
By: **Delegate Elliott**

Introduced and read first time: February 9, 2000

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 29, 2000

CHAPTER _____

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 and ordinances regarding septic
7 systems to the Department of the Environment by a certain time; requiring the
8 counties to provide certain information to the Department when it submits a
9 proposed regulation or ordinance to the Department for review under certain
10 circumstances; requiring the Department to review all proposed regulations and
11 ordinances on septic systems that are submitted to it by counties for certain
12 purposes; requiring each county to submit existing regulations or ordinances
13 regarding septic systems to the Department of the Environment on or before a
14 certain date; requiring each county to provide certain information to the
15 Department when it submits a proposed regulation or ordinance to the
16 Department for review under certain circumstances; requiring the Department
17 to review the existing regulations and ordinances on septic systems for certain
18 purposes; requiring the Department to provide certain comments to counties
19 under certain circumstances and within certain time periods; and generally
20 relating to the regulation of septic systems.

21 BY adding to
22 Article - Environment
23 Section 9-511.1 and 9-511.2
24 Annotated Code of Maryland
25 (1996 Replacement Volume and 1999 Supplement)

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

3 **Article - Environment**

4 9-511.1.

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

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

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

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

12 9-511.2.

13 (A) IT IS THE POLICY OF THE STATE THAT ALL STATE LAWS AND
14 REGULATIONS REGARDING SEPTIC SYSTEMS BE INTERPRETED AND ADMINISTERED
15 UNIFORMLY BY ALL OF THE COUNTIES IN THE STATE WITH RESPECT TO THE
16 MINIMUM STANDARDS.

17 (B) A COUNTY MUST SUBMIT ALL PROPOSED REGULATIONS AND ORDINANCES
18 REGARDING SEPTIC SYSTEMS TO THE DEPARTMENT FOR ITS REVIEW AT LEAST 45
19 DAYS BEFORE PROPOSING A REGULATION OR ORDINANCE FOR ADOPTION.

20 (C) IF THE PROPOSED REGULATION OR ORDINANCE SUBMITTED TO THE
21 DEPARTMENT FOR REVIEW UNDER THIS SECTION IS DIFFERENT FROM STATE LAW
22 OR REGULATION IN DESIGN OR EFFECT, THE COUNTY SUBMITTING THE
23 REGULATION OR ORDINANCE SHALL:

24 (1) INCLUDE A SPECIFIC FINDING THAT IT IS IN THE PUBLIC INTEREST
25 THAT THE PROPOSED REGULATION OR ORDINANCE DEVIATES FROM THE STATE LAW
26 OR REGULATION; AND

27 (2) INDICATE THE EXTENT TO WHICH THE COST OF COMPLIANCE WITH
28 THE PROPOSED REGULATION OR ORDINANCE EXCEEDS THE COST OF COMPLIANCE
29 WITH THE STATE LAW OR REGULATION.

30 (D) IN ADDITION TO ITS DUTIES SET FORTH ELSEWHERE IN THIS SUBTITLE,
31 THE DEPARTMENT SHALL REVIEW ALL PROPOSED REGULATIONS AND ORDINANCES
32 SUBMITTED BY COUNTIES UNDER SUBSECTION (B) OF THIS SECTION TO DETERMINE
33 ~~THAT~~ WHETHER THE PROPOSED REGULATIONS AND ORDINANCES:

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

1 (2) ARE ~~NOT~~ DIFFERENT IN DESIGN OR EFFECT FROM EXISTING
 2 REGULATIONS ON THE SAME SUBJECT FROM OTHER ~~COUNTIES' REGULATIONS~~
 3 COUNTIES; AND

4 (3) WOULD BETTER ~~SERVE PROTECT THE ENVIRONMENT AND THE~~
 5 PUBLIC INTEREST THAN STATE LAW OR REGULATION; ~~AND.~~

6 (4) ~~JUSTIFY ANY INCREASED COST FOR COMPLIANCE ASSOCIATED WITH~~
 7 ~~DEVIATING FROM STATE LAW OR REGULATION.~~

8 (E) IF, DURING ITS REVIEW UNDER SUBSECTION (D) OF THIS SECTION, THE
 9 DEPARTMENT FINDS THAT A COUNTY'S PROPOSED REGULATION OR ORDINANCE
 10 ~~DOES NOT MEET THE CRITERIA IN SUBSECTION (D) OF THIS SECTION; DIFFERS FROM~~
 11 STATE LAW OR REGULATION OR FROM OTHER COUNTIES' REGULATIONS OR
 12 ORDINANCES ON THE SAME SUBJECT, THE DEPARTMENT SHALL SUBMIT WRITTEN
 13 COMMENTS TO INFORM THE COUNTY IN ORDER TO THAT THERE IS A DIFFERENCE:

14 (1) ~~RESOLVE THE DISCREPANCY~~ BETWEEN THE PROPOSED
 15 REGULATION OR ORDINANCE AND THE STATE LAW; OR

16 (2) ~~RESOLVE THE DISCREPANCY~~ BETWEEN THE PROPOSED
 17 REGULATION OR ORDINANCE AND THE EXISTING REGULATIONS AND ORDINANCES
 18 OF OTHER COUNTIES.

19 (F) THE DEPARTMENT SHALL SUBMIT ITS COMMENTS UNDER SUBSECTION (E)
 20 OF THIS SECTION TO THE COUNTY WITHIN 30 DAYS AFTER ITS RECEIPT OF THE
 21 COUNTY'S PROPOSED REGULATION OR ORDINANCE.

22 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
 23 2000, each county must submit its existing regulations and ordinances regarding
 24 septic systems to the Department of the Environment, identifying requirements that
 25 may be more stringent than State law or regulation and providing the information
 26 required in § 9-511.2(c) of the Environment Article as enacted by this Act. The
 27 Department shall review all the regulations and ordinances submitted under this
 28 section to determine whether the ~~regulations meet the criteria in § 9-511(d)(1)~~
 29 ~~through (4) of the Environment Article; regulations differ from State law or~~
 30 regulation or from other counties' regulations and ordinances on the same subject. If,
 31 during its review under this section, the Department finds that a county's regulation
 32 or ordinance does not meet the criteria in § 9-511.2(d)(1) through (4) of the
 33 Environment Article as enacted by this Act, differs from State law or regulation or
 34 from other counties' regulations and ordinances on the same subject, the Department
 35 shall submit written comments to the county in order to: (1) resolve the discrepancy to
 36 inform the county of: (1) the difference between the county's regulation or ordinance
 37 and the State law; or (2) resolve the discrepancy the difference between the county's
 38 regulation or ordinance and the existing regulations and ordinances of other counties.
 39 The Department shall submit its comments under this section to the county within 60
 40 days after its receipt of the county's regulations or ordinances.

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

