

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1621

(Delegate Grammer, *et al.*)

Environment and Transportation

Education, Energy, and the Environment

Wastewater Treatment Plants - Discharges - Requirements

This bill requires a wastewater treatment plant (WWTP) that has a discharge permit to process an annual average flow of at least 50.0 million gallons of effluent per day to (1) maintain a publicly accessible website that includes specified information and (2) within 24 hours after a bypass, overflow, or treatment failure that requires testing for biochemical oxygen demand, total suspended solids, bacteria (including fecal coliform, *Enterococci*, and *E. coli*), nutrients (including nitrogen and phosphorus), or whole effluent toxicity, begin the required testing.

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations.

Local Effect: Baltimore City owns and operates the two WWTPs affected by the bill (Back River WWTP and Patapsco WWTP). While the bill has operational effects on the city, based on information provided by the city and the Maryland Association of Municipal Wastewater Agencies, any fiscal impact is anticipated to be minimal.

Small Business Effect: None.

Analysis

Bill Summary: Affected WWTPs must publish the following information on a publicly accessible website maintained pursuant to the bill:

- on a monthly basis, after reporting to the Maryland Department of the Environment (MDE) on any total bacteria results required under the WWTP's discharge permit, the total bacteria results reported to MDE;
- within five days after any bypass, overflow, or treatment failure, the total volume of wastewater discharged during the event;
- within five days after any bypass, overflow, or treatment failure, an explanation, in plain language, of the event and, to the extent possible, any action taken consistent with existing notifications requirements under § 9-331.1 of the Environment Article; and
- within 24 hours after receiving the results of a test (conducted in accordance with the bill's provision that requires WWTPs to begin required testing within 24 hours after a bypass, overflow, or treatment failure), the results of the test.

Current Law:

Federal Clean Water Act

The federal Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States. CWA requires the U.S. Environmental Protection Agency (EPA) to establish technology-based effluent (*i.e.*, discharge) limits for industrial dischargers, known as effluent limitation guidelines. The National Pollutant Discharge Elimination System (NPDES), a component of CWA, is a permit program that addresses water pollution by regulating point sources that discharge pollutants to U.S. waters. In Maryland, EPA delegates authority to issue NPDES permits to MDE.

State Permitting for Wastewater Discharges

In General: MDE issues discharge permits to protect Maryland's water resources by controlling industrial and municipal wastewater discharges. Surface water discharges are regulated through combined State and federal permits under NPDES. Groundwater discharges are regulated through State-issued groundwater discharge permits. "Discharge permit" is defined in statute as a permit issued by MDE for the discharge of any pollutant or combination of pollutants into the waters of the State.

Applicability: A person must generally hold an MDE discharge permit before constructing, installing, modifying, extending, altering, or operating a system, facility, outlet, or establishment if its operation could cause or increase the discharge of pollutants into the waters of the State. This permitting requirement applies to (1) an industrial, commercial, or recreation facility or disposal system; (2) a State-owned treatment facility; or (3) any other outlet or establishment.

National Pretreatment Program and State Implementation

Under CWA, EPA established the National Pretreatment Program to control pollutants discharged by industrial and commercial facilities into municipal WWTPs or publicly owned treatment works (POTWs). These discharges, if not properly managed, can interfere with treatment processes, contaminate biosolids, or pass through untreated into receiving waters.

In Maryland, EPA delegates pretreatment authority to MDE. In turn, MDE requires certain local jurisdictions and/or POTWs to develop, implement, and enforce local pretreatment programs whenever they receive wastewater from Significant Industrial Users (SIUs). SIUs are industries that discharge large volumes of wastewater or release significant amounts of toxic pollutants into a municipal wastewater treatment system. These local programs issue permits to SIUs, set discharge limits, conduct inspections and sampling, and take enforcement action as necessary.

Effluent Limitations and Monitoring

Under the current regulatory framework, individual wastewater discharge permits establish maximum effluent limitations for a variety of characteristics, including biochemical oxygen demand, total suspended solids, bacteria, nutrients, and whole effluent toxicity. A discharge authorized by a permit is subject to any monitoring requirements MDE deems necessary; each permit must specify the sampling and analysis requirements, including the frequency and type of sampling and analysis. A permittee must submit the monitoring results to MDE.

Sewer Overflows and Treatment Bypasses – Generally Prohibited

Overflows are prohibited except as allowed under the terms of a discharge permit issued by MDE. “Overflow” means – generally – any loss of wastewater or discharge from a sanitary sewer system, combined sewer system, or WWTP bypass which results in the direct or potential discharge of raw, partially treated, or diluted sewage into waters of the State.

Noncompliance With Discharge Permits – Generally

Under existing wastewater discharge permits, when a permittee is in noncompliance with any effluent limitations specified in its permit, the permittee must (1) take all reasonable steps to minimize any adverse impact to State waters, human health, and the environment and (2) perform accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

Pursuant to Chapter 22 of 2022, to ensure compliance with the terms of a discharge permit, in general, MDE must conduct monthly inspections of facilities that EPA or MDE has determined to be in significant noncompliance with applicable State or federal water quality standards, effluent limitations, or other requirements. If a permittee is determined to be in significant noncompliance at least two times in a year, the permittee must submit a written report to MDE that details how the violations will be addressed and the timeline for addressing the violations.

Notification of Sewer Overflows and Treatment Plant Bypasses under § 9-331.1 of the Environment Article

The owner or operator of any sanitary sewer system, combined sewer system, or WWTP must report to MDE any sewer overflow or treatment bypass that results in the direct or potential discharge of raw or diluted sewage into the surface waters or groundwaters of the State. This report must be made as soon as practicable but no later than 24 hours after the time that the owner or operator became aware of the event. Within five calendar days after notification of the event, the owner or operator must submit a written report of the incident to MDE. (MDE advises that wastewater discharge permits include a requirement that this report include a description of the accelerated or additional monitoring performed as well as the results of that monitoring.)

MDE, in coordination with the Maryland Department of Health (MDH), local health departments (LHDs), and local environmental health directors, must develop procedures for requiring the owner or operator of any sanitary sewer system, combined sewer system, or WWTP to provide public notification of a sewer overflow or treatment plant bypass. These procedures must require that the notification:

- be posted on the MDE, MDH, and LHD websites;
- be posted at the location of the overflow or bypass in Spanish and English;
- be posted on any social media websites on which an LHD regularly posts information; and
- be provided within a reasonable time to the appropriate downstream jurisdictions and county governments, affected State parks, the Department of Natural Resources, and any other affected local, State, or federal land manager.

Under current regulations, in general, the owner or operator must notify the public as soon as practicable, but no later than 24 hours after the time the owner or operator becomes aware of the event, about any overflow that enters specified waters and any situation that MDH, the LHD, or the environmental health director has reason to believe is a public health risk. The regulations establish requirements regarding such notifications. Among other things, if there are schools, day care centers, hospitals, or similar establishments or

locations with potentially sensitive populations that may be subject to exposure in the immediate area of the overflow, the owner or operator of the system or WWTP (or a representative) must personally notify each establishment of the overflow as soon as possible.

Surface Water Sampling Requirements Following a Bypass, Overflow, or Treatment Failure

Current regulations require the owner or operator of a facility to perform sampling of State surface waters that have received an overflow as directed and under the guidance of MDH, the LHD, or the local environmental health director. The owner or operator must (1) have samples tested for fecal coliform, *Enterococci*, *E. coli*, or any other specific organism as directed by MDH, the LHD, or the local environmental health director and (2) provide data collected after an overflow or bypass event and information about any permanent postings or health advisories to MDE within 14 days of the event.

Additional Comments: Information regarding reported sewer overflows can be found [here](#).

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Baltimore City; Prince George’s County Maryland Association of County Health Officers; Maryland Association of Municipal Wastewater Agencies; Maryland Environmental Service; City of Annapolis; Washington Suburban Sanitary Commission; Maryland Department of the Environment; Maryland Department of Health; Department of Natural Resources; Maryland Open Data Portal; Department of Legislative Services

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