

Chapter 382

(House Bill 62)

AN ACT concerning

Environment – Payment of Cost Differential – Nitrogen Removal Technology

FOR the purpose of ~~repealing a certain contingency on the requirement~~ requiring that the Department of the Environment pay for certain costs associated with the installation of on-site sewage disposal systems utilizing nitrogen removal technology with money from the Bay Restoration Fund under certain circumstances in certain calendar years; ~~requiring the Department to make payment with money from certain General Fund appropriations if certain funding is unavailable; giving priority for certain funding to certain homeowners installing on-site sewage disposal systems utilizing nitrogen removal technology~~ declaring the intent of the General Assembly; and generally relating to on-site sewage disposal systems utilizing nitrogen removal technology.

BY repealing and reenacting, without amendments,

Article – Environment

Section 9-1108(a)

Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)

(As enacted by Chapter 280 of the Acts of the General Assembly of 2009)

BY repealing and reenacting, without amendments,

Article – Environment

Section 9-1108(b) ~~and 9-1605.2(h)(1) and (2)~~

Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 9-1108(c) ~~and 9-1605.2(h)(3)(i)~~

Annotated Code of Maryland

(2007 Replacement Volume and 2009 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) (1) In this section the following words have the meanings indicated.

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

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

(b) A person may not:

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

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

(c) (1) ~~IN~~ **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND IN** accordance with § 9-1605.2(h) of this title, the Department shall assist homeowners ~~in~~ **BY** paying the cost difference between a conventional on-site sewage disposal system and a system that utilizes nitrogen removal technology with money from the Bay Restoration Fund~~, if sufficient funds are available~~.

~~(2) IF SUFFICIENT FUNDS ARE NOT AVAILABLE FROM THE BAY RESTORATION FUND, THE DEPARTMENT SHALL PAY FOR THE COST DIFFERENCE BETWEEN A CONVENTIONAL ON-SITE SEWAGE DISPOSAL SYSTEM AND A SYSTEM THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY WITH MONEY FROM THE DEPARTMENT’S GENERAL FUND APPROPRIATION.~~

(2) IN CALENDAR YEARS 2010, 2011, AND 2012, THE DEPARTMENT SHALL ASSIST HOMEOWNERS BY PAYING 100% OF THE COST DIFFERENCE BETWEEN A CONVENTIONAL ON-SITE SEWAGE DISPOSAL SYSTEM AND A SYSTEM THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY WITH MONEY FROM THE BAY RESTORATION FUND, IF THE HOMEOWNER:

(I) IS REQUIRED UNDER SUBSECTION (B)(2) OF THIS SECTION TO REPLACE AN EXISTING ON-SITE SEWAGE DISPOSAL SYSTEM WITH AN ON-SITE SEWAGE DISPOSAL SYSTEM THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY; AND

(II) HAS A FAILING ON-SITE SEWAGE DISPOSAL SYSTEM.

~~9-1605.2.~~

~~(h) (1) With regard to the funds collected under subsection (b)(1)(i), from users of an onsite sewage disposal system or holding tank that receive a water bill, (ii), and (iii) of this section, beginning in fiscal year 2006, the Comptroller shall:~~

~~(i) Establish a separate account within the Bay Restoration Fund; and~~

~~(ii) Disburse the funds as provided under paragraph (2) of this subsection.~~

~~(2) The Comptroller shall:~~

~~(i) Deposit 60% of the funds in the separate account to be used for:~~

~~1. Subject to paragraph (3) of this subsection, with priority first given to failing systems and holding tanks located in the Chesapeake and Atlantic Coastal Bays Critical Area and then to failing systems that the Department determines are a threat to public health or water quality, grants or loans for up to 100% of:~~

~~A. The costs attributable to upgrading an onsite sewage disposal system to the best available technology for the removal of nitrogen;~~

~~B. The cost difference between a conventional onsite sewage disposal system and a system that utilizes the best available technology for the removal of nitrogen;~~

~~C. The cost of repairing or replacing a failing onsite sewage disposal system with a system that uses the best available technology for nitrogen removal; or~~

~~D. The cost, up to the sum of the costs authorized under item 1B of this item for each individual system, of replacing multiple onsite sewage disposal systems located in the same community with a new community sewerage system that is owned by a local government and that meets enhanced nutrient removal standards.~~

~~2. The reasonable costs of the Department, not to exceed 8% of the funds deposited into the separate account, to:~~

~~A. Implement an education, outreach, and upgrade program to advise owners of onsite sewage disposal systems and holding tanks on the~~

~~proper maintenance of the systems and tanks and the availability of grants and loans under item 1 of this item;~~

~~B. Review and approve the design and construction of onsite sewage disposal system or holding tank upgrades;~~

~~C. Issue grants or loans as provided under item 1 of this item; and~~

~~D. Provide technical support for owners of upgraded onsite sewage disposal systems or holding tanks to operate and maintain the upgraded systems; and~~

~~(ii) Transfer 40% of the funds to the Maryland Agriculture Water Quality Cost Share Program in the Department of Agriculture in order to fund cover crop activities.~~

~~(3) (i) Funding for the costs identified in paragraph (2)(i)1 of this subsection shall be provided in the following order of priority:~~

~~1. OWNERS REQUIRED UNDER § 9-1108 OF THIS TITLE TO INSTALL ON-SITE SEWAGE DISPOSAL SYSTEMS UTILIZING NITROGEN REMOVAL TECHNOLOGY;~~

~~2. For owners of all levels of income, the costs identified in paragraph (2)(i)1A and B of this subsection; and~~

~~[2.] 3. For low income owners, as defined by the Department, the costs identified in paragraph (2)(i)1C of this subsection:~~

~~A. First, for best available technologies for nitrogen removal; and~~

~~B. Second, for other wastewater treatment systems.~~

SECTION 2. AND BE IT FURTHER ENACTED, That, except as provided by § 9-1108(c)(2) of the Environment Article, as enacted by Section 1 of this Act, it is the intent of the General Assembly that the Department of the Environment may use an economic means test to determine the financial assistance awarded to a homeowner for the cost difference between a conventional on-site sewage disposal system and a system that utilizes nitrogen removal technology.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.