

HOUSE BILL 190

M3

(9lr1198)

ENROLLED BILL

— Environment and Transportation/Education, Health, and Environmental Affairs —

Introduced by ~~Delegate Lafferty~~ Delegates Lafferty and Qi

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

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

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

13 BY repealing and reenacting, without amendments,
14 Article – Environment

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Section 9-101(a)
 2 Annotated Code of Maryland
 3 (2014 Replacement Volume and 2018 Supplement)

4 BY adding to
 5 Article – Environment
 6 Section 9-101(d-1) ~~and 9-1113~~
 7 Annotated Code of Maryland
 8 (2014 Replacement Volume and 2018 Supplement)

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

11 **Article – Environment**

12 9-101.

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

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

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

19 ~~(1)~~ ~~(1)~~ **(1) THE POTENTIAL FOR DIRECT ~~OR INDIRECT~~ CONTACT**
 20 **BETWEEN SEWAGE AND MEMBERS OF THE PUBLIC;**

21 ~~(1)~~ **(2) A FAILURE TO PREVENT:**

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

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

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

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

30 ~~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 A CESSPOOL, 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

1 department, unless the county in which a local health department is located has adopted a
2 definition of the term “failing on–site sewage disposal system” that is more stringent than
3 the definition of the term “failing on–site sewage disposal system” under § 9–101 of the
4 Environment Article, as enacted by Section 1 of this Act.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.