

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 776

(Senator Jennings, *et al.*)

Education, Health, and Environmental Affairs

Environment - On-Site Sewage Disposal Systems - Nonprofit Campgrounds

This bill requires the Maryland Department of the Environment (MDE) to authorize a “nonprofit campground” with an accumulative maximum daily flow of 5,000 gallons per day (gpd) or greater to use separate conventional on-site sewage disposal systems (OSDS, commonly referred to as septic systems) to service separate campsites. The bill prohibits MDE from applying the criteria for large OSDS under the Code of Maryland Regulations (COMAR) 26.04.02.05 to a nonprofit campground and specifies that the following provisions do not apply to a nonprofit campground: (1) § 9-1108 of the Environment Article, which requires new and replacement OSDS in the Chesapeake and Atlantic Coastal Bays Critical Area to use the best available technology (BAT) for nitrogen removal; and (2) COMAR 26.04.02.07, which specifies the requirements for BAT in OSDS.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances.

Local Effect: MDE delegates permitting of OSDS to the local approval authority. Although the number of affected nonprofit campgrounds in the State is unknown, the bill is not anticipated to significantly affect local finances.

Small Business Effect: None. Nonprofit campgrounds are not considered small businesses.

Analysis

Bill Summary: A “nonprofit campground” means one parcel or tract of land including buildings or other structures that (1) contains up to three separate campsites; (2) is used for

temporary or seasonal occupancy; and (3) is owned and operated by an organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code. A “campsite” means a portion of a nonprofit campground with connections to water supply, electrical service, and OSDS.

Current Law:

On-site Sewage Disposal Systems in the Critical Area

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. 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 BAT. 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 (BRF) if sufficient funds are available. COMAR 26.04.02.07 details the requirements for BAT in OSDS. Among other things, the regulations provide that a person may not install, or have installed, for new construction or a replacement system, an OSDS where the design flow is 5,000 gpd or greater unless the system uses BAT or equivalent technology. In addition, the owner of an OSDS with a design flow greater than 1,500 gpd requiring a BAT system may only install a BAT system that is individually engineered for the site and approved by MDE or MDE’s designee. The regulations also establish 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. COMAR 26.04.02.05 contains specific technical design and construction requirements for

conventional OSDS. The maximum daily flow for a system is used as the basis of the disposal area regardless of the proposed type of treatment unit or disposal method.

Campgrounds are not currently exempt from statutory or regulatory requirements related to OSDS. MDE provides specific [guidance](#) on estimated wastewater flows for use in designing OSDS for camps, campgrounds, and travel trailer and RV parks. The gpd per unit varies from 15 per person for day camps to 175 per travel trailer space with water and sewer hookups for a public campground.

Large On-site Sewage Disposal Systems

For OSDS with a maximum (design) daily flow that equals or exceeds 5,000 gpd for the total project or property, whether utilizing one or more than one treatment unit or disposal field, plans must be jointly approved by MDE's Water Management Administration and the local approving authority. An applicant for a system with a maximum daily flow of 10,000 gpd or more must obtain an individual groundwater discharge permit from MDE. MDE may also require an applicant for a system with a maximum daily flow of less than 10,000 gpd to obtain an individual groundwater discharge permit if specific project characteristics warrant additional monitoring or control or special permit requirements.

Maryland Department of the Environment Onsite Systems Division Guidance Documents

MDE's Onsite Systems Division has numerous guidance documents regarding OSDS and individual wells, including a site evaluation training [manual](#) for on-site sewage treatment and disposal systems, a decision [framework](#) for evaluating project flows utilizing OSDS, [guidance](#) on wastewater flows for use in designing OSDS (as mentioned above), and [guidelines](#) for large OSDS with maximum accumulative flows greater than or equal to 5,000 gpd.

Background: According to MDE, there are approximately 420,000 septic systems in Maryland. Of these, 52,000 systems are located within the Critical Area. A conventional septic system removes much less nitrogen than a BAT system. A conventional system delivers approximately 23.2 pounds of nitrogen per year to the groundwater, while an upgraded BAT unit reduces a system's nitrogen load in half. As of August 2016, BRF has supported the installation of nearly 8,127 BAT systems, of which 4,842 upgrades were completed within the Critical Area. Further, 214 homes were connected to public sewerage using BRF.

The number of nonprofit campgrounds in the State that are affected by the bill is unknown. However, MDE advises that several facilities that are currently in the process of receiving a permit or who have already received a permit may qualify for the bill's exemption.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of the Environment; Department of Legislative Services

Fiscal Note History: First Reader - February 24, 2017
mm/lgc

Analysis by: Kathleen P. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510