City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Legislation Details (With Text)

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Title: Investigative Hearing - Building Backups of Untreated Sewage
For the purpose of inviting representatives from the Department of Public Works, the Law Department, the Health Department, and the Mayor's Office of Emergency Management to appear before the City Council to discuss the effectiveness and sufficiency of measures being taken to address basement backups of raw sewage in the City.

Sponsors: Kristerfer Burnett, Zeke Cohen, Ryan Dorsey, Phylicia Porter, Sharon Green Middleton, Odette Ramos, John T. Bullock

Indexes: Building, Investigative Hearing, sewage

Code sections:

Attachments: 1. 21-0016R~1st Reader, 2. Law 21-0016R, 3. DHCD 21-00016R, 4. OPI 21-0016R, 5. BCIT 311 Call Center 21-0016R, 6. Health 21-0016R, 7. Finance 21-0016R, 8. OEM 21-0016R, 9. DPW 21-0016R, 10. Synopsis 21-0016R, 11. Hearing Agenda 21-0016R, 12. Hearing Minutes 21-0016R, 13. DPW Presentation 21-0016R, 14. Hearing Notes 21-0016R, 15. Voting Record 21-0016R, 16. 21-0016R~2nd Reader

Date	Ver.	Action By	Action	Result
4/5/2021	0	Baltimore City Council	Adopted	
4/5/2021	0	Health, Environment, and Technology	Recommended Favorably	
3/24/2021	0	Health, Environment, and Technology	Recommended Favorably	Pass
2/22/2021	0	Health, Environment, and Technology	Scheduled for a Public Hearing	
2/11/2021	0	Baltimore City Council	Refer to Dept. of Health	
2/11/2021	0	Baltimore City Council	Refer to Mayor's Office of Emergency Management	
2/11/2021	0	Baltimore City Council	Refer to City Solicitor	
2/11/2021	0	Baltimore City Council	Refer to Dept. of Public Works	
2/11/2021	0	Baltimore City Council	Refer to 3-1-1 One Call and Dispatch Center	
2/11/2021	0	Baltimore City Council	Refer to Dept. of Housing and Community Development	
2/11/2021	0	Baltimore City Council	Refer to Dept. of Finance	
2/11/2021	0	Baltimore City Council	Refer to Mayor's Office of Innovation	
2/8/2021	0	Baltimore City Council	Assigned	
2/8/2021	0	Baltimore City Council	Introduced	

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The official copy considered by the City Council is the first reader copy.

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Introductory*

City of Baltimore
Council Bill R
(Resolution)

Introduced by: Councilmembers Burnett, Cohen, Dorsey

A Resolution Entitled

A Council Resolution concerning
Investigative Hearing - Building Backups of Untreated Sewage
For the purpose of inviting representatives from the Department of Public Works, the Law Department, the Health Department, and the Mayor's Office of Emergency Management to appear before the City Council to discuss the effectiveness and sufficiency of measures being taken to address basement backups of raw sewage in the City.

Recitals

Exposure to raw sewage poses a serious risk to human health. Raw sewage contains a variety of microorganisms, viruses, bacteria, and parasites that can cause serious illnesses including cholera, hepatitis, cryptosporidiosis, and giardiasis. In addition, moisture in homes, including moisture from sewage backups, can cause the growth of toxic fungi and mold. Among other health risks, mold can trigger asthma attacks.

Cleaning up and disinfecting interior spaces after a sewage backup, or securing a licensed contractor to perform that work, is a costly and traumatic endeavor that poses economic hardships to many Baltimore City residents.

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

Under the 2002 Consent Decree, Baltimore's Department of Public Works ("DPW") was required to conduct a thorough investigation of its wastewater collection system and undertake certain systematic and operational improvements to eliminate sanitary sewer overflows ("SSOs") and otherwise achieve compliance with the Clean Water Act and analogous State law.
The corrective measures required under the 2002 Consent Decree were to be completed by 2016, but the City failed to meet the deadline.

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

Pursuant to the Modified Consent Decree, DPW is required to establish a "Building Backup Expedited Reimbursement Program" (the "Program") to reimburse City homeowners, renters, non-commercial occupants, and residents for the costs of cleaning up and disinfecting after certain building sewage backups that are the result of surcharging in the collection system caused by wet weather events. The Program has been in a three-year pilot stage between April 2018 and April 2021. This year, the City, MDE, and EPA must agree on a permanent version of the program that will remain in effect for the rest of the term of the Modified Consent Decree.

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Under the Modified Consent Decree, the City is required to track certain information related to the Program and report it to the EPA, MDE, and the public on an annual basis. These reports are found in Modified Consent Decree Quarterly Report #7 for the first year of the Program (April 2018-April 2019), and Modified Consent Decree Quarterly Report #11 for the second year of the Program (April 2019-April 2020).

According to the City's own data, only 95 applications were made to the Program during its first 2years, despite the fact that there were over 11,000 reported sewage backups to the City's 311 non-emergency service system. 81 of these applications were denied (85%) and only $14,775 has been paid out to residents over 2 years despite the fact that $2 million is set aside annually for these expenses.

Advocates have submitted a comprehensive list of recommendations to Baltimore City, EPA, and MDE for improving the Program. During an investigative hearing before the City Council on July 28, 2020 a DPW representative committed to implementing several of those recommendations, including removing the 24-hour reporting restriction; raising the reimbursement cap to $5,000; acquiring contracts with entities who can perform direct assistance for residents who experience sewage backups in wet-weather conditions; considering broadening the scope of that direct assistance to include dry-weather sewage backups.

The residents of Baltimore City have a significant and ongoing interest in knowing exactly what terms will be agreed upon in the finalized version of the Expedited Reimbursement Program required under the Modified Consent Decree, but this process is not open to public comment or scrutiny.

Now, therefore, be it resolved by the City Council of Baltimore, That the Council invites representatives from the Department of Public Works, the Law Department, the Health Department, and the Mayor's Office of Emergency Management to appear before the City Council to discuss the effectiveness and sufficiency of measures being taken to address basement backups of raw sewage in the City.

And be it further resolved, That the Council intends that this investigative hearing serve as an opportunity for public comment on the City's progress in handling capacity-related building sewage backups.

And be it further resolved, That a copy of this Resolution be sent to the Mayor, the Director of the Department of Public Works, the City Solicitor, the Director of 311 Services, the Commissioner of the Baltimore City Department of Health, the Director of the Mayor's Office of Emergency Management, and the Mayor's Legislative Liaison to the City Council.

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