

Department of Legislative Services  
Maryland General Assembly  
2017 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1352 (Delegate Rose, *et al.*)  
Environment and Transportation

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On-Site Sewage Disposal - Historic and Culturally Significant Properties -  
Regulations

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This bill requires the Maryland Department of the Environment (MDE) to adopt regulations by December 31, 2017, that provide for the correction of failing on-site sewage disposal systems (OSDS, commonly referred to as septic systems) located on historic and culturally significant properties. The regulations must (1) facilitate the use and preservation of a historic and culturally significant property and (2) accommodate the special and unique characteristics associated with the historic and culturally significant nature of a property that impede compliance with generally applicable requirements for OSDS.

The bill takes effect June 1, 2017.

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Fiscal Summary

**State Effect:** The bill is not anticipated to materially affect State finances. MDE can adopt the required regulations with existing budgeted resources.

**Local Effect:** MDE delegates permitting and inspections of OSDS to local approving authorities. Although the number of affected historic and culturally significant properties is unknown, and any impact depends on the content of the regulations to be adopted by MDE under the bill, the bill is not anticipated to significantly affect local finances.

**Small Business Effect:** Minimal.

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## Analysis

**Current Law:** MDE's Onsite Systems Division provides technical assistance and direction to county health departments and local approving authorities for the implementation of delegated programs for OSDS and individual wells.

### *On-site Sewage Disposal Systems in the Critical Area*

Chapter 280 of 2009 generally prohibits a person from newly installing or replacing a septic system on property in the Chesapeake and Atlantic Coastal Bays Critical Area unless the installed system utilizes best available technology (BAT) for nitrogen removal. MDE is required to assist homeowners in upgrading a septic system with money authorized for this purpose from the Septics Account of the Bay Restoration Fund if sufficient funds are available. Current regulations detail the requirements for BAT in OSDS, including requirements relating to operation and maintenance.

### *Permit Required to Construct or Alter On-site Sewage Disposal Systems*

Pursuant to current regulations, a person may not construct or attempt to construct an OSDS without first obtaining a permit from the appropriate approving authority. A person also may not alter an OSDS or cause it to receive any increase in flow or change in the character of wastewater unless permitted. A person must obtain an appropriate OSDS permit, well construction permit, public or private water supply system permit, or public or private sewerage permit before constructing or altering any structure, residence, floating home, or commercial establishment that is served or planned to be served by an OSDS or a private water supply system.

An approving authority must consider specific site evaluation criteria when determining whether to approve a lot or parcel for OSDS. In most cases, local requirements are the same as those outlined in State regulations; however, a county with delegated authority may choose to impose more stringent requirements than the State requirements.

Current regulations contain specific technical design and construction requirements for conventional OSDS based on the use of a property, wastewater design flow, and site characteristics such as topography, geology, hydrology, soil descriptions, and soil permeability.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Charles and Montgomery counties; Maryland Department of the Environment; Department of Legislative Services

**Fiscal Note History:** First Reader - February 27, 2017  
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