

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE
Revised

House Bill 167

(Howard County Delegation)

Environmental Matters

Education, Health, and Environmental Affairs

Howard County - Installation of Multiuse Sewerage Systems
Ho. Co. 11-08

This bill authorizes the governing body of Howard County to enact local laws governing the installation and use of multiuse sewerage systems that are not inconsistent with State law.

The bill takes effect July 1, 2008.

Fiscal Summary

State Effect: None.

Local Effect: Any impact on local operations and finances depends on the extent to which Howard County uses this authority. According to the county, the specifics of any future proposal governing multiuse sewerage systems are unknown. However, the county advises that any costs associated with the installation of such systems would be borne by developers and any operating costs would be borne by system users. The county advises that currently it operates its water and sewer facilities as a self-supporting enterprise so that the costs are covered by charges on system users.

Small Business Effect: Potential impact in Howard County only. Developers or others wishing to install or use such systems could be affected by any local legislation enacted. It is assumed that any costs incurred to comply with local requirements would be passed on to system users.

Analysis

Current Law: A “multiuse sewerage system” is a sewerage system that serves only one lot, serves a number of individuals, has a treatment capacity of more than 5,000 gallons per day, and is not publicly owned or operated.

Multiuse sewerage systems are regulated by the Maryland Department of the Environment. A person must obtain a permit from MDE before the person installs, materially alters, or materially extends a sewerage system. All multiuse sewerage systems must be listed in the county water and sewer plan. Multiuse sewerage systems are subject to various regulatory requirements, including, but not limited to, the submission of plans to MDE for review and approval; permeability specifications; separation distances from streams and other features; and requirements for a treatment zone between the bottom of the drainfield and the seasonal high water table. Multiuse sewerage systems are also subject to State discharge permit requirements.

With respect to land that is to be subdivided, a person may not offer any of the land for sale or development or erect a permanent building on the land unless a plat of the subdivision and a statement of the methods by which the subdivision is to be supplied with water and sewerage service are submitted to MDE.

MDE is required to adopt rules and regulations to require that before the issuance of a permit for the construction of a community or multiuse sewerage system, a financial management plan sufficient to ensure the dependable and safe operation of the system has been adopted within the county plan and approved by MDE. Current regulations also require the owner of the proposed system to sign a financial management agreement before the issuance of such a permit.

If, after investigation, MDE determines that any sewerage system is a menace to health or comfort or is causing a nuisance, and that conditions cannot be improved sufficiently only by changing the method of operation, MDE may order the owner to alter or extend the sewerage system or to install a new sewerage system.

Background: According to testimony on this delegation bill from November 2007, the residents of the Villas at Cattail Creek, an active adult community in Howard County, have had a long-standing problem with the community’s multiuse sewerage system. MDE advises that the community is served by a system that consists of a treatment plant and septic system-type drainfield. The system is subject to a groundwater discharge permit that established the level of treatment required prior to discharging to the drainfield. The original treatment plant was never able to meet the permit requirements. As a result, sewage from the community is pumped to an off-site location. MDE advises

that it has recently issued a construction permit to build a new treatment plant. In the meantime, however, concern has been raised that the county does not have the authority to regulate such systems.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Howard County, Maryland Department of the Environment, Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - February 7, 2008
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