

HOUSE BILL 1333

M3

2lr3021

By: **Delegates Frush, McIntosh, Bobo, Healey, Holmes, Hubbard, Lafferty, Murphy, Niemann, S. Robinson, and Stein**

Introduced and read first time: February 16, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Nitrogen Removal Technology – Payment of Cost Differential**

3 FOR the purpose of altering a requirement that the Department of the Environment
4 pay a certain homeowner for certain costs associated with the installation of
5 on-site sewage disposal systems utilizing nitrogen removal technology;
6 requiring certain costs paid by the Department to a certain homeowner to be
7 based on the annual household income of the homeowner; providing for a
8 delayed effective date; and generally relating to on-site sewage disposal
9 systems utilizing nitrogen removal technology.

10 BY repealing and reenacting, with amendments,
11 Article – Environment
12 Section 9–1108
13 Annotated Code of Maryland
14 (2007 Replacement Volume and 2011 Supplement)

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

17 **Article – Environment**

18 9–1108.

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

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

22 (3) “On-site sewage disposal system” means a sewage treatment unit,
23 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 person may not:

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

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

10 (c) (1) Subject to paragraph (2) of this subsection and in accordance with
11 § 9-1605.2(h) of this title, the Department shall assist homeowners in paying the cost
12 difference between a conventional on-site sewage disposal system and a system that
13 utilizes nitrogen removal technology with money from the Bay Restoration Fund, if
14 sufficient funds are available.

15 (2) [In calendar years 2010, 2011, and 2012, the] **IN ACCORDANCE**
16 **WITH PARAGRAPH (3) OF THIS SUBSECTION, THE** Department shall assist
17 homeowners by paying [100% of] the cost difference between a conventional on-site
18 sewage disposal system and a system that utilizes nitrogen removal technology with
19 money from the Bay Restoration Fund, if the homeowner:

20 (i) Is required under subsection (b)(2) of this section to replace
21 an existing on-site sewage disposal system with an on-site sewage disposal system
22 that utilizes nitrogen removal technology; and

23 (ii) Has a failing on-site sewage disposal system.

24 **(3) THE COST ASSISTANCE PAID TO A HOMEOWNER UNDER THIS**
25 **SUBSECTION SHALL BE:**

26 **(I) IF THE ANNUAL HOUSEHOLD INCOME FOR THE**
27 **PREVIOUS YEAR WAS LESS THAN \$150,000, 100% OF THE COST DIFFERENCE**
28 **BETWEEN A CONVENTIONAL ON-SITE SEWAGE DISPOSAL SYSTEM AND A SYSTEM**
29 **THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY;**

30 **(II) IF THE ANNUAL HOUSEHOLD INCOME FOR THE**
31 **PREVIOUS YEAR WAS AT LEAST \$150,000 BUT LESS THAN \$200,000, 75% OF THE**
32 **COST DIFFERENCE BETWEEN A CONVENTIONAL ON-SITE SEWAGE DISPOSAL**
33 **SYSTEM AND A SYSTEM THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY;**

1 **(III) IF THE ANNUAL HOUSEHOLD INCOME FOR THE**
2 **PREVIOUS YEAR WAS AT LEAST \$200,000 BUT LESS THAN \$250,000, 50% OF THE**
3 **COST DIFFERENCE BETWEEN A CONVENTIONAL ON-SITE SEWAGE DISPOSAL**
4 **SYSTEM AND A SYSTEM THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY; AND**

5 **(IV) IF THE ANNUAL HOUSEHOLD INCOME FOR THE**
6 **PREVIOUS YEAR WAS AT LEAST \$250,000, 25% OF THE COST DIFFERENCE**
7 **BETWEEN A CONVENTIONAL ON-SITE SEWAGE DISPOSAL SYSTEM AND A SYSTEM**
8 **THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY.**

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

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

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

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 January 1, 2013.