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By: **Delegate Elliott**

Introduced and read first time: February 9, 2000

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Septic Systems - Departmental Review of County Regulations**

3 FOR the purpose of requiring each county to provide a written notice to an applicant  
4 for a septic permit when the county denies the application for the permit;  
5 requiring certain information to be included in the written notice; requiring  
6 each county to submit proposed regulations regarding septic systems to the  
7 Department of the Environment by a certain time; requiring the counties to  
8 provide certain information to the Department when it submits a proposed  
9 regulation to the Department for review under certain circumstances; requiring  
10 the Department to review all proposed regulations on septic systems that are  
11 submitted to it by counties for certain purposes; requiring each county to submit  
12 existing regulations regarding septic systems to the Department of the  
13 Environment on or before a certain date; requiring each county to provide  
14 certain information to the Department when it submits a proposed regulation to  
15 the Department for review under certain circumstances; requiring the  
16 Department to review the existing regulations on septic systems for certain  
17 purposes; requiring the Department to provide certain comments to counties  
18 under certain circumstances and within certain time periods; and generally  
19 relating to the regulation of septic systems.

20 BY adding to  
21 Article - Environment  
22 Section 9-511.1 and 9-511.2  
23 Annotated Code of Maryland  
24 (1996 Replacement Volume and 1999 Supplement)

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

27 **Article - Environment**

28 9-511.1.

29 WHEN A COUNTY DENIES THE APPLICATION FOR A PERMIT FOR A SEPTIC  
30 SYSTEM, THE COUNTY SHALL NOTIFY THE APPLICANT IN WRITING STATING:

1 (1) THE REASONS FOR DENIAL OF THE PERMIT;

2 (2) WHETHER THE PERMIT APPLICATION WAS DENIED UNDER STATE  
3 LAW OR REGULATION OR COUNTY REGULATION; AND

4 (3) INFORMATION THAT DETAILS ANY PROCESS THAT MAY EXIST TO  
5 APPEAL THE PERMIT APPLICATION DENIAL TO THE DEPARTMENT.

6 9-511.2.

7 (A) IT IS THE POLICY OF THE STATE THAT ALL STATE LAWS AND  
8 REGULATIONS REGARDING SEPTIC SYSTEMS BE INTERPRETED AND ADMINISTERED  
9 UNIFORMLY BY ALL OF THE COUNTIES IN THE STATE.

10 (B) A COUNTY MUST SUBMIT ALL PROPOSED REGULATIONS REGARDING  
11 SEPTIC SYSTEMS TO THE DEPARTMENT FOR ITS REVIEW AT LEAST 45 DAYS BEFORE  
12 PROPOSING A REGULATION FOR ADOPTION.

13 (C) IF THE PROPOSED REGULATION SUBMITTED TO THE DEPARTMENT FOR  
14 REVIEW UNDER THIS SECTION IS DIFFERENT FROM STATE LAW OR REGULATION IN  
15 DESIGN OR EFFECT, THE COUNTY SUBMITTING THE REGULATION SHALL:

16 (1) INCLUDE A SPECIFIC FINDING THAT IT IS IN THE PUBLIC INTEREST  
17 THAT THE PROPOSED REGULATION DEVIATES FROM THE STATE LAW OR  
18 REGULATION; AND

19 (2) INDICATE THE EXTENT TO WHICH THE COST OF COMPLIANCE WITH  
20 THE PROPOSED REGULATION EXCEEDS THE COST OF COMPLIANCE WITH THE STATE  
21 LAW OR REGULATION.

22 (D) IN ADDITION TO ITS DUTIES SET FORTH ELSEWHERE IN THIS SUBTITLE,  
23 THE DEPARTMENT SHALL REVIEW ALL PROPOSED REGULATIONS SUBMITTED BY  
24 COUNTIES UNDER SUBSECTION (B) OF THIS SECTION TO DETERMINE THAT THE  
25 PROPOSED REGULATIONS:

26 (1) ARE NOT MORE STRINGENT THAN STATE STATUTE OR REGULATION;

27 (2) ARE NOT DIFFERENT IN DESIGN OR EFFECT FROM EXISTING  
28 REGULATIONS ON THE SAME SUBJECT FROM OTHER COUNTIES' REGULATIONS;

29 (3) WOULD BETTER SERVE THE PUBLIC INTEREST THAN STATE LAW OR  
30 REGULATION; AND

31 (4) JUSTIFY ANY INCREASED COST FOR COMPLIANCE ASSOCIATED WITH  
32 DEVIATING FROM STATE LAW OR REGULATION.

33 (E) IF, DURING ITS REVIEW UNDER SUBSECTION (D) OF THIS SECTION, THE  
34 DEPARTMENT FINDS THAT A COUNTY'S PROPOSED REGULATION DOES NOT MEET  
35 THE CRITERIA IN SUBSECTION (D) OF THIS SECTION, THE DEPARTMENT SHALL  
36 SUBMIT WRITTEN COMMENTS TO THE COUNTY IN ORDER TO:

1           (1)     RESOLVE THE DISCREPANCY BETWEEN THE PROPOSED  
2 REGULATION AND THE STATE LAW; OR

3           (2)     RESOLVE THE DISCREPANCY BETWEEN THE PROPOSED  
4 REGULATION AND THE EXISTING REGULATIONS OF OTHER COUNTIES.

5     (F)     THE DEPARTMENT SHALL SUBMIT ITS COMMENTS UNDER SUBSECTION (E)  
6 OF THIS SECTION TO THE COUNTY WITHIN 30 DAYS AFTER ITS RECEIPT OF THE  
7 COUNTY'S PROPOSED REGULATION.

8     SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,  
9 2000, each county must submit its existing regulations regarding septic systems to  
10 the Department of the Environment, identifying requirements that may be more  
11 stringent than State law or regulation and providing the information required in §  
12 9-511.2(c) of the Environment Article as enacted by this Act. The Department shall  
13 review all the regulations submitted under this section to determine whether the  
14 regulations meet the criteria in § 9-511(d)(1) through (4) of the Environment Article.  
15 If, during its review under this section, the Department finds that a county's  
16 regulation does not meet the criteria in § 9-511.2(d)(1) through (4) of the  
17 Environment Article as enacted by this Act, the Department shall submit written  
18 comments to the county in order to: (1) resolve the discrepancy between the county's  
19 regulation and the State law; or (2) resolve the discrepancy between the county's  
20 regulation and the existing regulations of other counties. The Department shall  
21 submit its comments under this section to the county within 60 days after its receipt  
22 of the county's regulations.

23     SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2000.