

SENATE BILL 13

M3
SB 1305/ISS12 – SRU

EMERGENCY BILL

3lr3521

By: **Senators Pipkin and Kittleman**

Introduced and read first time: August 9, 2012

Assigned to: Rules

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; making this Act an emergency measure; and generally relating to
8 on-site sewage disposal systems.

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

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

16 **Article – Environment**

17 9–1108.

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

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

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

23 (b) A person may not:

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.**

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

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