
By: **Senator Giannetti**

Introduced and read first time: March 7, 2005

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **On-Site Sewage Disposal Systems and Holding Tanks - Licensing**

3 FOR the purpose of requiring certain persons providing certain services relating to
 4 on-site sewage disposal systems or holding tanks to be licensed by the
 5 Department of the Environment; requiring the Department to establish certain
 6 education and training requirements; requiring the Department to issue or
 7 renew certain licenses under certain circumstances; providing for the
 8 application for certain licenses required under this Act; authorizing the
 9 Department to refuse to issue or renew or to suspend or revoke certain licenses
 10 under certain circumstances; providing for the duration of licenses issued under
 11 this Act; authorizing the Department to issue certain licenses by reciprocity
 12 under certain circumstances; requiring the Department to charge a certain fee
 13 for certain licenses; requiring the fee to be waived under certain circumstances;
 14 requiring the Department to develop certain performance requirements for
 15 on-site sewage disposal systems and holding tanks; requiring the Department
 16 to inspect certain on-site sewage disposal systems and holding tanks after
 17 certain dates; requiring the Department to provide for the passage and failure of
 18 certain inspections and for certain reinspections under certain circumstances;
 19 requiring the Department to provide for certain penalties; requiring a person
 20 who installs an on-site sewage disposal system or holding tank after a certain
 21 date to enter into a certain contract and to provide certain information;
 22 requiring the Department to adopt certain regulations; providing for the
 23 legislative intent of this Act; providing for the interpretation of this Act; and
 24 generally relating to licensing requirements for persons involved with on-site
 25 sewage disposal systems and holding tanks.

26 BY adding to

27 Article - Environment

28 Section 9-2001 through 9-2006, inclusive, to be under the new subtitle "Subtitle

29 20. On-Site Sewage Disposal Systems and Holding Tanks"

30 Annotated Code of Maryland

31 (1996 Replacement Volume and 2004 Supplement)

32 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

33 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Environment

2

SUBTITLE 20. ON-SITE SEWAGE DISPOSAL SYSTEMS AND HOLDING TANKS.

3 9-2001.

4 IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THIS SUBTITLE
5 ESTABLISH AN EFFECTIVE PROGRAM FOR ENHANCING THE EFFORTS BEGUN WITH
6 THE ESTABLISHMENT OF THE BAY RESTORATION FUND UNDER § 9-1605.2 OF THIS
7 TITLE AND FOR PREVENTING, ABATING, AND CONTROLLING POLLUTION OF THE
8 WATERS OF THE STATE.

9 9-2002.

10 (A) (1) EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION, A
11 PERSON SHALL BE LICENSED BY THE DEPARTMENT BEFORE THE PERSON MAY
12 DESIGN, INSTALL, PUMP, SERVICE, OR INSPECT AN ON-SITE SEWAGE DISPOSAL
13 SYSTEM OR HOLDING TANK.

14 (2) THE DEPARTMENT MAY REQUIRE PERSONS PERFORMING SERVICES
15 NOT LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO BE LICENSED BEFORE
16 PERFORMING ANY SERVICE ON AN ON-SITE SEWAGE DISPOSAL SYSTEM OR HOLDING
17 TANK.

18 (B) (1) (I) THE DEPARTMENT SHALL ESTABLISH EDUCATION, TRAINING,
19 AND ANY OTHER REASONABLE REQUIREMENTS FOR LICENSING APPLICANTS UNDER
20 THIS SECTION.

21 (II) THE DEPARTMENT SHALL PROVIDE A LIST OF SANCTIONED
22 INSTITUTIONS UNAFFILIATED WITH THE DEPARTMENT AT WHICH THE EDUCATION
23 REQUIREMENTS OF THIS SECTION MAY BE MET.

24 (2) SUBJECT TO SUBSECTION (E) OF THIS SECTION, THE DEPARTMENT
25 SHALL ISSUE A LICENSE TO AN APPLICANT WHO PROVIDES PROOF SATISFACTORY TO
26 THE DEPARTMENT THAT THE APPLICANT HAS SATISFIED THE EDUCATION AND
27 TRAINING REQUIREMENTS OF THIS SUBSECTION.

28 (C) (1) THE DEPARTMENT SHALL ESTABLISH CONTINUING EDUCATION
29 REQUIREMENTS FOR LICENSEES UNDER THIS SECTION.

30 (2) SUBJECT TO SUBSECTION (E) OF THIS SECTION, THE DEPARTMENT
31 SHALL RENEW THE LICENSE OF AN APPLICANT WHO PROVIDES PROOF
32 SATISFACTORY TO THE DEPARTMENT THAT THE APPLICANT HAS SATISFIED THE
33 CONTINUING EDUCATION REQUIREMENTS OF THIS SUBSECTION.

34 (D) (1) TO APPLY FOR A LICENSE OR RENEWAL OF A LICENSE, AN
35 APPLICANT SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT ON THE FORM
36 THE DEPARTMENT REQUIRES.

1 (2) IF A CORPORATION, PARTNERSHIP, OR ASSOCIATION SUBMITS AN
2 APPLICATION, THE APPLICATION SHALL CONTAIN INFORMATION CONCERNING
3 OFFICERS, DIRECTORS, AND PRINCIPAL OWNERS THAT THE DEPARTMENT
4 REQUIRES.

5 (E) (1) THE DEPARTMENT SHALL INVESTIGATE EACH APPLICATION FOR A
6 LICENSE OR RENEWAL.

7 (2) THE DEPARTMENT MAY REFUSE TO ISSUE A LICENSE TO OR RENEW
8 THE LICENSE OF AN APPLICANT IF THE DEPARTMENT FINDS THAT THE APPLICANT:

9 (I) FAILED TO CORRECT A VIOLATION OF ANY RULE OR
10 REGULATION ADOPTED UNDER THIS SUBTITLE; OR

11 (II) FAILED TO COMPLY WITH ANY PROVISION OF THIS SECTION.

12 (3) WITH RESPECT TO AN APPLICATION OF A CORPORATION,
13 PARTNERSHIP, OR ASSOCIATION, THE DEPARTMENT MAY REFUSE TO ISSUE A
14 LICENSE TO OR RENEW THE LICENSE OF AN APPLICANT IF THE DEPARTMENT FINDS
15 THAT ANY OF ITS OFFICERS, DIRECTORS, OR PRINCIPAL OWNERS:

16 (I) FAILED TO CORRECT A VIOLATION OF ANY RULE OR
17 REGULATION ADOPTED UNDER THIS SUBTITLE;

18 (II) FAILED TO COMPLY WITH ANY PROVISION OF THIS SUBTITLE;
19 OR

20 (III) IS OR HAS BEEN AN OFFICER, DIRECTOR, OR PRINCIPAL OWNER
21 OF ANY OTHER CORPORATION, PARTNERSHIP, OR ASSOCIATION THAT PREVIOUSLY
22 FAILED TO CORRECT A VIOLATION OF ANY RULE OR REGULATION ADOPTED UNDER
23 THIS SECTION OR FAILED TO COMPLY WITH ANY PROVISION OF THIS SUBTITLE.

24 (F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
25 LICENSE ISSUED UNDER THIS SECTION SHALL BE VALID FOR 3 YEARS.

26 (2) THE DEPARTMENT MAY SUSPEND OR REVOKE ANY LICENSE ISSUED
27 UNDER THIS SECTION IF THE DEPARTMENT FINDS THAT THE LICENSEE:

28 (I) HAS FAILED TO CORRECT A VIOLATION OF ANY RULE OR
29 REGULATION ADOPTED UNDER THIS SECTION; OR

30 (II) HAS FAILED TO COMPLY WITH ANY PROVISION OF THIS
31 SECTION.

32 (G) (1) SUBJECT TO THE LICENSING PROVISIONS OF THIS SECTION, THE
33 DEPARTMENT MAY ISSUE A LICENSE BY RECIPROCITY UNDER THIS SECTION FOR AN
34 APPLICANT WHO:

35 (I) IS LICENSED TO PROVIDE, IN ANOTHER STATE, THE SERVICES
36 GOVERNED BY THIS SECTION; AND

1 (II) 1. BECAME LICENSED IN THE OTHER STATE AFTER
2 MEETING, IN THAT OR ANOTHER STATE, REQUIREMENTS THAT WERE AT LEAST
3 EQUIVALENT TO THOSE REQUIRED UNDER THIS SECTION; OR

4 2. AT THE TIME OF APPLICATION FOR A LICENSE BY
5 RECIPROCITY UNDER THIS SUBSECTION, MEETS THE REQUIREMENTS OF THIS
6 SECTION.

7 (2) SUBJECT TO THE LICENSING PROVISIONS OF THIS SECTION, THE
8 DEPARTMENT MAY ISSUE A LICENSE BY RECIPROCITY TO AN APPLICANT WHO
9 PROVIDES PROOF SATISFACTORY TO THE DEPARTMENT THAT THE APPLICANT IS
10 QUALIFIED BASED ON A COMBINATION OF EDUCATION, TRAINING, AND EXPERIENCE
11 IN PROVIDING THE SERVICES GOVERNED BY THIS SECTION THAT IS COMPARABLE TO
12 THE REQUIREMENTS OF THIS SECTION.

13 (H) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
14 DEPARTMENT SHALL CHARGE A FEE OF \$150 FOR ANY LICENSE ISSUED UNDER THIS
15 SECTION.

16 (2) THE FEE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION
17 SHALL BE WAIVED FOR:

18 (I) A LICENSEE WHO PROVIDES A SERVICE FOR AN ON-SITE
19 SEWAGE DISPOSAL SYSTEM OR HOLDING TANK IF THE LICENSEE IS ALREADY
20 LICENSED IN THIS STATE TO PROVIDE THAT SERVICE FOR A STRUCTURE OTHER
21 THAN AN ON-SITE SEWAGE DISPOSAL SYSTEM OR HOLDING TANK; OR

22 (II) A LICENSEE WHO IS AN INSPECTOR UNDER § 9-2003 OF THIS
23 SUBTITLE AND IS AN EMPLOYEE OF THE DEPARTMENT.

24 (I) THE DEPARTMENT MAY EXEMPT FROM THE LICENSING REQUIREMENTS
25 OF THIS SECTION:

26 (1) A FARMER WHO PUMPS AND DISPOSES OF SEWAGE WASTE FROM
27 ON-SITE SEWAGE DISPOSAL SYSTEMS OR HOLDING TANKS ON LAND THAT IS OWNED
28 OR LEASED BY THE FARMER; AND

29 (2) A PERSON LICENSED AS AN ENVIRONMENTAL SANITARIAN UNDER
30 TITLE 11 OF THIS ARTICLE.

31 9-2003.

32 (A) (1) THE DEPARTMENT SHALL DEVELOP, IN CONSULTATION WITH
33 REPRESENTATIVES OF INDUSTRY AND ENVIRONMENTAL ADVOCACY GROUPS,
34 PERFORMANCE REQUIREMENTS FOR ALL ON-SITE SEWAGE DISPOSAL SYSTEMS AND
35 HOLDING TANKS.

36 (2) A PERFORMANCE REQUIREMENT DEVELOPED UNDER THIS SECTION
37 SHALL MEET OR EXCEED GENERALLY ACCEPTED INDUSTRY STANDARDS.

1 (B) THE DEPARTMENT SHALL INSPECT FOR COMPLIANCE WITH
2 PERFORMANCE REQUIREMENTS DEVELOPED UNDER THIS SECTION:

3 (1) ANY ON-SITE SEWAGE DISPOSAL SYSTEM OR HOLDING TANK
4 CONSTRUCTED OR INSTALLED ON OR AFTER JANUARY 1, 2007; AND

5 (2) BEFORE THE TRANSFER OF PROPERTY FROM ONE OWNER TO
6 ANOTHER, ANY ON-SITE SEWAGE DISPOSAL SYSTEM OR HOLDING TANK LOCATED ON
7 PROPERTY BEING SOLD OR TRANSFERRED FROM ONE OWNER TO ANOTHER ON OR
8 AFTER JANUARY 1, 2007.

9 (C) INSPECTIONS REQUIRED UNDER THIS SECTION SHALL BE CONDUCTED BY
10 INSPECTORS LICENSED UNDER § 9-2002 OF THIS SUBTITLE.

11 (D) (1) THE DEPARTMENT SHALL DEVELOP PROCEDURES PROVIDING FOR
12 AN ON-SITE SEWAGE DISPOSAL SYSTEM OR HOLDING TANK TO PASS OR FAIL AN
13 INSPECTION REQUIRED UNDER THIS SECTION.

14 (2) THE DEPARTMENT SHALL REINSPECT, AFTER A PERIOD OF TIME
15 PROVIDED FOR BY REGULATION, ANY ON-SITE SEWAGE DISPOSAL SYSTEM OR
16 HOLDING TANK THAT FAILS AN INSPECTION REQUIRED UNDER THIS SECTION.

17 (E) THE DEPARTMENT SHALL PROVIDE FOR PENALTIES TO BE ASSESSED IF
18 AN ON-SITE SEWAGE DISPOSAL SYSTEM OR HOLDING TANK FAILS A NUMBER,
19 PROVIDED FOR BY REGULATION, OF INSPECTIONS REQUIRED UNDER THIS SECTION.

20 (F) THE DEPARTMENT SHALL DEVELOP A SYSTEM FOR ESTABLISHING
21 LIABILITY FOR AN ON-SITE SEWAGE DISPOSAL SYSTEM OR HOLDING TANK THAT
22 FAILS AN INSPECTION REQUIRED UNDER THIS SECTION.

23 9-2004.

24 A PERSON WHO INSTALLS AN ON-SITE SEWAGE DISPOSAL SYSTEM OR HOLDING
25 TANK ON THE PROPERTY OF ANOTHER ON OR AFTER JANUARY 1, 2006, SHALL:

26 (1) CONTRACT WITH THE PROPERTY OWNER TO PROVIDE SERVICE AND
27 MAINTENANCE FOR THE SYSTEM OR TANK FOR A PERIOD OF NOT LESS THAN 3
28 YEARS; AND

29 (2) PROVIDE THE PROPERTY OWNER WITH WRITTEN INFORMATION ON
30 THE OPERATION, SERVICE, AND MAINTENANCE OF THE SYSTEM OR TANK.

31 9-2005.

32 (A) NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED TO PROHIBIT A
33 POLITICAL SUBDIVISION FROM ADOPTING PERFORMANCE STANDARDS FOR ON-SITE
34 SEWAGE DISPOSAL SYSTEMS AND HOLDING TANKS STRICTER THAN THOSE ADOPTED
35 UNDER THIS SUBTITLE.

1 (B) ANY PERFORMANCE STANDARDS FOR ON-SITE SEWAGE DISPOSAL
2 SYSTEMS AND HOLDING TANKS ADOPTED UNDER THIS SECTION SHALL COMPLY
3 WITH ANY APPLICABLE FEDERAL LAW OR REGULATION.

4 9-2006.

5 THE DEPARTMENT SHALL ADOPT ANY RULES AND REGULATIONS NECESSARY
6 TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2005.