

HB0318/613326/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 318
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after “standards;” insert “providing that the Board is subject to the Maryland Program Evaluation Act; repealing provisions of law establishing and requiring an on-site wastewater property transfer inspection license under certain circumstances;”; after line 15, insert:

“BY renumbering

Article – State Government

Section 8–403(43) through 8–403(62), respectively

to be Section 8–403(44) through 8–403(63), respectively

Annotated Code of Maryland

(2021 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Environment

Section 1–401

Annotated Code of Maryland

(2013 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 1–406

Annotated Code of Maryland

(2013 Replacement Volume and 2021 Supplement)”;

and in line 18, strike “9–11A–21” and substitute “9–11A–23”.

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On page 2, after line 8, insert:

“BY adding to

Article – State Government

Section 8–403(43)

Annotated Code of Maryland

(2021 Replacement Volume)

BY repealing

Article – Environment

Section 9–217.2

Annotated Code of Maryland

(2014 Replacement Volume and 2021 Supplement)”.

AMENDMENT NO. 2

On page 2, in line 10, strike “the Laws of Maryland read as follows:” and substitute “Section(s) 8–403(43) through 8–403(62), respectively, of Article – State Government of the Annotated Code of Maryland be renumbered to be Section(s) 8–403(44) through 8–403(63), respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:”;

after line 11, insert:

“1–401.

There is a Department of the Environment, established as a principal department of the State government.

1–406.

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The following units, among other units, are included in the Department:

- (1) Air Quality Control Advisory Council;
- (2) Hazardous Substances Advisory Council;
- (3) Radiation Control Advisory Board;
- (4) Science and Health Advisory Group;
- (5) Board of Waterworks and Waste System Operators;
- (6) Board of Well Drillers;
- (7) Hazardous Waste Facilities Siting Board; [and]
- (8) Marine Contractors Licensing Board; AND
- (9) **BOARD OF ON-SITE WASTEWATER PROFESSIONALS.”;**

in line 22, after “(D)” insert “**(1)**”; and after line 25, insert:

“(2) “ON-SITE WASTEWATER SERVICES” DOES NOT INCLUDE ANY TYPE OF ON-SITE WASTEWATER SYSTEM INSPECTION OTHER THAN A PROPERTY TRANSFER INSPECTION.”.

On page 3, in line 2, after “(2)” insert “**EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**”; in the same line, strike “ON-SITE” and substitute “**ON-SITE**”; after line 3, insert:

(Over)

“(3) “ON-SITE WASTEWATER SYSTEM” DOES NOT INCLUDE A WASTEWATER TREATMENT SYSTEM THAT:

(I) REQUIRES A DISCHARGE PERMIT FROM THE DEPARTMENT; OR

(II) TREATS 5,000 OR MORE GALLONS PER DAY.”;

strike beginning with the colon in line 18 down through “REGULATE” in line 19 and substitute “REGULATE”; strike beginning with the semicolon in line 23 down through “SYSTEM” in line 30; and after line 30, insert:

“(C) ANY FINAL ACTION OF THE BOARD IS SUBJECT TO REVIEW BY THE SECRETARY OR THE SECRETARY’S DESIGNEE.”.

On page 4, in line 3, strike “AS A NONVOTING MEMBER OF THE BOARD, THE” and substitute “THE”; in line 16, strike “THE” and substitute “OF THE”; and in line 17, strike “SHALL BE REPRESENTATIVE OF ALL REGIONS OF THE STATE” and substitute “:

1. AT LEAST ONE SHALL BE FROM THE AREA THAT CONSISTS OF ALLEGANY COUNTY, FREDERICK COUNTY, GARRETT COUNTY, AND WASHINGTON COUNTY;

2. AT LEAST ONE SHALL BE FROM THE AREA THAT CONSISTS OF BALTIMORE CITY, BALTIMORE COUNTY, CARROLL COUNTY, HARFORD COUNTY, HOWARD COUNTY, AND MONTGOMERY COUNTY;

3. AT LEAST ONE SHALL BE FROM THE AREA THAT CONSISTS OF ANNE ARUNDEL COUNTY AND PRINCE GEORGE’S COUNTY;

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4. AT LEAST ONE SHALL BE FROM THE AREA THAT CONSISTS OF CAROLINE COUNTY, CECIL COUNTY, DORCHESTER COUNTY, KENT COUNTY, QUEEN ANNE’S COUNTY, SOMERSET COUNTY, TALBOT COUNTY, WICOMICO COUNTY, AND WORCESTER COUNTY; AND

5. AT LEAST ONE SHALL BE FROM THE AREA THAT CONSISTS OF CALVERT COUNTY, CHARLES COUNTY, AND ST. MARY’S COUNTY”.

On page 5, in line 27, after “CHAIR” insert “**, A VICE CHAIR, AND A SECRETARY**”.

On page 6, in line 14, after “BOARD” insert “**, IN CONSULTATION WITH THE DEPARTMENT,**”; and in line 18, after “PROCEDURES,” insert “**DEFINITIONS,**”.

On page 7, in line 1, after “PROCEDURES,” insert “**DEFINITIONS,**”; strike beginning with “THE” in line 16 down through “TITLE” in line 20 and substitute “**ON-SITE WASTEWATER SYSTEMS**”; and in line 26, after “LICENSED” insert “**AND CERTIFIED**”.

On page 8, in line 13, strike “MAINTAINING THE BOARD” and substitute “**THE BOARD’S CREATION, MAINTENANCE, REASONABLE ADMINISTRATIVE COSTS, AND ONGOING ACTIVITIES**”.

On page 9, in line 9, strike “MAINTAIN THE BOARD” and substitute “**PAY FOR THE COST OF CREATING THE BOARD, MAINTENANCE OF THE BOARD, REASONABLE ADMINISTRATIVE COSTS,**”.

On page 10, strike beginning with the first comma in line 16 down through “PROVIDE” in line 17 and substitute “**PROVIDES**”; in line 21, after “1.” insert “**COMPLIES WITH ALL APPLICABLE STATE AND LOCAL LAWS AND REGULATIONS;**”

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2.”;

and in line 23, strike “2.” and substitute “3.”.

On pages 10 and 11, strike beginning with “**IF**” in line 26 on page 10 down through “**SUBTITLE**” in line 3 on page 11 and substitute “**ALL FEES COLLECTED BY THE DEPARTMENT UNDER THIS PARAGRAPH SHALL BE USED BY THE DEPARTMENT TO:**”

1. PAY FOR THE CREATION OF THE BOARD;

2. COVER REASONABLE ADMINISTRATIVE COSTS;

AND

3. IMPLEMENT THE PROVISIONS OF THIS SUBTITLE”.

On page 11, strike beginning with “**A**” in line 11 down through “**(E)**” in line 15; and in line 17, strike “**(F)**” and substitute “**(E)**”.

On page 12, in line 4, strike “**COMMITTS ANY**” and substitute “**IS FOUND GUILTY OF**”.

On page 13, after line 3, insert:

“(A) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR OF ANY REGULATION ADOPTED UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT:

(1) TO A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 3 MONTHS, OR BOTH; OR

(2) TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR, OR BOTH, FOR ANY SUBSEQUENT VIOLATION OF THIS TITLE THAT OCCURS WITHIN 2 YEARS OF AN EARLIER VIOLATION OF THIS TITLE.

(B) EACH DAY THAT A PERSON PROVIDES ON-SITE WASTEWATER SERVICES WITHOUT A LICENSE CONSTITUTES A SEPARATE OFFENSE.

9-11A-22.

(A) INSTEAD OF OR IN ADDITION TO ANY OTHER PENALTIES UNDER THIS TITLE, THE BOARD MAY IMPOSE A CIVIL PENALTY ON A PERSON WHO VIOLATES § 9-11A-20 OF THIS SUBTITLE IN AN AMOUNT NOT EXCEEDING \$1,000 PER DAY FOR ALL VIOLATIONS CITED ON A SINGLE DAY.

(B) IN SETTING THE AMOUNT OF THE CIVIL PENALTY, THE BOARD SHALL CONSIDER:

(1) THE SERIOUSNESS OF THE VIOLATION;

(2) THE HARM CAUSED BY THE VIOLATION;

(3) THE GOOD FAITH OF THE VIOLATOR;

(4) HISTORY OF PREVIOUS VIOLATIONS BY THE VIOLATOR; AND

(5) OTHER RELEVANT FACTORS.

(Over)

(C) IF A VIOLATOR FAILS TO PAY A CIVIL PENALTY WITHIN 30 DAYS OF ITS IMPOSITION BY THE BOARD, THE MATTERS SHALL BE FORWARDED TO THE CENTRAL COLLECTION UNIT IN THE DEPARTMENT OF BUDGET AND MANAGEMENT FOR THE COLLECTION OF THE CIVIL PENALTY.

(D) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SECTION INTO THE ON-SITE WASTEWATER PROFESSIONALS FUND UNDER § 9-11A-11 OF THIS SUBTITLE.

9-11A-23.

On page 14, after line 6, insert:

“Article – State Government

8-403.

This subtitle applies only to the following governmental activities and units:

(43) ON-SITE WASTEWATER PROFESSIONALS, STATE BOARD OF (§ 9-11A-05 OF THE ENVIRONMENT ARTICLE);

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Environment

[9-217.2.

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(a) In this section, “license holder” means an individual who holds a valid on-site wastewater property transfer inspection license issued by the Department under this section.

(b) This section does not apply to an individual who inspects an on-site sewage disposal system as a part of the individual’s duties as an employee of the federal government, the State, or any local government of the State.

(c) On or after July 1, 2022, an individual may not engage in the business of inspecting an on-site sewage disposal system unless the individual holds a valid on-site wastewater property transfer inspection license issued by the Department.

(d) (1) On or before January 1, 2022, the Department shall adopt regulations establishing eligibility criteria, minimum training standards for on-site wastewater property transfer inspection licenses, the frequency with which licenses must be renewed, and the fees for license applications and renewals.

(2) The regulations adopted under this subsection shall require that:

(i) The training include instruction on determining whether an on-site sewage disposal system is:

1. In need of replacement or repair; and
2. Not in compliance with statutory or regulatory requirements; and

(ii) Each inspection performed by a license holder follows the inspection format provided by the Department.

(e) An applicant for a license under this section shall:

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(1) Submit an application to the Department on the form the Department provides; and

(2) Pay an application fee set by the Department.

(f) (1) An individual who violates a provision of this section or any regulation adopted under this section is subject to an administrative penalty not exceeding \$10,000.

(2) Each on-site sewage disposal system that an individual knowingly inspects without a valid on-site wastewater property transfer inspection license constitutes a separate violation of this section.

(3) Any administrative penalty collected by the Department under this subsection shall be paid into the separate account within the Bay Restoration Fund established under § 9-1605.2(h) of this title.

(g) A local government may establish additional requirements for inspections of on-site sewage disposal systems.】;

in lines 7, 9, and 14, strike “2.”, “3.”, and “4.”, respectively, and substitute “4.”, “5.”, and “6.”, respectively; in line 16, strike “1” and substitute “2”; in lines 17 and 20, strike “5.” and “6.”, respectively, and substitute “7.” and “9.”, respectively; after line 19, insert:

“SECTION 8. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect June 30, 2025.”;

and in line 20, after “That” insert “, except as provided in Section 8 of this Act.”.