

HOUSE BILL 719

M3

8lr2625

By: **Delegate Lafferty**

Introduced and read first time: February 1, 2018

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **On-Site Sewage Disposal Systems – Best Available Technology for Nitrogen**
3 **Removal – Requirement**

4 FOR the purpose of expanding certain prohibitions on the installation and replacement of
5 certain on-site sewage disposal systems unless the on-site sewage disposal system
6 utilizes certain nitrogen removal technology to apply to certain property on which an
7 on-site sewage disposal system is located or is planned within a certain distance of
8 a certain stream that is located in the watershed of a nitrogen-impaired body of
9 water; defining a certain term; repealing certain obsolete provisions of law; making
10 stylistic and conforming changes; and generally relating to on-site sewage disposal
11 systems that utilize the best available technology for nitrogen removal.

12 BY repealing and reenacting, with amendments,
13 Article – Environment
14 Section 9–1108
15 Annotated Code of Maryland
16 (2014 Replacement Volume and 2017 Supplement)

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

19 **Article – Environment**

20 9–1108.

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

22 (2) **“BLUE-LINE STREAM” MEANS A STREAM THAT APPEARS AS A**
23 **BROKEN OR SOLID BLUE LINE OR PURPLE LINE ON A U.S. GEOLOGICAL SURVEY**
24 **TOPOGRAPHIC MAP.**

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 **(b) (1) THIS SUBSECTION APPLIES TO PROPERTY A PERSON OWNS IN THE**
6 **STATE:**

7 **(I) IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS**
8 **CRITICAL AREA; OR**

9 **(II) 1. ON WHICH THERE IS AN ACTIVITY THAT REQUIRES A**
10 **PERSON TO FILE WITH THE DEPARTMENT A NOTICE OF INTENT FOR THE APPROVAL**
11 **OF A GENERAL PERMIT FOR STORMWATER ASSOCIATED WITH A CONSTRUCTION**
12 **ACTIVITY IN ACCORDANCE WITH THE FEDERAL CLEAN WATER ACT AND TITLE 9,**
13 **SUBTITLE 3 OF THIS ARTICLE; AND**

14 **2. ON WHICH AN ON-SITE SEWAGE DISPOSAL SYSTEM IS**
15 **LOCATED OR IS PLANNED WITHIN 1,000 FEET OF A BLUE-LINE STREAM THAT IS**
16 **LOCATED IN THE WATERSHED OF A NITROGEN-IMPAIRED BODY OF WATER.**

17 **(2)** A person may not:

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

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

26 **(c) [(1)** Subject to paragraph (2) of this subsection and in] **IN** accordance with
27 § 9-1605.2(h) of this title, the Department shall assist homeowners in paying the cost
28 difference between a conventional on-site sewage disposal system and a system that
29 utilizes nitrogen removal technology with money from the Bay Restoration Fund, if
30 sufficient funds are available.

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

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

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

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

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

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

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

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