

Article - Environment

9-331.1.

(A) (1) THE OWNER OR OPERATOR OF ANY SANITARY SEWER SYSTEM, COMBINED SEWER SYSTEM, OR WASTEWATER TREATMENT PLANT SHALL REPORT TO THE DEPARTMENT ~~A SIGNIFICANT~~ ANY SEWER OVERFLOW OR TREATMENT PLANT BYPASS THAT RESULTS IN THE DIRECT OR POTENTIAL DISCHARGE OF RAW OR DILUTED SEWAGE INTO THE SURFACE WATERS OR GROUND WATERS OF THE STATE.

(2) THE REPORT SHALL BE MADE BY TELEPHONE AS SOON AS PRACTICABLE BUT NO LATER THAN 24 HOURS AFTER THE TIME THAT THE OPERATOR OR OWNER BECAME AWARE OF THE EVENT.

(3) WITHIN 5 CALENDAR DAYS AFTER THE TELEPHONE NOTIFICATION OF THE EVENT, THE OWNER OR OPERATOR SHALL PROVIDE THE DEPARTMENT WITH A WRITTEN REPORT REGARDING THE INCIDENT THAT INCLUDES ANY INFORMATION REQUIRED BY THE DEPARTMENT.

(B) THE DEPARTMENT, IN COOPERATION WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE LOCAL HEALTH DEPARTMENTS, AND LOCAL ENVIRONMENTAL HEALTH DIRECTORS, SHALL DEVELOP PROCEDURES FOR REQUIRING THE OWNER OR OPERATOR OF ANY SANITARY SEWER SYSTEM, COMBINED SEWER SYSTEM, OR WASTEWATER TREATMENT PLANT TO PROVIDE PUBLIC NOTIFICATION OF A SEWAGE OVERFLOW.

(C) (1) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND THE LOCAL HEALTH DEPARTMENTS SHALL MAKE ALL DECISIONS AND DETERMINATIONS AS TO PUBLIC HEALTH ISSUES RESULTING FROM SEWER OVERFLOWS OR TREATMENT BYPASSES.

(2) THE OWNER OR OPERATOR OF ANY SANITARY SEWER SYSTEM, COMBINED SEWER SYSTEM, OR WASTEWATER TREATMENT PLANT IS NOT RESPONSIBLE FOR MAKING PUBLIC HEALTH DETERMINATIONS REGARDING SEWER OVERFLOW OR TREATMENT PLANT BYPASSES.

~~(C)~~ (D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2001.

Approved May 18, 2001.