided by the system **IS TESTED** for the presence of methyl tertiary butyl ether; and

(ii) Report the test results to the Department.

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

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

(ii) If the water system serves a child care center, an elementary or secondary school, ~~or~~ any other facility that regularly serves minors, **OR AN INSTITUTION OF HIGHER EDUCATION**, the parents or legal guardians of all minors **AND STUDENTS** regularly served by the water system.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.