

HOUSE BILL 237

M3

EMERGENCY BILL

0lr1227

By: **Delegates McConkey, Bates, Boteler, Dwyer, Eckardt, Elmore, George, Haddaway, Jennings, Kipke, McComas, Minnick, Shewell, Sossi, and Weir**

Introduced and read first time: January 25, 2010

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – On-Site Sewage Disposal Systems – Funding Availability**

3 FOR the purpose of providing that certain prohibitions on the installation and
4 replacement of certain on-site sewage disposal systems in the Chesapeake and
5 Atlantic Coastal Bays Critical Area do not apply if certain funds are
6 insufficient; making this Act an emergency measure; and generally relating to
7 on-site sewage disposal systems with nitrogen removal technology.

8 BY repealing and reenacting, with amendments,
9 Article – Environment
10 Section 9–1108
11 Annotated Code of Maryland
12 (2007 Replacement Volume and 2009 Supplement)

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

15 **Article – Environment**
16 9–1108.

17 (a) (1) In this section the following words have the meanings indicated.

18 (2) “Nitrogen removal technology” means the best available technology
19 for the removal of nitrogen.

20 (3) “On-site sewage disposal system” means a sewage treatment unit,
21 collection system, disposal area, and related appurtenances.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) [A] **SUBJECT TO SUBSECTION (C)(2) OF THIS SECTION**, A person may
2 not:

3 (1) Install, or have installed, on property a person owns in the State in
4 the Chesapeake and Atlantic Coastal Bays Critical Area, an on-site sewage disposal
5 system to service a newly constructed building, unless the on-site sewage disposal
6 system utilizes nitrogen removal technology; or

7 (2) Replace or have replaced, an existing on-site sewage disposal
8 system on property a person owns in the State in the Chesapeake and Atlantic Coastal
9 Bays Critical Area, unless the replacement on-site sewage disposal system utilizes
10 nitrogen removal technology.

11 (c) (1) In accordance with § 9-1605.2(h) of this title, the Department shall
12 assist homeowners in paying the cost difference between a conventional on-site
13 sewage disposal system and a system that utilizes nitrogen removal technology with
14 money from the Bay Restoration Fund, if sufficient funds are available.

15 (2) **THE PROHIBITIONS IN SUBSECTION (B) OF THIS SECTION DO**
16 **NOT APPLY IF THERE ARE INSUFFICIENT FUNDS AVAILABLE FOR THE**
17 **DEPARTMENT TO PROVIDE ALL HOMEOWNERS IN THE CHESAPEAKE AND**
18 **ATLANTIC COSTAL BAYS CRITICAL AREA WHO INSTALL OR REPLACE AN**
19 **ON-SITE SEWAGE DISPOSAL SYSTEM WITH ASSISTANCE IN ACCORDANCE WITH**
20 **PARAGRAPH (1) OF THIS SUBSECTION.**

21 (d) (1) Subject to paragraph (2) of this subsection, a person who violates
22 subsection (b) of this section is subject to the civil and administrative penalties and
23 the enforcement mechanisms provided in §§ 9-334 through 9-342 of this title.

24 (2) The penalties imposed under this section may not exceed \$8,000.

25 (e) (1) The Department shall adopt regulations to implement this section.

26 (2) The regulations adopted in accordance with paragraph (1) of this
27 subsection shall include provisions to ensure that appropriate management measures
28 are provided for the operation and maintenance of nitrogen removal technology.

29 **SECTION 2. AND BE IT FURTHER ENACTED**, That this Act is an emergency
30 measure, is necessary for the immediate preservation of the public health or safety,
31 has been passed by a yea and nay vote supported by three-fifths of all the members
32 elected to each of the two Houses of the General Assembly, and shall take effect from
33 the date it is enacted.