

SENATE BILL 500

M3

3lr1655

By: **Senator Brinkley**

Introduced and read first time: January 31, 2013

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of prohibiting the Department of the Environment from requiring a
5 person to install an on–site sewage disposal system that utilizes nitrogen
6 removal technology to service certain new construction on certain property that
7 is outside the Chesapeake and Atlantic Coastal Bays Critical Area; and
8 generally relating to nitrogen removal technology for on–site sewage disposal
9 systems.

10 BY repealing and reenacting, without amendments,
11 Article – Environment
12 Section 9–1108(a)
13 Annotated Code of Maryland
14 (2007 Replacement Volume and 2012 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Environment
17 Section 9–1108(b) and (c)
18 Annotated Code of Maryland
19 (2007 Replacement Volume and 2012 Supplement)

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

22 **Article – Environment**

23 9–1108.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5 (b) (1) A person may not:

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

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

14 (2) **THE DEPARTMENT MAY NOT REQUIRE A PERSON TO INSTALL**
15 **AN ON-SITE SEWAGE DISPOSAL SYSTEM THAT UTILIZES NITROGEN REMOVAL**
16 **TECHNOLOGY TO SERVICE A NEWLY CONSTRUCTED BUILDING ON PROPERTY A**
17 **PERSON OWNS IN THE STATE THAT IS OUTSIDE THE CHESAPEAKE AND**
18 **ATLANTIC COASTAL BAYS CRITICAL AREA.**

19 (c) (1) Subject to paragraph (2) of this subsection and in accordance with
20 § 9-1605.2(h) of this title, the Department shall assist homeowners in paying the cost
21 difference between a conventional on-site sewage disposal system and a system that
22 utilizes nitrogen removal technology with money from the Bay Restoration Fund, if
23 sufficient funds are available.

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

28 (i) Is required under subsection [(b)(2)] **(B)(1)(II)** of this
29 section to replace an existing on-site sewage disposal system with an on-site sewage
30 disposal system that utilizes nitrogen removal technology; and

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

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2013.