

## Chapter 585

**(House Bill 1765)**

AN ACT concerning

**On-Site Sewage Disposal Systems – Watershed Implementation Plan and Bay Restoration Fund Disbursements and Financial Assistance**

FOR the purpose of authorizing ~~a local jurisdiction to count a~~ a certain reduction in nitrogen from a certain upgrade to an on-site sewage disposal system to count toward a nitrogen load reduction required in a certain watershed implementation plan under certain circumstances; authorizing a certain reduction in nitrogen from a certain pump out of an on-site sewage disposal system to count toward a nitrogen load reduction required in a certain watershed implementation plan under certain circumstances; authorizing certain fee revenue deposited in the Bay Restoration Fund to be used by a local jurisdiction to provide a certain amount of financial assistance to certain homeowners for the reasonable cost of ~~an operation and maintenance contract for the~~ pumping out of an on-site sewage disposal system at certain intervals; authorizing certain fee revenue deposited into the Fund to be used, in certain fiscal years, for financial assistance to a local jurisdiction for the development of a certain plan; specifying that the amount of financial assistance under this Act is based on homeowner income and is subject to a certain priority; specifying that financial assistance under this Act may be provided only if the homeowner verifies a certain ~~operation and maintenance contract~~ pump out has occurred and resides in a local jurisdiction that has developed and implemented a certain septic stewardship plan that meets certain requirements; requiring the Department of the Environment to convene a certain meeting of certain individuals for certain purposes; and generally relating to on-site sewage disposal systems.

BY adding to

Article – Environment

Section 9–1108.2 and 9–1605.2(h)(2)(i)5. and 6. and (8)

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,

Article – Environment

Section 9–1605.2(a)(4) and (h)(1) and ~~(2)(i)4. and (ii)~~ (2)(ii)

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 9–1605.2(h)(2)(i)3. and 4.

Annotated Code of Maryland

(2014 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,  
 Article – Natural Resources  
 Section 8–2A–01(a) and (e)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2017 Supplement)

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

**Article – Environment**

**9–1108.2.**

(A) IN THIS SECTION, “WATERSHED IMPLEMENTATION PLAN” HAS THE MEANING STATED IN § 8–2A–01 OF THE NATURAL RESOURCES ARTICLE.

~~(B) A REDUCTION IN NITROGEN FROM UPGRADING AN ON-SITE SEWAGE DISPOSAL SYSTEM TO THE BEST AVAILABLE TECHNOLOGY FOR THE REMOVAL OF NITROGEN MAY COUNT TOWARD A NITROGEN LOAD REDUCTION REQUIRED IN A LOCAL JURISDICTION’S WATERSHED IMPLEMENTATION PLAN IF THERE IS A CURRENT OPERATION AND MAINTENANCE CONTRACT FOR THE ON-SITE SEWAGE DISPOSAL SYSTEM.~~

**(B) THE FOLLOWING MAY COUNT TOWARD A NITROGEN LOAD REDUCTION IDENTIFIED IN THE STATE’S OR A LOCAL JURISDICTION’S WATERSHED IMPLEMENTATION PLAN:**

**(1) A REDUCTION IN NITROGEN FROM UPGRADING AN ON-SITE SEWAGE DISPOSAL SYSTEM TO THE BEST AVAILABLE TECHNOLOGY FOR THE REMOVAL OF NITROGEN IF THE OPERATION AND MAINTENANCE FOR THE ON-SITE SEWAGE DISPOSAL SYSTEM IS CURRENT; AND**

**(2) A REDUCTION IN NITROGEN FROM PUMPING OUT AN ON-SITE SEWAGE DISPOSAL SYSTEM THAT IS SUBJECT TO A LOCAL JURISDICTION’S SEPTIC STEWARDSHIP PLAN IF THE LOCAL JURISDICTION’S SEPTIC STEWARDSHIP PLAN MEETS THE REQUIREMENTS UNDER SUBSECTION (H)(8)(III)2 OF THIS SECTION.**

**9–1605.2.**

(a) (4) There is established a Bay Restoration Fee to be paid by any user of a wastewater facility, an on-site sewage disposal system, or a holding tank that:

(i) Is located in the State; or

(ii) Serves a Maryland user and is eligible for funding under this subtitle.

(h) (1) With regard to the funds collected under subsection (b)(1)(i)1 of this section from users of an on-site sewage disposal system or holding tank that receive a water bill and subsection (b)(1)(i)2 and 3 of this section, beginning in fiscal year 2006, the Comptroller shall:

(i) Establish a separate account within the Bay Restoration Fund; and

(ii) Disburse the funds as provided under paragraph (2) of this subsection.

(2) The Comptroller shall:

(i) Deposit 60% of the funds in the separate account to be used for:

3. A portion of the reasonable costs of a local public entity that has been delegated by the Department under § 1-301(b) of this article to administer and enforce environmental laws, not to exceed 10% of the funds deposited into the separate account, to implement regulations adopted by the Department for on-site sewage disposal systems that utilize the best available technology for the removal of nitrogen; [and]

4. Subject to paragraph (7) of this subsection, financial assistance to low-income homeowners, as defined by the Department, for up to 50% of the cost of an operation and maintenance contract of up to 5 years for an on-site sewage disposal system that utilizes nitrogen removal technology; [and]

**5. SUBJECT TO PARAGRAPH (8) OF THIS SUBSECTION, A LOCAL JURISDICTION TO PROVIDE FINANCIAL ASSISTANCE TO ELIGIBLE HOMEOWNERS FOR THE REASONABLE COST OF AN OPERATION AND MAINTENANCE CONTRACT THAT PROVIDES FOR, AT LEAST ONCE EVERY 5 YEARS, THE PUMPING OUT OF AN ON-SITE SEWAGE DISPOSAL SYSTEM, AT LEAST ONCE EVERY 5 YEARS, UNLESS A MORE FREQUENT PUMP OUT SCHEDULE IS RECOMMENDED DURING AN INSPECTION, NOT TO EXCEED 10% OF THE FUNDS ALLOCATED TO THE LOCAL JURISDICTION; AND**

**6. IN FISCAL YEARS 2020 AND 2021, FINANCIAL ASSISTANCE TO A LOCAL JURISDICTION FOR THE DEVELOPMENT OF A SEPTIC STEWARDSHIP PLAN THAT MEETS THE REQUIREMENTS UNDER PARAGRAPH (8)(III)2 OF THIS SUBSECTION; AND**

(ii) Transfer 40% of the funds to the Maryland Agriculture Water Quality Cost Share Program in the Department of Agriculture in order to fund cover crop activities.

**(8) (I) THE AMOUNT OF FINANCIAL ASSISTANCE UNDER PARAGRAPH (2)(I)5 OF THIS SUBSECTION SHALL BE BASED ON HOMEOWNER INCOME, WITH PRIORITY GIVEN TO LOW-INCOME HOMEOWNERS.**

**(II) FINANCIAL ASSISTANCE UNDER PARAGRAPH (2)(I)5 OF THIS SUBSECTION MAY BE PROVIDED THROUGH GRANTS, REBATES, OR LOW- OR NO-INTEREST LOANS.**

**(III) FINANCIAL ASSISTANCE UNDER PARAGRAPH (2)(I)5 OF THIS SUBSECTION MAY BE PROVIDED ONLY IF:**

**1. THE HOMEOWNER VERIFIES THE ~~OPERATION AND MAINTENANCE CONTRACT~~ PUMP OUT HAS OCCURRED; AND**

**2. THE HOMEOWNER RESIDES IN A LOCAL JURISDICTION THAT HAS DEVELOPED AND IMPLEMENTED A SEPTIC STEWARDSHIP PLAN THAT:**

**A. HAS BEEN ADOPTED BY THE LOCAL GOVERNING BODY OF THE JURISDICTION, AFTER CONSULTATION WITH THE JURISDICTION'S LOCAL HEALTH DEPARTMENT;**

**~~A. B.~~ STATES SPECIFIC GOALS CONSISTENT WITH THE NITROGEN LOAD REDUCTION REQUIRED IDENTIFIED IN THE LOCAL JURISDICTION'S WATERSHED IMPLEMENTATION PLAN;**

**~~B. C.~~ SPECIFIES PUBLIC EDUCATION AND OUTREACH MEASURES THAT WILL BE TAKEN, INCLUDING EDUCATION AND OUTREACH ON BEST MANAGEMENT PRACTICES, LEGAL REQUIREMENTS, AND EXISTING SUPPORT AND FINANCIAL ASSISTANCE;**

**~~C. D.~~ PROVIDES TECHNICAL GUIDANCE FOR THE SITING, DESIGN, EVALUATION, AND CONSTRUCTION OF AN ON-SITE SEWAGE DISPOSAL SYSTEM;**

**~~D. E.~~ REQUIRES AN ON-SITE SEWAGE DISPOSAL SYSTEM LOCATED ON RESIDENTIAL PROPERTY TO BE PUMPED OUT AND INSPECTED ~~AND HAVE ITS WATER TESTED~~ AT LEAST ONCE EVERY 5 YEARS, UNLESS A MORE FREQUENT PUMP OUT SCHEDULE IS RECOMMENDED DURING AN INSPECTION;**

~~E~~ F. REQUIRES AN ON-SITE SEWAGE DISPOSAL SYSTEM LOCATED ON COMMERCIAL PROPERTY TO BE PUMPED OUT AND INSPECTED AT LEAST ONCE EVERY 5 YEARS, UNLESS A MORE FREQUENT PUMP OUT SCHEDULE IS RECOMMENDED DURING AN INSPECTION;

~~F~~ G. SPECIFIES CERTIFICATION AND LICENSING PROCEDURES FOR A PERSON THAT PUMPS OUT AND INSPECTS ON-SITE SEWAGE DISPOSAL SYSTEMS;

~~G~~ H. SPECIFIES ENFORCEMENT MECHANISMS, COMPLIANCE INCENTIVES, AND PENALTIES;

~~H~~ I. OUTLINES FUNDING MECHANISMS TO SUPPORT THE PLAN AND EXPAND EDUCATION, DEMONSTRATION PROJECTS, AND INSPECTIONS;

~~I~~ J. SPECIFIES REQUIREMENTS FOR RECORD KEEPING;  
AND

~~J~~ K. ESTABLISHES A PROCESS FOR PERIODICALLY EVALUATING AND REVISING THE PLAN.

Article – Natural Resources

8-2A-01.

(a) In this subtitle the following words have the meanings indicated.

(e) “Watershed implementation plan” means a plan to achieve the nutrient and sediment limits required under the Chesapeake Bay total maximum daily load.

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of the Environment shall convene a meeting of representatives of county environmental health directors, local government Watershed Implementation Plan programs, the environmental community, and on-site sewage disposal system installers and inspectors to:

(1) ensure that appropriate local government personnel are given access to the Best Available Technology Management and Network in order to implement the provisions of § 9-1108.2 of the Environment Article as enacted by this Act;

(2) ensure that local government personnel receive the appropriate training to access and use the Network; and

(3) review and offer recommendations on improving the general accessibility, ease of use, and functionality of the Network.

SECTION 3. AND BE IT FURTHER ENACTED. That this Act shall take effect October 1, 2018.

**Approved by the Governor, May 15, 2018.**