



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Martin O'Malley
Governor

Shari T. Wilson
Secretary

DEC 15 2008

Anthony G. Brown
Lieutenant Governor

Robert M. Summers, Ph.D.
Deputy Secretary

Dear Sir or Madam:

On March 28, 2005, a new regulation (**COMAR 26.08.10, *Overflows and Bypasses***) that addresses reporting and public notification about sewage overflows and bypasses became effective. The Maryland Department of the Environment ("Department" or "MDE") has been tracking reports of overflows by owners and operators of sewage systems in the State. In reviewing these reports over the past three years, MDE is concerned that there are still a significant number of overflows that occur across the State. These sewage overflows adversely impact State waters and pose a risk to public health from raw or partially treated sewage containing elevated levels of bacteria and disease causing pathogens.

The Department is implementing a new enforcement initiative effective January 1, 2009 as a further step in its efforts to address unauthorized discharges of pollutants resulting from sanitary sewer overflows. The Department has taken numerous enforcement actions independently and jointly with the Environmental Protection Agency (EPA) and citizen groups over the last ten years that included orders for system upgrades and penalties for unlawful discharges. These actions are intended to focus greater attention on illicit discharges and to encourage municipalities and private sewer system owners to do all they can to identify and correct problems in their systems to prevent overflows. In the past, MDE targeted those systems with numerous sewage overflows or large volume overflows for enforcement actions.

Under the new enforcement initiative, MDE will begin to assess penalties for all sewage overflows, with the exception of permitted combined sewer overflows, unless the owner or operator of the system can clearly demonstrate that the overflow was beyond their control and in spite of taking all reasonable steps to properly operate, maintain and improve sewer system infrastructure. Under State and federal law, penalties for sewage overflows can range from \$1,000 to \$32,500 per day respectively for each overflow. The Department may also issue orders requiring improvements to prevent and eliminate sewer overflows from systems with repeated overflows from the same pump station, manhole or sewer line, large volume overflows or overflows that are due to poor system maintenance, operation or design.

You are reminded of your responsibility to take all appropriate steps to report all overflows, maintain records of sewage overflows and backups as provided by COMAR 26.08.10 and to operate and maintain your sewer systems and wastewater treatment plants in good condition to prevent sewage overflows and unlawful discharges to waters of the State. Failure to eliminate or report overflows will result in enforcement action by MDE through the issuance of orders and/or penalty assessments.

Thank you for your attention to this important matter. If there are any questions, please contact Mr. Thomas C. Boone, Director, Compliance Program, at 410-537-3510 or by email at tboone@mde.state.md.us.

Sincerely,



Jay G. Sakai, Director
Water Management Administration