

**CITY OF BALTIMORE  
COUNCIL BILL 21-0075  
(First Reader)**

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Introduced by: Councilmembers Burnett, Cohen, Dorsey, Ramos, Bullock

Introduced and read first time: May 3, 2021

Assigned to: Health, Environment, and Technology Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Housing and Community Development, Department of Finance, Baltimore City Information and Technology, Department of Public Works, Health Department

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Study and Report – Sewage Backup Expedited Reimbursement and**  
3 **Direct Assistance Program**

4 FOR the purpose of requiring that the Baltimore City Department of Public Works submit a report  
5 to the Mayor and City Council studying the feasibility of implementing an expedited  
6 reimbursement and direct assistance program for any sewage backup, not limited to wet-  
7 weather, capacity-related causes; requiring certain agency assistance; and providing for a  
8 special effective date.

9 **Recitals**

10 In 2002, Baltimore City entered into a Consent Decree with the Environmental Protection  
11 Agency (“EPA”) and the Maryland Department of the Environment (“MDE”) to address  
12 violations of the federal Clean Water Act from discharges of untreated sewage from Baltimore’s  
13 collection system into the Back River, Patapsco River, the Chesapeake Bay, and other waters of  
14 the United States.

15 Under the 2002 Consent Decree, Baltimore’s Department of Public Works (“DPW”) was  
16 required to conduct a thorough investigation of its wastewater collection system and undertake  
17 certain systematic and operational improvements to eliminate sanitary sewer overflows and  
18 otherwise achieve compliance with the Clean Water Act and analogous State law.

19 In 2017, the City entered into a Modified Consent Decree with the EPA and MDE that set  
20 forth new requirements and deadlines for the City to achieve compliance into two phases. The  
21 deadline for completion of Phase I was January 2, 2021, and Phase II is to be completed by  
22 December 31, 2030.

23 Pursuant to the Modified Consent Decree, DPW is required to establish a “Building Backup  
24 Expedited Reimbursement Program” (the “Program”) to reimburse City homeowners, renters,  
25 non-commercial occupants, and residents for the costs of cleaning up and disinfecting after  
26 certain building sewage backups that are the result of surcharging in the collection system caused  
27 by *wet* weather events.

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

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1 The Program has been in a three-year pilot stage between April 2018 and April 2021. This  
2 year, the City, MDE, and EPA must agree on a permanent version of the program that will  
3 remain in effect for the rest of the term of the Modified Consent Decree.

4 On March 23, 2021, DPW launched a new pilot program, entitled the “Sewage Onsite  
5 Support (SOS) Cleanup Program. This program aims to provide “professional cleaning,  
6 disinfection, and disposal services from a third-party vendor at no cost to Baltimore City  
7 residents impacted by capacity-related sewage backup damage caused by a heavy wet weather  
8 (rain/snowmelt) event.”

9 To date, no provision has been made for reimbursement or cleaning services for sewage  
10 backups during dry weather events or attributable to non-capacity related events.

### 11 SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That:

- 12 (a) No later than 60 days from the enactment of this Ordinance, the Baltimore City  
13 Department of Public Works shall submit a report to the Mayor and City Council  
14 setting forth a comprehensive feasibility study, as fully described in this Ordinance,  
15 regarding sewage backups.
- 16 (b) The report required by subsection (a) of this section shall set forth a study into the  
17 feasibility of implementing a program to reimburse City homeowners, renters,  
18 non-commercial occupants, and residents for the costs of cleaning and disinfecting  
19 after building sewage backups that are the result both wet and dry weather events,  
20 including:
- 21 (1) an evaluation of the cost per backup of such a modified Expedited  
22 Reimbursement Program (“ERP”) based on the current ERP and any materials  
23 reviewed relating to cost prior to the current ERP went into effect; and
- 24 (2) a detailed analysis of any obstacles that the Department of Public Works  
25 believes would impede the expansion of the ERP and an explanation of any  
26 inquiries or efforts that the Department has made to overcome these obstacles.
- 27 (c) The report required by subsection (a) of this section shall set forth a study into the  
28 feasibility of implementing a modified SOS Cleanup Program that would provide  
29 professional cleaning, disinfection, and disposal services from a third-party vendor at  
30 no cost to Baltimore City residents impacted by capacity-related sewage backup  
31 damage caused by both wet and dry weather events, including:
- 32 (1) an evaluation of the cost per backup of such a modified SOS Cleanup Program  
33 based on the current SOS Cleanup Program and any materials reviewed to cost  
34 before the current SOS Cleanup Program went into effect; and
- 35 (2) a detailed analysis of any obstacles that the Department of Public Works  
36 believes would impede the expansion of the SOS Cleanup Program and an  
37 explanation of any inquiries or efforts that the Department has made to  
38 overcome these obstacles.

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1 (d) (1) The report required by subsection (a) of this section shall include a cost analysis  
2 utilizing empirical data and generally accepted principles in cost projections.

3 (2) The cost analysis required by this subsection shall be disaggregated by:

4 (i) wet weather backups caused by conditions within the public system;

5 (ii) dry weather backups caused by conditions within the public system;

6 (iii) wet weather backups caused by conditions within the private system; and

7 (iv) dry weather backups caused by conditions within the private system.

8 (e) The report required by subsection (a) of this section shall include an evaluation of the  
9 funds that the City has expended over the past 10 years in litigation costs related to  
10 sewage backups, including, as the case may be, settlement amounts, damages  
11 awarded, and attorney time.

12 (f) The Law Department, Baltimore City Information Technology, the Baltimore City  
13 Health Department, and the Mayor's Office of Emergency Management shall assist  
14 the Department of Public Works in the preparation of the report required by  
15 subsection (a) of this section.

16 **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is  
17 enacted.