

SB1301/213921/1

BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 1301

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 22, after “years;” insert “prohibiting the Department of the Environment from adopting regulations that require a person to install, or have installed, an on-site sewage disposal system that utilizes nitrogen removal technology on certain property in the State;”.

On page 4, in line 29, after “(h)” insert “, 9-1108.”.

AMENDMENT NO. 2

On page 21, after line 19, insert:

“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

(Over)

(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) Subject to paragraph (2) of this subsection and in accordance with § 9-1605.2(h) of this title, the Department shall assist homeowners in 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) 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.

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

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

(e) (1) The Department [shall]:

(I) SHALL adopt regulations to implement this section; AND

(II) MAY NOT ADOPT REGULATIONS TO REQUIRE A PERSON TO INSTALL, OR HAVE INSTALLED, ON PROPERTY A PERSON OWNS IN THE STATE THAT IS LOCATED OUTSIDE THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA, AN ON-SITE SEWAGE DISPOSAL SYSTEM THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY.

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