

Chapter 342

(House Bill 190)

AN ACT concerning

**Environment – Failing On-Site Sewage Disposal System – Definition**

FOR the purpose of defining the term “failing on-site sewage disposal system” for purposes of certain provisions of law relating to on-site sewage disposal systems; ~~requiring each county to adopt by local law or ordinance the definition of “failing on-site sewage disposal system”~~; providing that this Act may not be construed to preempt or prevail over any county ordinance, law, or rule that provides a more stringent definition of the term “failing on-site sewage disposal system”; providing that this Act may not be construed to alter a certain enforcement referral method established under a delegation agreement between the Department of the Environment and a local health department except under certain circumstances; and generally relating to on-site sewage disposal systems.

BY repealing and reenacting, without amendments,  
Article – Environment  
Section 9-101(a)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)

BY adding to  
Article – Environment  
Section 9-101(d-1) ~~and 9-1113~~  
Annotated Code of Maryland  
(2014 Replacement Volume and 2018 Supplement)

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

**Article – Environment**

9-101.

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

**(D-1) (1) “FAILING ON-SITE SEWAGE DISPOSAL SYSTEM” MEANS ~~THE~~ ~~CONDITION OF~~ AN ON-SITE SEWAGE DISPOSAL SYSTEM OR A CESSPOOL, OR A COMPONENT OF AN ON-SITE SEWAGE DISPOSAL SYSTEM OR A CESSPOOL, ~~THREATENS OR IMPACTS~~ THAT IS A THREAT TO PUBLIC HEALTH DUE TO:**

**(1) ~~THE INADEQUATE TREATMENT OF SEWAGE; OR~~**

~~(H) (1)~~ (1) THE POTENTIAL FOR DIRECT ~~OR INDIRECT~~ CONTACT BETWEEN SEWAGE AND MEMBERS OF THE PUBLIC;

~~(H) (2)~~ A FAILURE TO PREVENT:

~~1.~~ (I) SEWAGE FROM REACHING THE SURFACE OF THE GROUND;

~~2.~~ (II) SEWAGE FROM BACKING UP INTO A STRUCTURE DUE TO SLOW SOIL ABSORPTION OF SEWAGE EFFLUENT;

~~3.~~ (III) SEWAGE FROM LEAKING FROM A SEWAGE TANK OR COLLECTION SYSTEM;

~~4.~~ (IV) UNLESS SPECIFICALLY AUTHORIZED BY A GROUNDWATER PROTECTION REPORT APPROVED BY THE DEPARTMENT BEFORE JANUARY 1, 2019, GROUNDWATER DEGRADATION; OR

~~5.~~ (V) SURFACE WATER DEGRADATION; OR

~~(H) (3)~~ FOR A PERMITTED ON-SITE SEWAGE DISPOSAL SYSTEM, SIGNIFICANT NONCOMPLIANCE WITH THE STANDARDS AND CONDITIONS OF THE ON-SITE SEWAGE DISPOSAL SYSTEM PERMIT.

~~(2) "FAILING ON SITE SEWAGE DISPOSAL SYSTEM" INCLUDES AN ACESSPOOL, ON SITE SEWAGE DISPOSAL SYSTEM OR A COMPONENT OF AN ON SITE SEWAGE DISPOSAL SYSTEM THAT:~~

~~(i) FAILS TO PREVENT SEWAGE FROM:~~

~~1. REACHING THE SURFACE OF THE GROUND;~~

~~2. BACKING UP INTO A STRUCTURE DUE TO SLOW SOIL ABSORPTION OF SEWAGE EFFLUENT; OR~~

~~3. LEAKING FROM A SEWAGE TANK OR COLLECTION SYSTEM;~~

~~(ii) FAILS TO PREVENT GROUNDWATER OR SURFACE WATER DEGRADATION FROM CESSPOOLS OR SEEPAGE PITS;~~

~~(iii) FAILS TO PREVENT GROUNDWATER OR SURFACE WATER CONTAMINATION FROM INADEQUATELY TREATED SEWAGE EFFLUENT;~~

~~(IV) IS A CESSPOOL; OR~~

~~(V) DOES NOT COMPLY WITH THE STANDARDS AND CONDITIONS OF AN ON-SITE SEWAGE DISPOSAL SYSTEM PERMIT.~~

~~9-1113.~~

~~EACH COUNTY SHALL ADOPT BY LOCAL LAW OR ORDINANCE THE DEFINITION OF "FAILING ON-SITE SEWAGE DISPOSAL SYSTEM" AS DEFINED IN § 9-101 OF THIS TITLE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to:

(1) preempt or prevail over any county ordinance, resolution, law, or rule that provides a definition of the term "failing on-site sewage disposal system" that is more stringent than the definition of the term "failing on-site sewage disposal system" under § 9-101 of the Environment Article, as enacted by Section 1 of this Act; or

(2) alter an existing enforcement referral method established under a delegation agreement between the Department of the Environment and a local health department, unless the county in which a local health department is located has adopted a definition of the term "failing on-site sewage disposal system" that is more stringent than the definition of the term "failing on-site sewage disposal system" under § 9-101 of the Environment Article, as enacted by Section 1 of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**