

**Department of Legislative Services**  
Maryland General Assembly  
2022 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 854  
(Senator Eckardt)  
Education, Health, and Environmental Affairs

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**Graywater Systems – Public and Private Buildings – Authorization**

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This bill defines “graywater” and “graywater system” and authorizes a graywater system to be used to serve a public or private building that (1) is located on a former dredge site or (2) is located in a remote area with minimal public access and operates on a seasonal basis. The owner or operator of a building authorized to use a graywater system under the bill must safely dispose of the graywater in accordance with any guidelines or regulations adopted by the Maryland Department of the Environment (MDE), the Maryland Department of Health (MDH), or a federal agency.

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**Fiscal Summary**

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

**Local Effect:** The bill is not anticipated to materially affect local government operations or finances.

**Small Business Effect:** Minimal. It is assumed that the bill only applies to a limited number of small businesses.

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**Analysis**

**Bill Summary:** “Graywater” means untreated water generated by the use of and collected from a “handwashing sink.” “Graywater” does not include water from a shower, toilet, bathtub, lavatory or kitchen sink, or dishwashing machine. “Graywater system” means (1) a holding tank connected to a handwashing sink and a three-compartment sanitation

sink used to collect and store graywater and (2) a holding tank used to collect and store potable water. A “handwashing sink” means a sink used for handwashing only.

**Current Law:** Pursuant to Chapter 705 of 2018, the use of graywater is authorized for residential purposes, under specified conditions, and if the use is permitted under regulations established by MDE. However, as of the writing of this fiscal and policy note, MDE has not yet promulgated regulations authorizing the use of graywater. Pursuant to Chapter 705, “graywater” is defined as 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 use of graywater is currently regulated as sewage. A person may only dispose of sewage in accordance with an approved septic system permit or other method of disposal approved by the Secretary of the Environment (or designee). State law also prohibits a discharge of any wastewater, regardless of volume, into the waters of the State, without a permit from MDE.

“Holding tank” is defined in regulation as a watertight receptacle that is used, or intended to be used, for the collection of sewage. Regulations restrict the use of a holding tank, and generally a holding tank is only allowed to resolve an existing on-site sewage disposal failure if a community sewerage facility is not available and on-site repair protective of public health is not possible. Holding tanks are not authorized to serve new construction for the purpose of adding capacity to an existing disposal system in order to accommodate a change in property use. Holding tanks must hold a certain amount of effluent and be watertight.

“Three-compartment sanitation sink” is not defined or referenced under the Environment Article or regulations, but “three-compartment sink” is referenced under MDH food service facility regulations relating to cleaning and sanitizing equipment and utensils.

MDE statute and regulations specify water supply requirements for commercial and residential properties, and any establishment must have a potable water supply (in addition to proper sewage disposal). MDE may not issue a building permit unless the property has an acceptable means of sewage disposal and water supply. Absent a community water system, a satisfactory water supply well or a surface water supply that is permitted by MDE and meets regulatory requirements are the only suitable water supply sources.

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## **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** HB 1126 (Delegate Adams, *et al.*) - Environment and Transportation.

**Information Source(s):** Maryland Association of County Health Officers; Baltimore City; Harford County; Maryland Department of the Environment; Department of General Services; Maryland Department of Health; Department of Natural Resources; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 24, 2022  
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