

SENATE BILL 7

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EMERGENCY BILL
(PRE-FILED)

3lr0883
CF HB 30

By: **Senator West**

Requested: November 18, 2022

Introduced and read first time: January 11, 2023

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

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

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

7 BY repealing and reenacting, with amendments,

8 Article – Environment

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

10 Annotated Code of Maryland

11 (2014 Replacement Volume and 2022 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Environment

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

15 Annotated Code of Maryland

16 (2014 Replacement Volume and 2022 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Environment**

20 9–217.2.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 (c) On or after July 1, 2022, an individual may not engage in the business of
5 inspecting an on-site sewage disposal system **FOR THE PURPOSE OF PROPERTY**
6 **TRANSFER** unless the individual holds a valid on-site wastewater property transfer
7 inspection license issued by the Department.

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

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

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

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

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

20 (e) (1) An applicant for a license under this section shall:

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

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

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

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

29 (2) Each on-site sewage disposal system that an individual knowingly
30 inspects **FOR THE PURPOSE OF PROPERTY TRANSFER** without a valid on-site
31 wastewater property transfer inspection license constitutes a separate violation of this
32 section.

1 (3) Any administrative penalty collected by the Department under this
2 subsection shall be paid into the [separate account within the Bay Restoration Fund
3 established under § 9-1605.2(h)] **MARYLAND CLEAN WATER FUND ESTABLISHED**
4 **UNDER § 9-320** of this title.

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

7 9-11A-01.

8 (a) In this subtitle the following words have the meanings indicated.

9 (b) “Board” means the State Board of On-Site Wastewater Professionals.

10 9-11A-06.

11 (a) (1) The Board consists of the following members:

12 (i) The Secretary, or the Secretary’s designee;

13 (ii) Six individuals appointed by the Governor with the advice of the
14 Secretary and with the advice and consent of the Senate;

15 (iii) One individual designated by the Maryland Onsite Wastewater
16 Professionals Association; and

17 (iv) One representative of the Maryland Conference of Local
18 Environmental Health Directors, designated by the Maryland Conference of Local
19 Environmental Health Directors.

20 (2) Of the members of the Board:

21 (i) At least [six] **FIVE** shall be on-site wastewater professionals;
22 and

23 (ii) Two shall be consumer members.

24 (3) (i) [Of the] **THE** on-site wastewater professional members of the
25 Board[:

26 1. At least one shall be from the area that consists of
27 Allegany County, Frederick County, Garrett County, and Washington County;

28 2. At least one shall be from the area that consists of
29 Baltimore City, Baltimore County, Carroll County, Harford County, Howard County, and
30 Montgomery County;

1 3. At least one shall be from the area that consists of Anne
2 Arundel County and Prince George's County;

3 4. At least one shall be from the area that consists of Caroline
4 County, Cecil County, Dorchester County, Kent County, Queen Anne's County, Somerset
5 County, Talbot County, Wicomico County, and Worcester County; and

6 5. At least one shall be from the area that consists of Calvert
7 County, Charles County, and St. Mary's County] **SHALL BE REPRESENTATIVE OF ALL**
8 **GEOGRAPHIC REGIONS OF THE STATE.**

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

11 1. Be licensed by a local government; or

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

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

17 (4) Each consumer member of the Board:

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

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

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

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

25 9-11A-11.

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

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

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

29 (d) The Board shall administer the Fund.

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

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

5 (f) The Fund consists of:

6 (1) All fees, penalties, and fines collected under this subtitle;

7 (2) Money appropriated in the State budget to the Fund;

8 (3) Interest earnings of the Fund;

9 (4) Donations to the Fund; and

10 (5) Any other money from any other source accepted for the benefit of the
11 Fund.

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

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

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

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

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

23 9–11A–15.

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

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

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

1 each of the two Houses of the General Assembly, and shall take effect from the date it is
2 enacted.