

HOUSE BILL 1487

M3

EMERGENCY BILL

2lr3323
CF 2lr3324

By: **Delegate Grammer**

Rules suspended

Introduced and read first time: March 23, 2022

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

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

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

10 BY repealing and reenacting, with amendments,
11 Article – Natural Resources
12 Section 3–109(c)
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2021 Supplement)

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

17 **Article – Natural Resources**

18 3–109.

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

24 (2) Except as provided in subsection (e) of this section, upon the receipt of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the directive from the Secretary of the Environment, the Service immediately shall take
2 charge of and operate the systems or works to secure the results set forth in the directive
3 of the Secretary of the Environment. All costs for maintenance, operation, and other
4 services including legal fees incidental to taking possession of the sewerage system or
5 refuse disposal works shall be charged to the municipality or person against which or whom
6 the original order of the Secretary of the Environment was served.

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

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

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

16 (4) (I) IF THE SECRETARY OF THE ENVIRONMENT DIRECTS THE
17 SERVICE TO TAKE CHARGE OF A SEWERAGE SYSTEM OR REFUSE DISPOSAL WORKS
18 IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT OF
19 THE ENVIRONMENT SHALL PRODUCE A REPORT DETAILING THE PARTS OF THE
20 SYSTEM OR WORKS THAT ARE DEFICIENT AND THE PLAN TO CORRECT THESE
21 DEFICIENCIES.

22 (II) THE REPORT REQUIRED UNDER SUBPARAGRAPH (I) OF
23 THIS PARAGRAPH SHALL BE MADE AVAILABLE TO THE GENERAL ASSEMBLY, IN
24 ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, AND TO THE
25 GENERAL PUBLIC ON THE DEPARTMENT OF THE ENVIRONMENT'S WEBSITE BY THE
26 CLOSE OF BUSINESS OF THE NEXT FRIDAY.

27 (III) IN ADDITION TO THE REPORT PRODUCED UNDER
28 SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEPARTMENT OF THE ENVIRONMENT
29 SHALL PRODUCE A BIWEEKLY REPORT, TO BE MADE AVAILABLE TO THE GENERAL
30 ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE,
31 AND TO THE GENERAL PUBLIC ON THE DEPARTMENT OF THE ENVIRONMENT'S
32 WEBSITE, PROVIDING UPDATES ON STEPS TAKEN TO CORRECT THE DEFICIENCIES
33 OUTLINED IN THE INITIAL REPORT.

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