

# HOUSE BILL 281

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CF SB 266

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By: **Delegates Lafferty, Beidle, Carr, Chang, Fraser–Hidalgo, Frush, Gilchrist,  
Healey, Holmes, Lierman, McIntosh, Robinson, and Stein**

Introduced and read first time: January 23, 2017

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – On–Site Sewage Disposal Systems – Best Available Technology**  
3 **for Nitrogen Removal – Prohibition**

4 FOR the purpose of prohibiting a person from installing, or having installed, on property a  
5 person owns in the State in the Chesapeake Bay watershed, the Atlantic Coastal  
6 Bays watershed, or the watershed of a nitrogen–impaired body of water, an on–site  
7 sewage disposal system to service a newly constructed building, unless the on–site  
8 sewage disposal system utilizes certain nitrogen removal technology; repealing  
9 certain obsolete provisions of law; and generally relating to on–site sewage disposal  
10 systems that utilize the best available technology for nitrogen removal.

11 BY repealing and reenacting, with amendments,  
12 Article – Environment  
13 Section 9–1108  
14 Annotated Code of Maryland  
15 (2014 Replacement Volume and 2016 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) “Nitrogen removal technology” means the best available technology for  
22 the removal of nitrogen.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) "On-site sewage disposal system" means a sewage treatment unit,  
2 collection system, disposal area, and related appurtenances.

3 (b) A person may not:

4 (1) Install, or have installed, on property a person owns in the State in the  
5 Chesapeake [and] **BAY WATERSHED, THE** Atlantic Coastal Bays [Critical Area]  
6 **WATERSHED, OR THE WATERSHED OF A NITROGEN-IMPAIRED BODY OF WATER**, an  
7 on-site sewage disposal system to service a newly constructed building, unless the on-site  
8 sewage disposal system utilizes nitrogen removal technology; or

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

13 (c) [(1) Subject to paragraph (2) of this subsection in] **IN** accordance with  
14 § 9-1605.2(h) of this title, the Department shall assist homeowners in paying the cost  
15 difference between a conventional on-site sewage disposal system and a system that  
16 utilizes nitrogen removal technology with money from the Bay Restoration Fund, if  
17 sufficient funds are available.

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

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

25 (ii) **Has a failing on-site sewage disposal system.]**

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

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

30 (e) (1) The Department shall adopt regulations to implement this section.

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

34 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
35 **October 1, 2017.**