

Chapter 66

(House Bill 30)

AN ACT concerning

Environment – On-Site Wastewater Services – Board, Fees, and Penalties

FOR the purpose of altering the composition of the State Board of On-Site Wastewater Professionals; clarifying and altering the distribution of certain fees and penalties; clarifying the application of certain license requirements and penalties; and generally relating to the regulation of on-site wastewater services.

BY repealing and reenacting, with amendments,

Article – Environment

Section 9–217.2, 9–11A–06(a), and 9–11A–15

Annotated Code of Maryland

(2014 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, without amendments,

Article – Environment

Section 9–11A–01(a) and (b) and 9–11A–11

Annotated Code of Maryland

(2014 Replacement Volume and 2022 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Environment

9–217.2.

(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 **FOR THE PURPOSE OF PROPERTY TRANSFER** 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) (1) An applicant for a license under this section shall:

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

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

(2) APPLICATION FEES COLLECTED BY THE DEPARTMENT UNDER THIS SUBSECTION SHALL BE PAID INTO THE ON-SITE WASTEWATER PROFESSIONALS FUND ESTABLISHED UNDER § 9-11A-11 OF THIS TITLE.

(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 **FOR THE PURPOSE OF PROPERTY TRANSFER** 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)] **MARYLAND CLEAN WATER FUND ESTABLISHED UNDER § 9-320** of this title.

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

9–11A–01.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Board” means the State Board of On–Site Wastewater Professionals.

9–11A–06.

- (a) (1) The Board consists of the following members:
 - (i) The Secretary, or the Secretary’s designee;
 - (ii) Six individuals appointed by the Governor with the advice of the Secretary and with the advice and consent of the Senate;
 - (iii) One individual designated by the Maryland Onsite Wastewater Professionals Association; and
 - (iv) One representative of the Maryland Conference of Local Environmental Health Directors, designated by the Maryland Conference of Local Environmental Health Directors.
- (2) Of the members of the Board:
 - (i) At least ~~[six]~~ **FIVE** shall be on–site wastewater professionals; and
 - (ii) Two shall be consumer members.
- (3) (i) ~~[Of the]~~ **THE** on–site wastewater professional members of the Board[:
 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;
 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] **SHALL BE REPRESENTATIVE OF ALL GEOGRAPHIC REGIONS OF THE STATE.**

(ii) Before July 1, 2026, the on-site wastewater professional members of the Board shall:

1. Be licensed by a local government; or

2. Hold a letter from the local health department stating that the member has been providing on-site wastewater services for a minimum of 7 years and is in good standing.

(iii) On and after July 1, 2026, and in accordance with this subtitle, the on-site wastewater professional members of the Board shall be licensed by the Board.

(4) Each consumer member of the Board:

(i) Shall be a member of the general public;

(ii) May not be a licensee or otherwise be subject to regulation by the Board;

(iii) May not be required to meet the qualifications for the professional members of the Board; and

(iv) May not, within 1 year before appointment, have had a financial interest in or have received compensation from a person regulated by the Board.

9-11A-11.

(a) In this section, "Fund" means the On-Site Wastewater Professionals Fund.

(b) There is an On-Site Wastewater Professionals Fund.

(c) The purpose of the Fund is to provide funding to maintain the Board.

(d) The Board shall administer the Fund.

(e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(f) The Fund consists of:

- (1) All fees, penalties, and fines collected under this subtitle;
- (2) Money appropriated in the State budget to the Fund;
- (3) Interest earnings of the Fund;
- (4) Donations to the Fund; and
- (5) Any other money from any other source accepted for the benefit of the Fund.

(g) The Fund shall be used only to pay for the cost of creating the Board, maintenance of the Board, reasonable administrative costs, and implement the provisions of this subtitle.

(h) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any interest earnings of the Fund shall be credited to the Fund.

(i) Expenditures from the Fund may be made only in accordance with the State budget.

(j) Money expended from the Fund to maintain the Board or implement the provisions of this subtitle is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for the Board.

9–11A–15.

(a) (1) Except as provided in paragraph (2) of this subsection, an individual shall be licensed by the Board in accordance with this subtitle before the individual may provide on–site wastewater services in the State.

(2) (i) An individual who provides on–site wastewater services in the State may continue to provide on–site wastewater services until the licensing requirements are established by the Department by regulation if the individual:

1. Complies with all applicable State and local laws and regulations;

2. On or before December 31, 2022, pays to the Department a fee of \$150; and

3. Every 2 years thereafter until the Department sets fees in accordance with § 9–11A–10 of this subtitle, pays to the Department a renewal fee of \$150.

(ii) All fees collected by the Department under this paragraph shall be [used]:

1. PAID INTO THE ON-SITE WASTEWATER PROFESSIONALS FUND ESTABLISHED UNDER § 9-11A-11 OF THIS SUBTITLE; AND

2. USED by the Department to:

[1.] **A.** Pay for the creation of the Board;

[2.] **B.** Cover reasonable administrative costs; and

[3.] **C.** Implement the provisions of this subtitle.

(b) To qualify for a license, an applicant shall meet the requirements established by the Department by regulation.

(c) To apply for a license, an applicant shall:

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

(2) Pay to the Board the required application fee set by the Department by regulation.

(d) A license issued by the Board in accordance with this subtitle is valid for 2 years.

(e) In accordance with the requirements established by the Department by regulation, the Board may issue a certification to an individual to perform specific tasks associated with on-site wastewater services if the individual:

(1) Is licensed by the Board; or

(2) Holds a professional license that is approved by the Board.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 11, 2023.