

HOUSE BILL 458

M3

8lr2399

By: **Delegate Lafferty**

Introduced and read first time: January 25, 2018

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Sale or Transfer of Home With On–Site Sewage Disposal System**
3 **– Nitrogen Removal Technology Requirement**

4 FOR the purpose of requiring a homeowner of a certain home located in the State in the
5 Chesapeake and Atlantic Coastal Bays Critical Area to ensure the home’s on–site
6 sewage disposal system utilizes or will be upgraded to utilize nitrogen removal
7 technology before the home is sold or transferred; making a conforming change; and
8 generally relating to on–site sewage disposal systems.

9 BY repealing and reenacting, with amendments,
10 Article – Environment
11 Section 9–1108
12 Annotated Code of Maryland
13 (2014 Replacement Volume and 2017 Supplement)

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

16 **Article – Environment**

17 9–1108.

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

19 (2) “Nitrogen removal technology” means the best available technology for
20 the removal of nitrogen.

21 (3) “On–site sewage disposal system” means a sewage treatment unit,
22 collection system, disposal area, and related appurtenances.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) A person may not:

2 [(1)] (I) Install, or have installed, on property a person owns in the State
3 in the Chesapeake and Atlantic Coastal Bays Critical Area, an on-site sewage disposal
4 system to service a newly constructed building, unless the on-site sewage disposal system
5 utilizes nitrogen removal technology; or

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

10 (2) A HOMEOWNER SELLING OR TRANSFERRING OWNERSHIP OF A
11 HOME WITH AN ON-SITE SEWAGE DISPOSAL SYSTEM THAT IS LOCATED IN THE STATE
12 IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA SHALL
13 ENSURE THE ON-SITE SEWAGE DISPOSAL SYSTEM UTILIZES OR WILL BE UPGRADED
14 TO UTILIZE NITROGEN REMOVAL TECHNOLOGY BEFORE THE HOME IS SOLD OR
15 TRANSFERRED.

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 on-site sewage
23 disposal system and a system that utilizes nitrogen removal technology with money from
24 the Bay Restoration Fund, if the homeowner:

25 (i) Is required under subsection [(b)(2)] (B)(1)(II) of this section to
26 replace an existing on-site sewage disposal system with an on-site sewage disposal system
27 that utilizes nitrogen removal technology; and

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

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

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

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

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2018.