

CITY OF BALTIMORE
COUNCIL BILL 22-0103R
(First Reader)

Introduced by: Councilmember Burnett, Ramos, Porter, Schleifer, Cohen, Conway, Torrence,
Dorsey, Middleton, Costello

Introduced and read first time: April 25, 2022

Assigned to: Health, Information, and Technology Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Public Works, Baltimore
City 311 Services, Baltimore City Office of Emergency Management, Department of Finance

A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Investigational Hearing — Sewage Backup — Expedited Reimbursement and Direct**
3 **Assistance Program Feasibility Study**

4 FOR the purpose of inviting the City Solicitor and representatives from the Department of Public
5 Works, the Department of Finance, Baltimore City 311 Services, and the Mayor's Office of
6 Emergency Management to appear before the City Council to discuss findings from the
7 Department of Public Works study required by Ordinance 21-044.

8 In 2002, Baltimore City entered into a Consent Decree with the Environmental Protection
9 Agency (“EPA”) and the Maryland Department of the Environment (“MDE”) to address
10 violations of the federal Clean Water Act caused by discharges of untreated sewage from
11 Baltimore’s wastewater collection system into the Back and Patapsco Rivers and the Chesapeake
12 Bay watershed, among other waterways.

13 Under the 2002 Consent Decree, the Baltimore Department of Public Works (“DPW”) was
14 required to conduct an investigation of its wastewater collection system and undertake certain
15 operational improvements to eliminate sanitary sewer overflows and otherwise achieve
16 compliance with the Clean Water Act and analogous State law by January 1, 2016.

17 Upon completion of several associated projects in the following years, the City determined
18 that additional time and resources would be necessary to fulfill the conditions of the 2002
19 Consent Decree. Accordingly, the City entered into a Modified Consent Decree with EPA and
20 MDE in 2017, which set forth new requirements and deadlines for the City to achieve
21 compliance in two phases. The deadline for completion of Phase I was January 2, 2021, and the
22 deadline for completion of Phase II is December 31, 2030.

23 Pursuant to the Modified Consent Decree, DPW established two programs: the “Building
24 Backup Expedited Reimbursement Program (“BBERP”),” to reimburse City homeowners,
25 renters, non-commercial occupants, and residents for the costs of clean-up and disinfection after
26 building sewage backups caused by surcharging in the collection system as a result of wet
27 weather events, and the “Sewage Onsite Support (“SOS”) Cleanup Program,” which provides no-
28 cost professional cleaning, disinfection, and disposal services to Baltimore City residents effected
29 by capacity-related sewage backup damage caused by a heavy wet weather event.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 Both of the noted programs are limited to backups stemming from wet weather events. To
2 date, no provision has been made for reimbursement or cleaning services for sewage backups
3 during dry weather events or for sewage backups attributable to non-capacity related events.

4 Exposure to raw sewage is a risk to human health, as it contains a variety of microorganisms,
5 viruses, bacteria, and parasites that can cause serious illness. Moisture associated with sewage
6 backups can also cause the growth of toxic fungi and mold, which can trigger asthma attacks and
7 other health concerns. Additionally, adequate removal of sewage and disinfection of interior
8 spaces following a backup is a costly and traumatic endeavor that poses an undue burden to
9 residents.

10 In July 2021, the Baltimore City Council approved Ordinance 21-044 requiring DPW to
11 submit a report to the Mayor and City Council studying the feasibility of implementing an
12 expedited reimbursement and direct cleanup assistance program for any sewage backup, not
13 limited to wet weather or capacity-related causes.

14 In October 2021, DPW published its report on the feasibility study required by Ordinance 21-
15 044, which addressed the following for both Programs respectively: (1) the cost (per backup) of
16 implementing the Program for both wet and dry weather events; and (2) an analysis of obstacles
17 that DPW believes would impede the expansion of the Program to cover both wet and dry
18 weather events. The report further outlines DPW's concerns with expanding the BBERP and
19 SOS programs, including increased costs, potential limitations on funding applications, issues
20 relating to liability, local contractor capacity, and potential increases to wastewater bill rates.

21 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the
22 Council invites the City Solicitor and representatives from the Department of Public Works, the
23 Department of Finance, Baltimore City 311 Services, and the Mayor's Office of Emergency
24 Management to appear before the City Council to discuss findings from the Department of Public
25 Works study required by Ordinance 21-044.

26 **AND BE IT FURTHER RESOLVED,** That the Council offers this investigative hearing as an
27 opportunity for public comment on the City's progress in handling building sewage backups.

28 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the City Solicitor,
29 the Director of the Department of Public Works, the Director of Baltimore City 311 Services, the
30 Commissioner of the Baltimore City Health Department, the Director of the Mayor's Office of
31 Emergency Management, and the Mayor's Legislative Liaison to the City Council.