
By: **Carroll County Delegation**

Introduced and read first time: February 23, 2005

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Carroll County - Septic Systems - Departmental Review of County**
3 **Regulations**

4 FOR the purpose of requiring Carroll County to provide written notice to an applicant
5 for a septic permit when Carroll County denies the application for the permit;
6 requiring certain information to be included in the written notice; requiring
7 Carroll County to submit proposed regulations and ordinances regarding septic
8 systems to the Department of the Environment by a certain time; requiring
9 Carroll County to provide certain information to the Department when
10 submitting a proposed regulation or ordinance to the Department for review
11 under certain circumstances; requiring the Department to review all proposed
12 regulations and ordinances on septic systems that are submitted to it by Carroll
13 County for certain purposes; requiring Carroll County to submit existing
14 regulations or ordinances regarding septic systems to the Department of the
15 Environment on or before a certain date; requiring Carroll County to provide
16 certain information to the Department when submitting existing regulations or
17 ordinances to the Department for review; requiring the Department to review
18 the existing regulations and ordinances on septic systems for certain purposes;
19 requiring the Department to provide certain comments to Carroll County under
20 certain circumstances and within certain time periods; and generally relating to
21 the regulation of septic systems in Carroll County.

22 BY repealing and reenacting, with amendments,
23 Article - Environment
24 Section 9-502
25 Annotated Code of Maryland
26 (1996 Replacement Volume and 2004 Supplement)

27 BY adding to
28 Article - Environment
29 Section 9-511.1 and 9-511.2
30 Annotated Code of Maryland
31 (1996 Replacement Volume and 2004 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Environment**

4 9-502.

5 (a) Unless the operation of a water supply system would interfere with a
6 cleanup or remediation action of the Department, this subtitle does not prohibit the
7 installation or operation of a water supply system that is used only to supply water
8 for purposes other than human or animal consumption.

9 (b) If a county is exempt from the provisions of this subtitle, the county may
10 not receive funds from the sanitary facilities fund.

11 (c) [Any] SUBJECT TO § 9-511.2 OF THIS SUBTITLE, ANY rule or regulation
12 adopted under this subtitle does not limit or supersede any other county, municipal,
13 or State law, rule, or regulation that provides greater protection to the public health,
14 safety, or welfare.

15 9-511.1.

16 WHEN CARROLL COUNTY DENIES THE APPLICATION FOR A PERMIT FOR A
17 SEPTIC SYSTEM, THE COUNTY SHALL NOTIFY THE APPLICANT IN WRITING STATING:

18 (1) THE REASONS FOR DENIAL OF THE PERMIT;

19 (2) WHETHER THE PERMIT APPLICATION WAS DENIED UNDER STATE
20 LAW OR REGULATION OR COUNTY REGULATION; AND

21 (3) INFORMATION THAT DETAILS ANY PROCESS THAT MAY EXIST TO
22 APPEAL THE PERMIT APPLICATION DENIAL TO THE DEPARTMENT.

23 9-511.2.

24 (A) CARROLL COUNTY MUST SUBMIT ALL PROPOSED REGULATIONS AND
25 ORDINANCES REGARDING SEPTIC SYSTEMS TO THE DEPARTMENT FOR ITS REVIEW
26 AT LEAST 45 DAYS BEFORE PROPOSING A REGULATION OR ORDINANCE FOR
27 ADOPTION.

28 (B) IF THE PROPOSED REGULATION OR ORDINANCE SUBMITTED TO THE
29 DEPARTMENT FOR REVIEW UNDER THIS SECTION IS DIFFERENT FROM STATE LAW
30 OR REGULATION IN DESIGN OR EFFECT, CARROLL COUNTY SHALL:

31 (1) INCLUDE A SPECIFIC FINDING THAT IT IS IN THE PUBLIC INTEREST
32 THAT THE PROPOSED REGULATION OR ORDINANCE EXCEEDS THE COST OF
33 COMPLIANCE WITH THE STATE LAW OR REGULATION; AND

1 (2) INDICATE THE EXTENT TO WHICH THE COST OF COMPLIANCE WITH
2 THE PROPOSED REGULATION OR ORDINANCE EXCEEDS THE COST OF COMPLIANCE
3 WITH THE STATE LAW OR REGULATION.

4 (C) IN ADDITION TO ITS DUTIES SET FORTH ELSEWHERE IN THIS SUBTITLE,
5 THE DEPARTMENT SHALL REVIEW ALL PROPOSED REGULATIONS AND ORDINANCES
6 SUBMITTED BY CARROLL COUNTY UNDER SUBSECTION (A) OF THIS SECTION TO
7 DETERMINE WHETHER THE PROPOSED REGULATIONS AND ORDINANCES:

8 (1) ARE MORE STRINGENT THAN STATE LAW OR REGULATION; AND

9 (2) WOULD BETTER PROTECT THE ENVIRONMENT AND THE PUBLIC
10 INTEREST THAN STATE LAW OR REGULATION.

11 (D) IF, DURING ITS REVIEW UNDER SUBSECTION (C) OF THIS SECTION, THE
12 DEPARTMENT FINDS THAT CARROLL COUNTY'S PROPOSED REGULATION OR
13 ORDINANCE DIFFERS FROM STATE LAW OR REGULATION, THE DEPARTMENT SHALL
14 SUBMIT WRITTEN COMMENTS TO CARROLL COUNTY IN ORDER TO RESOLVE THE
15 DISCREPANCY BETWEEN THE PROPOSED REGULATION OR ORDINANCE AND THE
16 STATE LAW OR REGULATION.

17 (E) THE DEPARTMENT SHALL SUBMIT ITS COMMENTS UNDER SUBSECTION
18 (D) OF THIS SECTION TO CARROLL COUNTY WITHIN 30 DAYS AFTER RECEIPT OF THE
19 COUNTY'S PROPOSED REGULATION OR ORDINANCE.

20 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
21 2005, Carroll County must submit its existing regulations and ordinances regarding
22 septic systems to the Department of the Environment, identifying requirements that
23 may be more stringent than State law or regulation and providing the information
24 required in § 9-511.2(b) of the Environment Article as enacted by Section 1 of this Act.
25 The Department shall review all the regulations and ordinances submitted under this
26 section to determine whether the regulations and ordinances differ from State law or
27 regulation. If, during its review under this section, the Department finds that Carroll
28 County's regulations or ordinances differ from State law or regulation, the
29 Department shall submit written comments to Carroll County in order to resolve the
30 discrepancy between the county's regulations or ordinances and the State law or
31 regulation. The Department shall submit its comments under this section to Carroll
32 County within 60 days after receipt of the county's regulations and ordinances.

33 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2005.