

## CHAPTER 708

(House Bill 1105)

AN ACT concerning

### Private Wastewater Treatment Act of 2009

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

BY adding to

Article – Environment

Section 9–1108

Annotated Code of Maryland

(2007 Replacement Volume and 2008 Supplement)

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

#### Article – Environment

#### 9–1108.

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

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

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

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

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

(1) ~~FAILS A SOIL PERCOLATION TEST; AND~~

~~(H) IS NOT SERVED BY A PUBLICLY OWNED WASTEWATER TREATMENT FACILITY; OR~~

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

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

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

**Approved by the Governor, May 19, 2009.**