

# HOUSE BILL 90

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By: **Delegate Lafferty**

Introduced and read first time: January 18, 2016

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **On-Site Sewage Disposal Systems – Operation and Maintenance Costs –**  
3 **Low-Income Homeowners**

4 FOR the purpose of requiring the Department of the Environment to assist, with money  
5 from the Bay Restoration Fund, low-income homeowners with the cost, up to a  
6 certain percent, of certain operation and maintenance contracts for on-site sewage  
7 disposal systems that utilize nitrogen removal technology; requiring the Department  
8 or a local government to determine applicant eligibility and the amount of assistance  
9 to be provided; defining certain terms; and generally relating to on-site sewage  
10 disposal systems.

11 BY repealing and reenacting, with amendments,  
12 Article – Environment  
13 Section 9–1108  
14 Annotated Code of Maryland  
15 (2014 Replacement Volume and 2015 Supplement)

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

18 **Article – Environment**

19 9–1108.

20 (a) (1) In this section the following words have the meanings indicated.

21 (2) **“LOW-INCOME HOMEOWNER” MEANS A HOMEOWNER WITH AN**  
22 **INCOME THAT IS 60% OR LESS OF THE AREA MEDIAN INCOME.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(3)** “Nitrogen removal technology” means the best available technology for  
2 the removal of nitrogen.

3           ~~[(3)]~~ **(4)** “On-site sewage disposal system” means a sewage treatment  
4 unit, collection system, disposal area, and related appurtenances.

5           **(5) “VENDOR” HAS THE MEANING STATED IN § 9-1108.1 OF THIS**  
6 **SUBTITLE.**

7           (b) A person may not:

8           (1) Install, or have installed, on property a person owns in the State in the  
9 Chesapeake and Atlantic Coastal Bays Critical Area, an on-site sewage disposal system to  
10 service a newly constructed building, unless the on-site sewage disposal system utilizes  
11 nitrogen removal technology; or

12           (2) Replace or have replaced, an existing on-site sewage disposal system  
13 on property a person owns in the State in the Chesapeake and Atlantic Coastal Bays  
14 Critical Area, unless the replacement on-site sewage disposal system utilizes nitrogen  
15 removal technology.

16           (c) (1) Subject to paragraph (2) of this subsection and in accordance with §  
17 9-1605.2(h) of this title, the Department shall assist homeowners in paying the cost  
18 difference between a conventional on-site sewage disposal system and a system that  
19 utilizes nitrogen removal technology with money from the Bay Restoration Fund, if  
20 sufficient funds are available.

21           (2) In calendar years 2010, 2011, and 2012, the Department shall assist  
22 homeowners by paying 100% of the cost difference between a conventional  
23 on-site sewage disposal system and a system that utilizes nitrogen removal technology  
24 with money from the Bay Restoration Fund, if the homeowner:

25           (i) Is required under subsection (b)(2) of this section to replace an  
26 existing on-site sewage disposal system with an on-site sewage disposal system that  
27 utilizes nitrogen removal technology; and

28           (ii) Has a failing on-site sewage disposal system.

29           (d) **(1) THE DEPARTMENT SHALL ASSIST LOW-INCOME HOMEOWNERS BY**  
30 **PAYING UP TO 50% OF THE COST OF A 3-YEAR OPERATION AND MAINTENANCE**  
31 **CONTRACT FOR AN ON-SITE SEWAGE DISPOSAL SYSTEM THAT UTILIZES NITROGEN**  
32 **REMOVAL TECHNOLOGY WITH MONEY FROM THE BAY RESTORATION FUND.**

33           **(2) THE DEPARTMENT OR A LOCAL GOVERNMENT SHALL**  
34 **DETERMINE:**

1                   **(I) WHETHER AN APPLICANT IS ELIGIBLE FOR ASSISTANCE**  
2 **UNDER THIS SUBSECTION; AND**

3                   **(II) THE AMOUNT OF ASSISTANCE TO BE PROVIDED FOR EACH**  
4 **APPLICANT BASED ON THE AVERAGE COST OF A 3-YEAR OPERATION AND**  
5 **MAINTENANCE CONTRACT PROVIDED BY VENDORS IN THE APPLICANT'S AREA.**

6           **(E)** (1) Subject to paragraph (2) of this subsection, a person who violates  
7 subsection (b) of this section is subject to the civil and administrative penalties and the  
8 enforcement mechanisms provided in §§ 9-334 through 9-342 of this title.

9                   (2) The penalties imposed under this section may not exceed \$8,000.

10           **[(e)] (F)** (1) The Department shall adopt regulations to implement this  
11 section.

12                   (2) The regulations adopted in accordance with paragraph (1) of this  
13 subsection shall include provisions to ensure that appropriate management measures are  
14 provided for the operation and maintenance of nitrogen removal technology.

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2016.