

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 539

(Delegates Cassilly and Wivell)

Environment and Transportation

Education, Health, and Environmental Affairs

Environment - Reuse of Water Diverted From Septic Systems

This bill authorizes a person to use “reusable diverted water” for beneficial purposes, including gardening, composting, lawn watering, and irrigation. Reusable diverted water can only be used (1) on the site where it originates and (2) in accordance with any applicable State and local laws or regulations, including State and local plumbing codes.

Fiscal Summary

State Effect: Because it is assumed that the bill’s authority will be used in a limited number of circumstances, State finances are not materially affected.

Local Effect: Because it is assumed that the bill’s authority will be used in a limited number of circumstances, local finances are not materially affected.

Small Business Effect: Minimal.

Analysis

Bill Summary: “Reusable diverted water” is water that (1) is generated by backwashing an on-site potable water treatment system or using an ice maker; (2) is collected for reuse instead of discharged to a residential on-site sewage disposal system (commonly referred to as a septic system); and (3) contains no constituents that are detrimental to public health or the environment.

Current Law:

Graywater Regulations and Use of Reclaimed Water

Chapter 705 of 2018 authorized the use of “graywater” under specified conditions for residential purposes including: household gardening; composting; lawn watering; landscape irrigation; or flushing of a conventional toilet or urinal. “Graywater” is used, untreated water generated by the use of and collected from a shower, a bathtub, or a lavatory sink; the term does not include water from a toilet, a kitchen sink, or a dishwashing machine. the Maryland Department of the Environment (MDE) is required to establish regulations, and the use of greywater is restricted by a number of conditions, including ensuring that the water originates from a residence on-site, that it is properly stored and covered, that the water’s conveyance and end-use is properly managed, and that the water is contained on-site and away from floodways or human contact. MDE is in the process of developing regulations to implement Chapter 705.

Statute also requires MDE to encourage the use of reclaimed water as an alternative to discharging wastewater effluent into the surface waters of the State. Reclaimed water may be used for irrigation of farmland, golf courses, athletic fields, turf, landscaping, and other uses MDE considers appropriate.

Local Enforcement of the Plumbing Codes

Counties are typically responsible for adopting and enforcing the State plumbing code or an equally stringent plumbing code. If the State Board of Plumbing determines that a county is not adequately enforcing a plumbing code, the board enforces the plumbing code in that county. The State plumbing code does not apply to Baltimore County and portions of Montgomery and Prince George’s counties served by the Washington Suburban Sanitary Commission because the board does not have authority over these jurisdictions.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Garrett, and Montgomery counties; Maryland Association of Counties; City of Laurel; University System of Maryland; Maryland Department of Agriculture; Maryland Department of the Environment; Department of General Services; Maryland Department of Health; Department of Natural Resources; Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2019
sb/lgc Third Reader - March 21, 2019
Revised - Amendment(s) - March 21, 2019

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