

# HOUSE BILL 1105

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9lr2524  
CF SB 721

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By: **Delegates Frush, Beidle, Bobo, ~~and Costa~~ Costa, Manno, and Sossi**

Introduced and read first time: February 13, 2009

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2009

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Private Wastewater Treatment Act of 2009**

3 FOR the purpose of prohibiting a person from installing a certain privately owned  
4 ~~on-site wastewater treatment~~ individual sewerage system under certain  
5 circumstances; defining a certain term; and generally relating to privately  
6 owned on-site wastewater treatment systems.

7 BY adding to

8 Article – Environment

9 Section 9–1108

10 Annotated Code of Maryland

11 (2007 Replacement Volume and 2008 Supplement)

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

### 14 **Article – Environment**

#### 15 **9–1108.**

16 (A) IN THIS SECTION, ~~“ON-SITE TREATMENT SYSTEM” MEANS A~~  
17 ~~PRIVATELY OWNED ON-SITE WASTEWATER TREATMENT SYSTEM THAT~~  
18 ~~DISCHARGES INTO SURFACE WATERS OF THE STATE~~ INDIVIDUAL SEWERAGE  
19 SYSTEM” MEANS A PRIVATELY OWNED SYSTEM OF SEWERS, PIPING AND  
20 TREATMENT TANKS OR OTHER FACILITIES THAT:

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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.



1                   (1)   SERVES ONLY A SINGLE LOT FOR THE DISPOSAL OF SEWAGE;  
2   AND

3                   (2)   DISCHARGES TO THE SURFACE WATERS OF THE STATE.

4           (B)   ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A  
5 PERSON MAY NOT INSTALL AN ON-SITE TREATMENT SYSTEM INDIVIDUAL  
6 SEWERAGE SYSTEM IN THE STATE. IF:

7                   (1)   ~~THE LOT ON WHICH THE SYSTEM IS TO BE LOCATED;~~

8                         ~~(I)   FAILS A SOIL PERCOLATION TEST; AND~~

9                         ~~(II)   IS NOT SERVED BY A PUBLICLY OWNED WASTEWATER~~  
10 ~~TREATMENT FACILITY; OR~~

11                   (2)   ~~THE ON-SITE TREATMENT SYSTEM IS INCONSISTENT WITH A~~  
12 ~~COUNTY WATER AND SEWER PLAN.~~

13           (C)   SUBJECT TO THE DEPARTMENT'S APPROVAL, A PERSON MAY  
14 INSTALL AN INDIVIDUAL SEWERAGE SYSTEM IN THE STATE FOR RESIDENTIAL  
15 USE IF AN EXISTING ON-SITE SEWAGE DISPOSAL SYSTEM FAILS AND CANNOT BE  
16 REPAIRED OR REPLACED BY ANY MEANS.

17           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18   October 1, 2009.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.