

HOUSE BILL 190

M3

9lr1198

By: ~~Delegate Lafferty~~ **Delegates Lafferty and Qi**

Introduced and read first time: January 23, 2019

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2019

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
15 Section 9-101(a)
16 Annotated Code of Maryland
17 (2014 Replacement Volume and 2018 Supplement)

18 BY adding to
19 Article – Environment
20 Section 9-101(d-1) ~~and 9-1113~~
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2018 Supplement)

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.



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 COMPONENT OF AN
ON–SITE SEWAGE DISPOSAL SYSTEM ~~THREATENS OR IMPACTS~~ THAT IS A THREAT TO
PUBLIC HEALTH DUE TO:**

~~(I) THE INADEQUATE TREATMENT OF SEWAGE; OR~~

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

(II) A FAILURE TO PREVENT:

**1. SEWAGE FROM REACHING THE SURFACE OF THE
GROUND;**

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

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

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

5. SURFACE WATER DEGRADATION; OR

**(III) 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
3. ABSORPTION OF SEWAGE EFFLUENT; OR~~

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

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

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

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

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

~~9-1113.~~

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

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

(1) preempt or prevail over any county ordinance, resolution, law, or rule
20. that provides a definition of the term "failing on-site sewage disposal system" that is more
21. stringent than the definition of the term "failing on-site sewage disposal system" under §
22. 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
24. delegation agreement between the Department of the Environment and a local health
25. department, unless the county in which a local health department is located has adopted a
26. definition of the term "failing on-site sewage disposal system" that is more stringent than
27. the definition of the term "failing on-site sewage disposal system" under § 9-101 of the
28. Environment Article, as enacted by Section 1 of this Act.

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