

# SENATE BILL 1305

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By: **Senators Pipkin, Brinkley, Getty, Kittleman, and Reilly**

Introduced and read first time: May 14, 2012

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – On-Site Sewage Disposal Systems – Nitrogen Removal**  
3 **Technology**

4 FOR the purpose of prohibiting the Department of the Environment from adopting  
5 regulations that require a person to install, or have installed, an on-site sewage  
6 disposal system that utilizes nitrogen removal technology on certain property in  
7 the State; and generally relating to on-site sewage disposal systems.

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

22 (b) A person may not:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

14 (2) In calendar years 2010, 2011, and 2012, the Department shall  
15 assist homeowners by paying 100% of the cost difference between a conventional  
16 on-site sewage disposal system and a system that utilizes nitrogen removal technology  
17 with money from the Bay Restoration Fund, if the homeowner:

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

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

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

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

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

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

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

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

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2    June 1, 2012.